

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MARCH 13, 2023
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**MEETING CALLED TO ORDER: P.M.
MEETING ADJOURNED: P.M.**

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
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; 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 OF THE MEETING:

MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING:

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

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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
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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RESOLUTION 70-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, VACATING RESOLUTION 45B-23 APPOINTING MARK DIXON TO FILL A VACANCY ON BOROUGH COUNCIL AND ACKNOWLEDGING THE APPOINTMENT OF A NOMINEE BY THE ATLANTIC COUNTY DEMOCRATIC COMMITTEE

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

WHEREAS, as a result of a resignation of a sitting Councilmember of the Borough of Buena, the Atlantic County Democratic Committee submitted three names from the Democratic party to fill the vacancy in accordance with N.J.S.A. 40A:16-1; and

WHEREAS, Borough Council requested information on the three candidates to assure the persons are qualified to fill the vacancy and to properly determine which of the three candidates are best suited to serve on Borough Council, but such information was refused by the Atlantic County Democratic Chairman requiring Borough Council to assume the individuals are qualified as required by N.J.S.A. 40A:16-10; and

WHEREAS, on February 27, 2023, Borough Council appointed one of the nominees from the list of three, to wit Mark Dixon and adopted Resolution 45B-23, appointing Mark Dixon to fill said vacancy; and

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WHEREAS, on February 28, 2023, Mark Dixon submitted a letter declining the appointment; and

WHEREAS, in accordance with N.J.S.A. 40A:16-11, should Council decline to fill the vacancy with one of the two remaining candidates supplied by the municipal democratic committee within 30 days of said vacancy, which 30 days expired on March 8, 2023, the municipal committee may appoint one of the nominees as the successor to fill the vacancy; and

WHEREAS, the Borough Council finds that it is not willing to appoint one of the two remaining names, leaving such appointment to the democratic municipal committee.

WHEREAS, the municipal committee of the democratic party has appointed Ernest Merighi as the successor to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Resolution 45B-23 be and is hereby vacated and null and void.

BE IT FURTHER RESOLVED that the Borough Council acknowledges the appointment of Ernest Merighi by the municipal democratic committee to fill the vacancy created by the resignation of Gina Andaloro to serve until replaced or elected pursuant to law.

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**ORDINANCE NO. 723 AN ORDINANCE AMENDING ORDINANCE NO. 306, AS AMENDED,
CHAPTER 173 OF THE CODE OF THE BOROUGH OF BUENA
ENTITLED PARKS AND RECREATION**

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

WHEREAS, on April 22, 1985, the Council of the Borough of Buena adopted Ordinance 306 setting forth certain restrictions for the use of public parks and creating the Board of Recreation Commissioners; and

WHEREAS, the Borough Council finds that it is important to provide for the safety of those engaged in youth activities in the Borough of Buena and to provide reasonable assurance that those entrusted with the care and custody of our youth during extra-curricular activities such as sporting events and practices and other youth activities are not a potential threat to the youth partaking in said events; and

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WHEREAS, N.J.S.A. §15A:3A-1 et seq., permits non-profit youth-serving organizations to request the State Police to perform a criminal background on current and prospective employees and volunteers, in order to check the criminal histories of those employees and volunteers who have direct contact with minor children, in order to eliminate those persons with convictions for certain crimes and disqualify prospective employees and volunteers who have been convicted of certain offenses; and

WHEREAS, Borough Council considers it in the best interest of the Borough to amend Ordinance 306, as amended, Chapter 173 of the Code of the Borough of Buena entitled “Parks and Recreation” to require all persons affiliated with youth programs within the Borough to have a background check.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance On. 306, Chapter 173 be amended with the addition of the following:

Section 173-5 G. Background Checks

1. Definitions:

As used in this article, the following terms shall have the meanings indicated:

CRIMINAL HISTORY RECORD BACKGROUND CHECK - A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the NJ State Bureau of Identification in the Division of State Police.

NON-SPONSORED YOUTH PROGRAMS – Any youth program not sponsored by the Borough of Buena, but utilizes municipal facilities or has an affiliation with a Buena Borough-Sponsored Youth Program and having contact with persons under the age of 18 years.

BOROUGH-SPONSORED YOUTH PROGRAMS - Any program sponsored by the Borough of Buena, including any and all leagues, boards or commissions, falling within the purview of or acting for or on behalf of, the Borough of Buena and having contact with persons under the age of 18 years.

YOUTH PROGRAMS - Any programs that allow for participation in activities by those persons less than 18 years of age. Activities may include, but are not limited to, sporting activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of the Borough of Buena other than a parent or care giver.

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2. Non-Sponsored Youth Programs - Criminal Background Checks.

