

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
MINUTES  
MAY 13, 2024  
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**MEETING CALLED TO ORDER: 7:04 P.M.  
MEETING ADJOURNED: 8:12 P.M.**

**CALL MEETING TO ORDER: FLAG SALUTE**

**ROLL CALL OF ATTENDANCE:**

<b>Council Member</b>	<b>Present</b>	<b>Absent</b>
<b>GIOVINAZZI</b>	<b>X</b>	
<b>ALVAREZ</b>	<b>X</b>	
<b>ADAMS</b>	<b>X</b>	
<b>BARSUGLIA</b>	<b>X</b>	
<b>ANDALORO</b>	<b>X</b>	
<b>DESTEFANO</b>	<b>X</b>	

**Also in Attendance:** Acting Clerk Pamela Johnston, Administrator Maryann Coraluzzo, Solicitor Rick Tonetta, Engineer Joseph Mohnack, and Road Supervisor Bill Nimohay.

**The regular meeting of Mayor and Council of the Borough of Buena was held May 13, 2024 commencing at 7:04 P.M. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi announced that this meeting was being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided, via email, to the Press of Atlantic City and the Daily Journal on November 27, 2023 as well as being posted on the bulletin board in borough hall.**

**MAYOR'S REPORT:** Mayor Baruffi presented a proclamation declaring Ricard DeMaria Day May 20, 2024 a lifetime resident and a long-time business owner in Buena Borough. A plaque with this commendation will hang on the Wall of Fame in the meeting room.

**PROCLAMATION: RICHARD DEMARIA DAY**

**WHEREAS**, since November 1, 1957, Richard DeMaria owned and operated Landisville Liquor Store, which is an integral part of the Buena Borough community providing outstanding services to its citizens; and

**WHEREAS**, Richard DeMaria developed this cornerstone of Buena Borough's commerce, helping to establish and maintain the Borough's economy; and

**WHEREAS**, Landisville Liquor Store has been a model for other businesses in the Borough, setting the standard for quality, professionalism, and customer service; and

**WHEREAS**, the citizens of Buena Borough recognize and appreciate Richard DeMaria's business contributions to our community.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Joseph Baruffi, by virtue of the authority vested in me as Mayor of the Borough of Buena, in recognition of Richard DeMaria's outstanding contributions, that I officially recognize May 20, 2024, as "Richard DeMaria Day" in the Borough of Buena.

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**BE IT FURTHER PROCLAIMED** that all citizens are encouraged to thank Richard DeMaria for his commitment to the Borough of Buena’s economy and its citizens. The community applauds him for his dedicated service and tireless efforts to make Buena Borough a better place to live.

**Mayor Baruffi** continued his report stating he and Councilwoman Andaloro met with Lydia Munoz, Director of the Spanish Community Center to review her concerns and needs for the center. Mayor stated he had contacted USDA Rural Development Director Jane Asselta and was informed of a community facilities program that may have some resources available for upgrades.

Also, will be attending the 59<sup>th</sup> Mayor’s Conference on Wednesday, Thursday and Friday noting some of the topics at the conference will include planning for storms, affordable housing, new legislative for 2025 local zoning and smart growth.

**MAYOR:** PUBLIC COMMENT: OPPORTUNITY FOR ANYONE TO COMMENT WITH A LIMIT OF FIVE (5) MINUTES PER SPEAKER. PLEASE REFER TO THE FOLLOWING STATEMENT:

PUBLIC COMMENT PROVIDES AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO INFORM THE MAYOR AND GOVERNING BODY ABOUT THEIR VIEWS. THE MAYOR AND GOVERNING BODY PRESCRIBES TO COUNCIL'S BY-LAWS AND THE NEW JERSEY STATUTES ON OPEN PUBLIC MEETINGS WHEN ENGAGING DURING PUBLIC COMMENT. AS SUCH, EACH INDIVIDUAL SHALL HAVE A 5 MINUTE LIMIT TO COMMENT; AN INDIVIDUAL CANNOT YIELD TIME TO ANOTHER INDIVIDUAL; AN INDIVIDUAL MAY ONLY APPROACH THE PODIUM ONCE DURING PUBLIC COMMENT FOR ANY ONE TOPIC; VULGAR OR OFFENSIVE LANGUAGE IS PROHIBITED AND MAYOR AND COUNCIL WILL NOT ENGAGE IN DIALOGUE WITH THE PUBLIC DURING THIS TIME. THE GOVERNING BODY MAINTAINS MODEL COURTESY AND RESPECT AND REQUIRES MEMBERS OF THE PUBLIC TO DO THE SAME.