Prior to any club or organization, not defined as a Borough of Buena-Sponsored Youth Program, being authorized to use Borough of Buena-owned or operated facilities for functions participated in by minor children, any person 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the Borough of Buena Recreation Commission with findings of a criminal background check obtained from the State Bureau of Identification in the New Jersey State Police. The submission of background check findings must be based upon a check performed within two years of the start of use of the Borough of Buena-owned or operated facility. In the case of coaches performing duties as employees of the Buena Regional School District, the policy of background checks adopted by the Board of Education will be used to establish eligibility for use of Borough of Buena owned or operated facilities. In all cases the background check must comply with the provisions of any applicable laws regarding the same, but not less detailed than those performed by the Borough of Buena for individuals involved in administering Borough of Buena-Sponsored Youth Programs. The cost of background checks for individuals not administering a Borough of Buena-Sponsored Program shall be borne by the individual or program with which they are participating.

3. Borough of Buena-Sponsored Youth Programs - Background Checks.

A. Any person 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Borough of Buena-Sponsored Youth Program function participated in by minor children, shall submit sufficient information on forms supplied by the Borough of Buena Recreation Commission from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. Applications for background checks shall be processed by the Borough of Buena Recreation Commission. The individual applying for the background check shall authorize the Borough of Buena Recreation Commission to be the recipient of the affirmative or negative response from the State Police based upon the findings of the background check. The cost of background checks for individuals administering a Borough of Buena-Sponsored Youth Program shall be borne by the individual or program with which they are participating.

B. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The President or Director of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this chapter. The roster shall be on forms supplied by the Borough of Buena and shall contain a certification as to the

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accuracy and completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this chapter and laws regarding false swearing.

4. Qualification.

A. Individuals engaged in providing recreation opportunities for, or on behalf of, the Borough of Buena shall be issued identification cards with appropriate expirations based upon the date of their individual background check. Individuals issued identification cards are requiring to display their card while in performance of their duty involving youth programs.

5. Disqualification.

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Recreation Commission shall notify the applicant and the President or Director of the recreation program of affirmative or negative results. Details in the background check that result in a negative determination by the State Police are not afforded to the Recreation Commission and are only available to the applicant upon making a formal request to the State Bureau of Investigation.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety or welfare of children, the said person shall not be qualified to participate in any official capacity in any function for persons under the age of 18 years held at any Borough of Buena-owned or operated facilities. Such offenses shall include, but not be limited to:

1. In New Jersey, any crime or disorderly persons offense:

(i) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. §2C:11-1 et seq. (i.e., criminal homicide; murder; manslaughter; death by vehicular homicide; aiding suicide; leaving the scene of a motor vehicle accident); N.J.S.A. §2C:12-1 et seq. (assault; endangering an injured victim; recklessly endangering another person; terroristic threats; stalking; disarming law enforcement or corrections officer); N.J.S.A.

§2C:13-1 et seq. (i.e., kidnaping; criminal restraint; interference with custody; criminal coercion; enticing a child into a motor vehicle, structure or isolated area); N.J.S.A. §2C:14-1 et seq. (i.e., sexual assault; criminal sexual contact; lewdness; juveniles in need of supervision); N.J.S.A. §2C:15-1 et seq. (i.e., robbery; carjacking).

(ii) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. §2C:24-1 et seq. (i.e.,

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bigamy; endangering the welfare of children, incompetent persons, the elderly or disabled persons; willful nonsupport; unlawful adoptions; employing a juvenile in the commission of a crime).

(iii) Involving theft as set forth in chapter 20 of 2C of the New Jersey Statutes (i.e., including theft of real or personal property in excess of \$200; receiving stolen property; fencing; theft of services; shoplifting; computer related theft).

(iv) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except Paragraph (4) of Subsection a. of N.J.S.A. §2C:35-10.

(v) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Section 5 B(1) of this section.

2. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

3. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any Borough of Buena-Sponsored Programs requiring background checks. In addition, refusal to comply with this chapter by any individual falling within the scope of requirements for Non-Sponsored Youth Programs will forfeit that individual's ability to participate with the respective program. Refusal of a non-Borough-sponsored Youth Program to subscribe to the requirements of this chapter shall forfeit that programs ability to use municipal facilities.

6. Frequency of Background Checks.

A. All Non-Sponsored Youth Programs that have individuals subject to this chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at a Borough of Buena-owned or operated facility to the extent covered by this chapter. Thereafter, a new background check shall be submitted to the Recreation Commission every three (3) years.

B. 1. All Borough of Buena-sponsored Youth Programs that have individuals subject to this chapter shall direct those individuals to the Recreation Commission for background checks prior to the individual being able to participate at any function sponsored by the Borough of Buena Thereafter, every three years a new background check shall be submitted to the Recreation Superintendent.

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2. Individuals involved in Borough of Buena-Sponsored Youth Programs who are required to undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. One (1) interim approval may be granted per individual.

7. Privacy.

All criminal background checks supplied to the Recreation Commission shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public for inspection. The Recreation Commission shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law New Jersey Open Public Records Act. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose.

BE IT FURTHER ORDAINED that the Board of Recreation Commissioners shall promulgate rules and regulations consistent herewith.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

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

DISCUSSION:

PUBLIC HEARING CLOSED:

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

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ORDINANCE NO. 723 ADOPTED:

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

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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 724 AN ORDINANCE CREATING THE OFFICE OF EMERGENCY
MANAGEMENT WITHIN THE BOROUGH OF BUENA, COUNTY OF
ATLANTIC, STATE OF NEW JERSEY.

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

BE IT ORDAINED by the Mayor and Council of the Borough of Buena in the County of Atlantic and State of New Jersey as follows:

TITLE:

This ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Borough of Buena."

INTENT AND PURPOSE:

It is the intent and purpose of this ordinance to establish an Emergency Management Office that will ensure the complete and efficient utilization of all of the Borough's facilities to combat disaster resulting from emergencies, natural or man-made or nuclear disasters or enemy attack.

ORGANIZATION:

The Office of Emergency Management shall be a Division of the Department of Public Safety as provided by the Buena Borough Administrative Code.

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OFFICE OF EMERGENCY MANAGEMENT TO BE COORDINATING AGENT:

The Buena Borough Office of Emergency Management will be the coordinating agency for all activity in connection with emergency management; it will be the instrument through which Mayor and Council may exercise the authority and discharge the responsibilities vested in them in the New Jersey Civil Defense Act of 1942, P.L. 1942, c.251, as amended and supplemented and by authority of this Ordinance, and in conjunction with Directives issued by the New Jersey Office of Emergency Management.

EFFECT ON EXISTING DEPARTMENTS AND AGENCIES:

This ordinance will not relieve any Borough department of any of the responsibilities or authority given to it by any law, Administrative Code or local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

DEFINITIONS:

The following definitions shall apply in the interpretation of this ordinance.

COORDINATOR - The coordinator of the Buena Borough Office of Emergency Management, appointed as prescribed in this ordinance.

DEPUTY EMERGENCY MANAGEMENT COORDINATOR- There shall be up to six Deputy Emergency Management Coordinators who shall be appointed as prescribed in this chapter. All Deputy Emergency Management Coordinators shall be required to have all of the training, certificates and credentials that are required of the coordinator.

DISASTER - An unusual incident or the imminence thereof, resulting from natural or unnatural causes which endangers the health, safety, or resources of the residents of this Borough and which is or may become too large in scope or unusual in type to be handled in its entirety by regular Borough operating services.

WAR EMERGENCY - shall mean and include any disaster occurring in this jurisdiction as a result of enemy attack or the imminent danger thereof.

EMERGENCY - shall mean and include "disaster" and "war emergency" as defined in this ordinance.

EMERGENCY MANAGEMENT FORCES -The employees, equipment and Borough facilities of all departments, boards, institutions, and commissions; and in addition, it shall include all volunteer persons or agencies.

EMERGENCY MANAGEMENT VOLUNTEER - Any person duly registered, identified, and appointed by the Coordinator of the Office of Emergency Management and assigned to participate in the emergency management activity.

LOCAL DISASTER EMERGENCY - Includes any disaster, or the imminence thereof,

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resulting from natural or unnatural causes other than enemy attack and limited to the extent that action by the Governor under the New Jersey Emergency Management-Disaster Control Act is not required.

REGULATIONS - Includes plans, programs, and other emergency procedures promulgated by the Emergency Management Coordinator.

VOLUNTEER - Contributing of services, equipment or facilities to the emergency management organization without remuneration.

ORGANIZATION AND APPOINTMENTS:

The Council of the Borough of Buena shall appoint an Emergency Management Coordinator who shall be a person well versed and trained in the operation involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from emergencies as defined in this ordinance. Said person must have completed any and all necessary courses.

The Coordinator must comply with all Federal, State, County, or Municipal training guidelines. The term of appointment will be three (3) years.

The Coordinator is hereby authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within this Borough. The coordinator, as executive head of the Buena Borough Office of Emergency Management, shall be responsible for its organization, administration, and operations.

The organization shall consist of the following:

An Office of Emergency Management will be designated by the Council of the Borough of Buena and shall appoint an executive head of the Office of Emergency Management who shall be known as the "Coordinator of the Office of Emergency Management," and such volunteer assistants and other employees necessary for the proper functioning of the organization. The employees, equipment, and facilities of all Borough departments, boards, institutions, authorities and commissions will participate in emergency management activity when requested, if able.

Volunteer persons and agencies offering service to and accepted by the Borough.

The coordinator shall designate and appoint, with the approval of the Director of Public Safety, a Deputy Coordinator or Coordinators to assume the emergency duties of the Coordinator in the event of his absence or inability to act, the intent being that there will always and at all times be a Coordinator in charge of emergency management operations.