**PUBLIC PORTION OF THE MEETING:**

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

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ALVAREZ</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>BARSUGLIA</u>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
<b>RCV</b>	DESTEFANO	X				

**Paul Lucchesi, 310 Forest Grove Road** express his appreciation of the Forest Grove Road striping, but still had concerns of the traffic flow between Rt 40 and Central Avenue. Mr. Lucchesi asked for a speed reduction from 45mph to 35 mph. and a petition of the residents in that area in support of the speed reduction. That petition was presented to the acting clerk. A discussion ensued including the engineer and solicitor on this portion of roadway.

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**MOTIONED TO CLOSE PUBLIC PORTION:**

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>ANDALORO</u>  <b>RCV</b>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				

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Auditor Mike Garcia gave a brief recap on the budget from a previous meeting noting a small increase of the combined local purpose tax to be 7/10 of a cent. Mr. Garcia then gave a brief overview on budgetary items, noting a correction on the order of items which will be discussed at the Budget Hearing followed by the resolutions to amend the budget and the application for the transfer of the Fire District. The Local Finance Board will meet in June to include the fire district's application on their agenda.

**PUBLIC HEARING: 2024 MUNICIPAL BUDGET**

**PUBLIC HEARING OPENED:**

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>BARSUGLIA</u>  <b>RCV</b>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				

**DISCUSSION:** Councilman Alvarez explained that 10% of the budget would go towards various items for the fire district.

**PUBLIC HEARING CLOSED:**

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>ANDALORO</u>  <b>RCV</b>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				

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Mr. Garcia noted that the amendment is adding \$15,000 in new spending which is being funded through additional reserved fire funds.

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**RESOLUTION 105 -24 TO AMEND THE 2024 INTRODUCED BUDGET**

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>BARSUGLIA</u>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
RCV	DESTEFANO	X				

**RESOLUTION NO. 105-4 TO AMEND THE 2024 INTRODUCED BUDGET**

**WHEREAS**, the local municipal budget for the year 2024 was approved on the 25th day of March, 2024 and **WHEREAS**, the public hearing on said budget has been held as advertised, and **WHEREAS**, it is desired to amend said approved budget, now **THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Buena, County of Atlantic that the following amendments to the approved budget of 2024 be made:

<u>Recorded Vote</u>	(	(	(	(	(	(
	(	(	(	Abstained(	(	(
	Ayes(	Nays(	(	(	(	(
	(	(	(	(	(	(
	(	(	(	(	(	(
	(	(	(	Absent(	(	(
	(	(	(	(	(	(

**CURRENT FUND:**

**ANTICIPATED REVENUES:**

	From	To
3. Miscellaneous Revenue - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items: Reserve for Fire Expenditures	\$ 295,000.00	\$ 310,500.00
7. Total General Revenues	6,076,832.23	6,092,332.23

**APPROPRIATIONS:**

8. General Appropriations: (A) Operations - Within "CAPS" Fire Protection Other Expenses	165,000.00	170,500.00
H-1 Total General Appropriations for Municipal Purposes - Within "CAPS"	3,259,700.92	3,265,200.92
(A) Operations - Excluded from "CAPS" LOSAP	0.00	10,000.00
Subtotal Operations - Excluded from "CAPS"	6,410.00	16,410.00
L) Subtotal General Appropriations (Items (H-1) and (O))	5,871,719.08	5,881,719.08
M) Reserve for Uncollected Taxes 9. Total General Appropriations	\$ 6,076,832.23	\$ 6,092,332.23

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 13th day of May, 2024.