POWER AND DUTIES OF COORDINATORS:

The Coordinator of the Office of Emergency Management shall be responsible to the

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Borough Council in regard to all phases of the emergency management activity. Under the supervision of the Director of Public Safety, the Coordinator shall be responsible for the planning, activation, coordination and operation of the emergency management activity in the Borough, and shall maintain liaison with the county, state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the emergency management plan. The Coordinator's duties shall include, but are not be limited to, the following:

Personnel. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Borough for emergency management purposes. The Coordinator may require emergency services of any Borough officer or employee. If regular forces are determined to be inadequate, the Coordinator may require the services of such other personnel as he can obtain that are available, including citizen volunteers.

All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the ordinances for regular Borough employees and other registered and identified emergency management workers.

The Coordinator may, under critical emergency situation, obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the Borough for the value thereof.

Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes.

The Coordinator will cause to be prepared the Buena Borough Emergency Operations Plan herein referred to as the "Buena Borough Emergency Operations Plan." Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Borough for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness the governmental services and public health, safety and welfare.

Through public information programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of emergency as defined herein, either impending or present.

To conduct yearly exercises of the Buena Borough Emergency Operations Plan to ensure the efficient operation of the emergency management forces and to familiarize residents with regulations, procedures and operations.

The Coordinator, with the approval of the Director of Public Safety, shall order emergency management forces to the aid of other communities when required only in accordance with the statutes of the state, and he may request the state, county (or a political subdivision of the state) to send aid to the Borough of Buena in case of disaster when conditions in the Borough are beyond the control of the local emergency management organization and/or resources.

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Assuming such authority and conducting such activity as the Coordinator and Director of Public Safety may direct to promote and execute the Buena Borough Emergency Operations Plan.

The Coordinator shall act as "911" coordinator, plot and maintain all address changes with the Borough of Buena, assign all new structures with proper addresses.

The Coordinator may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in this ordinance. The judgment of the Coordinator shall be the sole criteria necessary to invoke emergency powers indicated in this ordinance, and other appropriate authorities.

Nothing in this ordinance shall be construed as abridging or curtailing the powers of the Mayor and Council.

PROMULGATION AND IMPLEMENTATIONS OF REGULATIONS:

During any period when disaster threatens or when the Borough has been struck by disaster, within the definition of this ordinance, the Coordinator shall promulgate such regulations as they deem necessary to protect life and property and preserve critical resources.

The Coordinator shall assist in implementing such regulation, including:

Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces or to facilitate the mass movement of persons from critical areas within or without the Borough.

Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

Such other regulations necessary to preserve public peace, health and safety.

Regulations promulgated in accordance with the authority above, will be given widespread circulation by proclamations the Emergency Operations Plan shall be responsible for carrying all duties and functions assigned therein.

Duties will include the organization and training of assigned Borough employees and volunteers. Each department head and/or annex deputy shall formulate an operation plan for his service which, when approved, shall be annexed to and a part of the Emergency Operations Plan.

When a required competency or skill for a disaster function is not available within the Borough government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also

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grant authority for the persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during and after the occurrences of a disaster. Such services from persons outside of government, may be accepted by the Borough on a volunteer basis.

Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of departments affected.

VIOLATIONS AND PENALTIES:

It shall be unlawful for any person to violate any of the provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the published and uttered either by advertising, posting, newspaper, or radio. These regulations will have force of an ordinance when duly filed with the Clerk and violations will be subject to the penalties provided in this ordinance.

BASIC PLAN:

A comprehensive Emergency Operations Plan shall be maintained by the Coordinator. In the preparation of this plan as it pertains to Borough organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies, including volunteer fire companies and first aid squads (said department agencies and companies hereinafter referred to as departments), shall be utilized to the fullest extent to protect the peace, health and safety of citizens. When approved, it shall be the duty of all municipal departments to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The Emergency Operations Plan shall be considered supplementary to this ordinance and have the effect of law whenever a disaster, as defined in this ordinance, has been proclaimed. The plan shall be compatible with county and state plans.

The Coordinator shall prescribe in the Emergency Operations Plan those positions within the disaster organization, in addition to his/her own, for which liens of succession are necessary.

Each Department and/or annex deputy assigned responsibility in provisions of this ordinance or any regulation or plan issued thereunto.

Any person, firm or corporation violating any provisions of this ordinance, or any rule or regulation promulgated thereunto, upon conviction thereof, shall be punished by a fine of not more than ONE THOUSAND DOLLARS (\$1,000) and costs of prosecution or imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

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SEVERABILITY:

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this ordinance, as a whole, it being the legislative intent that the provisions of this ordinance shall be severable.

This ordinance shall take effect twenty days after passage and publication in accordance with the law.

DISCUSSION:

PUBLIC HEARING CLOSED:

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

ORDINANCE NO. 724 ADOPTED:

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

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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**ORDINANCE NO. 725 AN ORDINANCE TO AMEND CHAPTER 150, ARTICLE XV OF THE
GENERAL ORDINANCES OF THE BOROUGH OF BUENA SO AS TO
SET SPECIFIC STANDARDS FOR THE SALE OF ADULT USE
CANNABIS**

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

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WHEREAS, on February 13, 2023, Borough Council passed a motion requesting the Buena Borough Land Use Board consider review and recommend amendment to the Municipal Land Use Laws of the Borough regarding certain conditions related to Class 1, 2, 3, 4, 5 and 6 licensed cannabis establishments; and

WHEREAS, on February 21, 2023, the Buena Borough Land Use Board adopted a Resolution of findings and conclusions and made certain recommendations related to said motion, which Borough Council adopts as if set forth herein at length; and

WHEREAS, Borough Council finds it to be in the best interest of the borough of Buena to amend Chapter 150, Article XV consistent with the Land Use Board Resolution.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that Chapter 150 Article XV of the General Ordinances of the Borough of Buena be amended as follows:

SECTION I

A new Section 150-118.2 is added which states as follows:

§150-118.2. Cannabis

- A. Definitions. For purposes of this §150-118.2 the Definitions set forth in §202-12 are hereby incorporated herein.
- B. Permitted Use. In accordance with N.J.S.A. 24:6I-45(b) of the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (“CREAMM”), all classes of cannabis establishments, cannabis distributors or cannabis delivery services referred to as Class 1, Class 2, Class 3, Class 4, Class 5 and Class 6 licensed cannabis establishments shall be permitted uses in the following Zoning Districts, subject to the standards applicable to permitted uses in those Zones:
1. I-1 – Industrial Zone (§150-137, et. seq.);
 2. I-2 \ OC – Light Industry \ Office Campus (Overlay) Zone (§150-137.1, et. seq.);
and
 3. P-I – Pinelands Town Industrial District (§150-201, et. seq.).
- C. Conditional Use. In accordance with N.J.S.A. 24:6I-45(b) of CREAMM, Class 5 cannabis retail establishment (“Cannabis Retailer”) shall be a conditional use, provided the standards set forth in §150-118.2(D) are met, in the following Zoning Districts:
1. B-1 – Central Business Zone (§150-138, et. seq.);
 2. B-2 – Highway Business Zone (§150-139, et. seq.);
 3. B-3 – Shopping Center Zone (§150-140, et. seq.); and

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4. P-B2 – Pinelands Town Highway Business District (New Jersey Route 40) Zone (§150-200, et. seq.).

D. Specific Standards. A Cannabis Retailer that is a conditional use shall be permitted in the Zoning Districts set forth in §150-118.2(C), subject to the standards applicable to permitted uses in those Zones, provided the following conditions are met:

1. No Cannabis Retailer shall be located within 1,000 feet of any property: (a) used for school purposes, including, but not limited to, universities, colleges, elementary school, charter school, secondary school, vocational school, kindergarten and preschool; or (b) which is owned by or leased to any university, college, elementary school, charter school, secondary school, vocational school, kindergarten, preschool, or school board (collectively 1(a) and 1(b) shall be referred to as “School Use”). For purposes of measuring the buffer distances mandated herein and in subsections (D)(2) and (D)(3) below, the measurement shall begin at the outer boundaries or lot lines of the respective School Use; residential zoning district [(D)(2)]; or church, public park or municipal building [(D)(3)].
2. No Cannabis Retailer shall be located within 300 feet of the R-1, R-2, R-3, R-4, R-5, P-R3, and P-R4 Residential Zoning Districts.
3. No Cannabis Retailer shall be located within 500 feet of any church, public park or municipal building. For purposes of this §150-118.2(D)(3), the terms church, public park and municipal building shall have the following meanings:
 - a. Church – shall have the meaning set forth in §150-5.
 - b. Public Park – a tract of land owned by the Borough of Buena, Atlantic County, State of New Jersey, or a branch of government and available to the general public for recreational purposes.
 - c. Municipal Building – means any building or structure owned, leased, controlled or used by the Borough of Buena.
4. The Cannabis Retailer has obtained and provided to the Planning/Zoning Board a Resolution of Support from Borough Council for the site that is the subject of the site plan application.
5. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12.
6. A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.
7. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the Cannabis Retailer placed within the interior of buildings shall be arranged or screened to prevent public viewing from outside such building.

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8. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to the Cannabis Retailer, including, but not limited to prerecorded or live music or sounds, are prohibited.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

DISCUSSION:

PUBLIC HEARING CLOSED:

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

ORDINANCE NO. 725 ADOPTED:

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

=====

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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 727 ORDINANCE SETTING FORTH THE REQUIREMENTS FOR THE
INSTALLATION IN MUNICIPAL BUILDINGS AND TRAINING OF
CERTAIN MUNICIPAL EMPLOYEES AND VOLUNTEERS FOR
AUTOMATED EXTERNAL DEFIBRILLATORS (AED'S)

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

WHEREAS, more than 350,000 Americans die annually from out-of-hospital sudden cardiac arrest of which many die needlessly because life saving defibrillators are not immediately available; and

WHEREAS, the American Heart Association estimates that almost 100,000 deaths could be prevented each year if defibrillators were more widely available; and

WHEREAS, Mayor and Borough Council finds that there is a need to have automated external defibrillators (AED's) available in occupied municipal buildings and public venues for sporting events to prevent potential deaths from sudden cardiac arrest and wishes to comply with N.J.S.A. 2A:62A-23 et seq. in order to assure the proper deployment of the AED and to provide immunity from civil liability for a municipal employee utilizing an AED; and

WHEREAS, Mayor and Council find it necessary to set forth general requirements for the acquisition, installation and training for the use of AED's to promote the public health, safety and general welfare.

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

A. Location of AED Devices

1. All municipal buildings that are occupied by Borough employees and open to the general public as well as public recreation facilities with active recreational sporting events shall have installed therein or located thereon AED devices. This includes all ball fields, gymnasiums, swimming pools and swimming facilities, tennis and other similar sports courts and facilities. Passive activity parks are not required to maintain an AED device.

The EMS Division of the Borough of Buena, in conjunction with shall review and approve the number and installation locations for all AED devices required in accordance herewith as part of the policies and medical oversight program. The location and signage shall be in accordance with best practices; however, they shall be conspicuously building at the minimum. An audible alarm signaling the opening of a door to a cabinet housing the AED shall be installed. The cabinet shall have appropriate signage with the letters "AED" and the distance between AED devices shall be in accordance with appropriate

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standards and best practices.

B. Maintenance and Training

1. The EMS Division, in conjunction with the Borough Council shall promulgate policies and a medical oversight program regarding the anticipated users of all AED's, such as coaches, trainers, parents and others for sports facilities and supervisors, security, staff and employees for all municipal buildings requiring AED devices which shall be considered by the Business Administrator for implementation. Said policies shall be promulgated with the EMS physician or such other licensed physician appointed by the Borough for such purpose. in a protocol review capacity.

All anticipated users shall be CPR/AED trained prior to any AED use. Such training shall be from the American Red Cross, American Heart Association or other training program recognized by the Department of Health and Senior Services.

All coaches approved by the Recreation Commission shall be required to be CPR/AED trained.

2. All AED Devices shall

(a) have received approval of its pre-market notification States Food and Drug Administration and

(b) be capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention by an operator, whether defibrillation should be performed
and

(c) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

3. All AED devices shall be registered with the Borough of Buena Emergency Medical Services Division. All AED's shall be properly maintained and tested according to the manufacturer's guidelines and all records shall be kept with the EMS Division.

C. Penalties

1. It shall constitute a violation of the Borough Code, to intentionally or willfully:

(a) Render an automated external defibrillator device inoperative except during such time as the device is being serviced, tested, repaired or recharged

(b) Deface the serial number on an AED device for purposes of falsifying service records

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(c) Improperly service, recharge, repair, test or inspect an AED device.

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

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

DISCUSSION:

PUBLIC HEARING CLOSED:

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

ORDINANCE NO. 727 ADOPTED:

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

NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 728 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AMENDING CHAPTER 40 ENTITLED "OFFICERS AND EMPLOYEES" OF THE CODE OF THE BOROUGH OF BUENA, TO ESTABLISH THE POSITION OF QUALIFIED PURCHASING AGENT

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

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WHEREAS, the Local Public Contracts Law (“LPCL”) provides that the position of Qualified Purchasing Agent must be created by Ordinance; and

WHEREAS, the LPCL further provides that once the Qualifying Purchasing Agent (“QPA”) position has been created and the QPA has been appointed, the governing body of the contracting unit may establish the bid threshold to be up to the higher threshold amount adjusted by the Governor pursuant to N.J.S.A. 40A:11-3(e); and

WHEREAS, the Mayor and Council of the Borough of Buena desired to establish the position of QPA by Ordinance and avail itself to the higher bid threshold amount.

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

Section A

Chapter 40, Officers and Employees, Code of the Borough of Buena is hereby amended by creating a new section 35, Qualified Purchasing Agent, as set forth below:

Chapter 40-35 Qualified Purchasing Agent,

- A. There is hereby created the position of Purchasing Agent for the Borough of Buena.
- B. The Purchasing Agent shall be appointed by the Mayor upon the advice and consent of the Council.
- C. The Purchasing Agent is required to possess a valid Qualified Purchasing Agent Certificate as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
- D. The Purchasing Agent shall have, on behalf of the Mayor and Council of the Borough of Buena, the authority, responsibility and accountability for: the purchasing activity pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., to prepare public advertising for and to receive bids and requests for proposals for the provision of performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forums and procedures promulgated by state regulatory agencies; the establishment and enforcement of any and all local purchasing policies adopted by the governing body; the purchasing and claims approval authority of the Borough Purchasing Officer set forth by Ordinance; and the conduct of any activities as may be necessary or appropriate to the purchasing function of the Borough of Buena.
- E. Having appointed a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9, the Borough will take advantage of the higher bid threshold (currently \$44,000.00, with a quote threshold of 15% or \$6,600.00), pursuant to N.J.S.A. 40A:11-3(a), as such

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threshold may be adjusted from time to time pursuant to N.J.S.A. 40A:11-3(e), but may at its discretion go to bid at a lower amount to encourage greater competition among bidders.

Section B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section C

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section D

This ordinance shall take effect immediately upon final publication as provided by law.

RESOLUTION 63-23 A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY DIRECTING TRIAD ASSOCIATES TO FILE AN APPLICATION FOR A USDA-RD- PREDEVELOPMENT PLANNING GRANT AND USDA-RD- WATER AND WASTE SANITARY SEWER GRANT

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

WHEREAS, N.J.S.A. 40A:65-1, et seq., known as the "Uniform Shared Services and Consolidation Act," authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement for the provision of municipal services ("Agreement"); and

WHEREAS, the governing body of the Borough of Buena recognizes that shared services may result in property tax relief and enhanced services for its residents; and

WHEREAS, the governing body of the Borough of Buena recognizes that shared services may result in property tax relief and enhanced services for its constituents; and

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WHEREAS, the Borough of Buena and the Borough of Buena Municipal Utilities Authority have identified the need to replace asbestos and clay tile sewer pipes; and

WHEREAS, the Borough of Buena is contracted with Triad Associates to provide grant writing services; and

WHEREAS, the Borough of Buena and the Borough of Buena Municipal Utilities Authority wish to authorize Triad Associates to apply to the U.S. Department of Agriculture for funding under the USDA-RD- Pre-Development Planning Grant (PPG) and, if approved, prepare and submit a USDA Water and Waste Sanitary Sewer Full Application for said project, in an amount not to exceed \$19,500.00, to replace asbestos and clay tile sewer pipes.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena hereby endorses undertaking a shared services agreement with the Borough of Buena Municipal Utilities Authority for the provision of authorizing Triad Associates to apply to the U.S. Department of Agriculture for funding under the USDA-RD- Pre-Development Planning Grant (PPG) and, if approved, prepare and submit a USDA Water and Waste Sanitary Sewer Full Application for said project in an amount not to exceed \$19,500.00, of which said amount shall be paid at 50% by the Borough of Buena and 50% by the Borough of Buena Municipal Utilities Authority.

BE IT FURTHER RESOLVED that, if approved, the Borough's Engineer, DeBlasio & Associates will be appointed lead engineer, and all mutually approved costs incurred will be paid at 50% by the Borough of Buena and 50% by the Borough of Buena Municipal Utilities Authority.

BE IT FURTHER RESOLVED that, if approved, all other mutually approved expenses incurred and not covered by the Grant will be paid at 50% by the Borough of Buena and 50% by the Borough of Buena Municipal Utilities Authority.

BE IT FURTHER RESOLVED that the Borough Solicitor is hereby authorized to prepare the appropriate Shared Services Agreement.

BE IT FURTHER RESOLVED that a copy of the Agreement shall be maintained in the Borough of Buena Clerk's office and be available for public inspection.



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RESOLUTION 64-23 A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT TO DEBLASIO & ASSOCIATES, FOR THE PREPARATION OF A CANNABIS ZONING MAP DEPICTING PERMITTED AND RESTRICTED AREAS FOR CANNABIS ESTABLISHMENTS, RETROACTIVE TO MARCH 2, 2023

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

WHEREAS, the Borough of Buena desires to authorize the creation of a Cannabis Zoning Map;

WHEREAS, DeBlasio & Associates, has presented a proposal, attached hereto, to complete said map in an amount not to exceed \$4,000.00.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the engineer is hereby authorized to produce a Cannabis Zoning Map depicting permitted and restricted areas for Cannabis Establishments, retroactive to March 2, 2023, in an amount not to exceed \$4,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that the funds are available.

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RESOLUTION 65-23 A RESOLUTION AWARDING A CONTRACT FOR SAMPLING AND ANALYSIS OF MONITORING WELLS AT THE BOROUGH OF BUENA SANITARY LANDFILL TO EUROFINS QC, IN THE AMOUNT OF \$14,830.00

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

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WHEREAS, the Road Supervisor has solicited proposals for sampling and analysis of monitoring wells at the Borough of Buena Sanitary Landfill; and

WHEREAS, the lowest responsible proposal received was submitted by Eurofins QC, in the amount of \$14,830.00.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that a contract for laboratory analysis be and the same is hereby awarded to Eurofins QC, in the amount of \$14,830.00.

BE IT FURTHER RESOLVED, that the Mayor and the Clerk be and they are hereby authorized to execute a purchase order for the laboratory analysis in the amount of \$14,830.00 upon receipt of certification of funds from the Chief Financial Officer of the Borough of Buena, which shall be attached to this Resolution.

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RESOLUTION 66-23 A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON APRIL 15, 2023, FROM 9:00 A.M. TO 10:00 A.M. AND DIRECTING THE BUENA BASEBALL SOFTBALL ASSOCIATION TO SUBMIT AN APPLICATION TO THE ATLANTIC COUNTY ENGINEER FOR A PERMIT APPROVING SAID TEMPORARY CLOSURE

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

WHEREAS, the Buena Baseball Softball Association of the Borough of Buena has scheduled its annual Open Day Parade; and

WHEREAS, the Buena Baseball Softball Association of the Borough of Buena have requested a portion of Central Avenue (CR 627) be closed during the parade to minimize the possibility of injury to person or property during the parade; and

WHEREAS, the Franklin Township Police Department has reviewed this request and has recommended that Central Avenue, from Dr. J.P. Cleary School located at 1501 S. Central Avenue, to the Buena Borough Municipal Building, 616 Central Avenue, be closed to through traffic during the parade for public safety reasons.

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

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Central Avenue, from Dr. J.P. Cleary School located at 1501 S. Central Avenue to the Buena Borough Municipal Building, 616 Central Avenue, be temporarily be closed on April 15, 2023, from 9:00 A.M. To 10:00 A.M.

BE IT FURTHER RESOLVED that the temporary closure of the above street shall affect through traffic only and shall not unduly impede the ingress or egress of residents of Central Avenue, and their guests or visitors to and from their respective properties.

BE IT FURTHER RESOLVED that notice of this temporary closure shall be given to property owners along Central who are affected by same, immediately upon adoption of this Resolution.

=====

**RESOLUTION 67-23 A RESOLUTION OF THE BOROUGH OF BUENA PLACING A LIEN ON
441 WHEAT ROAD, BLOCK 123 LOT 6 PROPERTY FOR FAILURE
TO MAINTAIN PROPERTY IN ACCORDANCE WITH ORDINANCE 642**

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

WHEREAS, the Borough of Buena established legal right to clear and lien unkempt properties in accordance with Ordinance 642; and

WHEREAS, Buena Borough has identified 441 Wheat Road, Block 123, Lot 6 that had not been maintained over a period of time; and

WHEREAS, Buena Borough has noticed property owner of record following all established procedures; and

WHEREAS, the property listed has been cleared by the Borough of Buena and charges established for time and equipment per Ordinance 642;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the costs of \$164.78 shall have a lien for lot clearance, similar to a tax lien, placed upon them upon passage of this resolution.

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RESOLUTION 68-23 A RESOLUTION ADOPTING A VOLUNTEER HANDBOOK

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

WHEREAS, it is the policy of the Borough of Buena to treat volunteers and prospective volunteers in a manner consistent with all applicable laws and regulations including, but not limited to, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, and the Open Public Meeting Act; and

WHEREAS, the Borough of Buena has determined that there is a need for a Handbook to ensure that volunteers and prospective volunteers are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Buena that the Handbook attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough volunteers. In the event there is a conflict between these rules and any Federal or State law, the terms and conditions of that law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this Handbook is intended to provide guidelines covering public service by Borough volunteers and are not contracts. The provisions of the Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Buena.

=====

**RESOLUTION 69-23 A RESOLUTION AUTHORIZING THE SALE OF PERSONAL
PROPERTY BY SEALED BID TO THE HIGHEST BIDDER**

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

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WHEREAS, the Borough of Buena owns a certain parcel of property situated at 328 Brewster Road known as Black Water Bond Recreational Area; and

WHEREAS, the grass grown on the property can be used for hay to feed farm animals; and

WHEREAS, the Council of the Borough of Buena has determined that the grass crop is not needed for public use and that it is in the best interests of the citizens of the Borough of Buena that the grass be cut in order to make the property more functional for recreational purposes; and

WHEREAS, N.J.S.A. 40A:12-13.1 authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

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

1. The sale of the grass crop on the property known as Black Water Bond Recreational Area shall be conducted on March 30, 2023 at 12:00 noon by the Municipal Clerk or designee at 616 Central Avenue Minotola, NJ 08341
2. The sale of personal property shall be made by sealed bid and shall be sold to the highest bidder, subject to acceptance of such bid by resolution of the Council of the Borough of Buena which reserves the right to reject all bids where the highest bid is not accepted. The monies received from the sale shall be turned over to the Chief Financial Officer for deposit into the Recreation Trust Account.
3. The Borough Clerk shall publish in a newspaper circulating within the Borough of Buena, County of Atlantic and State of New Jersey, on March 16, 2023 and March 23, 2023 and a notice of the aforementioned sale of the personal property shall be posted on the bulletin board in the municipal building and posted on the municipal website.

=====

ENGINEER'S REPORT:

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

1. 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.

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- 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 survey and base mapping are complete and we are currently in the design phase.

2. Cannabis Zoning Map

- Our office has been authorized to proceed with the preparation of a Cannabis Zoning Map. We are currently finalizing the map.

SOLICITOR’S REPORT:

Clerk’s Report:

MINUTES OF THE REGULAR MEETING OF FEBRUARY 27, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:

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

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED:

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

NEXT MEETING: MARCH 27, 2023

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