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**Mr. Garcia noted that the DCA will review the budget and noted that the Local Finance Board will hold their meeting on June 12.**

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**RESOLUTION NO. 106-24**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXECUTION OF AN APPLICATION WITH THE LOCAL FINANCE BOARD WITHIN THE DIVISION OF LOCAL GOVERNMENT SERVICES, DEPARTMENT OF COMMUNITY AFFAIRS FOR THE TRANSFER OF FIRE DISTRICT APPROPRIATIONS TO THE BOROUGH AS AN ASSUMPTION OF SERVICE IN ACCORDANCE WITH N.J.S.A. 40A:4-45.2(e), N.J.S.A. 40A:4-45.13 AND N.J.S.A. 40A:4-45.46(d)**

**MOTION:** ADAMS  
**SECOND:** ALVAREZ  
**RCV**

Council Member	Aye	Nay	Abstain	Absent	Recuse
GIOVINAZZI	X				
ALVAREZ	X				
ADAMS	X				
BARSUGLIA	X				
ANDALORO	X				
DESTEFANO	X				

**WHEREAS**, on September 13, 2023, the Local Finance Board did approve the Dissolution of Buna Borough Fire District #2 and the Assumption of Fire Protection Services by the Borough of Buena; and

**WHEREAS**, the Division of Local Government Services is requiring an additional Application to the Local Finance Board for the transfer of Fire District Appropriations to the Borough as an Assumption of Service in accordance with N.J.S.A. 40A:4-45.2(e), N.J.S.A. 40A:4-45.13 AND N.J.S.A. 40A:4-45.46(d);

**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 transfer of Fire District Appropriations to the Borough as an Assumption of Service in accordance with N.J.S.A. N.J.S.A. 40A:4-45.2(e), N.J.S.A. 40A:4-45.13 AND N.J.S.A. 40A:4-45.46(d);

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**MOTIONED TO INTRODUCE AND PASS AT FIRST READING:**

**ORDINANCE NO. 753**

**ORDINANCE ADOPTING THE REVISED ZONE AND CANNABIS MAP CONSISTENT WITH THE RECOMMENDATIONS OF THE PINELANDS COMMISSION**

**MOTION:** ALVAREZ  
**SECOND:** BARSUGLIA  
**RCV**

Council Member	Aye	Nay	Abstain	Absent	Recuse
GIOVINAZZI	X				
ALVAREZ	X				
ADAMS	X				
BARSUGLIA	X				
ANDALORO	X				
DESTEFANO	X				

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

A. The Zoning Map attached as Exhibit “A” is the official Buena Borough Zone Map and made a part of Chapter 150.

B. The Cannabis Zoning Map attached as Exhibit “B” is the official Buena Borough Cannabis Map and made a part of Chapter 202.

The Official Buena Borough Zoning and Cannabis Maps shall be located in the office of the Municipal Clerk and maintained by the Borough Engineer.

**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.

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced in and passed the first reading at a meeting of Borough Council of the Borough of Buena, County of Atlantic and State of New Jersey held on, May 13, 2024 and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building located at 616 Central Avenue, Minotola, NJ 08341 on May 28, 2024 or as soon thereafter as the matter may be reached.

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**MOTIONED TO INTRODUCE AND PASS AT FIRST READING:**

**ORDINANCE NO. 754      AN ORDINANCE OF THE BOROUGH OF BUENA,  
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,  
PROVIDING FOR THE IMPLEMENTATION IN THE  
BOROUGH OF BUENA OF THE "FIVE YEAR TAX  
EXEMPTION AND ABATEMENT LAW "PURSUANT TO  
N.J.S.A. 40A:21-1"**

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>BARSUGLIA</u>  <b>RCV</b>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				

**WHEREAS**, pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq. (the "Law"), a municipality having within its corporate limits areas in need of rehabilitation or redevelopment, may, by ordinance, provide for the exemption and/or abatement of real property taxes, to encourage and provide incentives for the construction and rehabilitation of, among other things, industrial and commercial structures; and

**WHEREAS**, the Borough of Buena desires to provide real estate tax incentives for industrial and commercial structures on certain lands designated as an area in need of redevelopment pursuant to N.J. S.A. 40A: 1 2A-1, et seq. to encourage appropriate and sound development; and

**WHEREAS**, the Law provides for the exemption of assessments on improvements for five years following completion of a project as herein defined and the exemption or abatement of property taxes for improvements to and construction of commercial and industrial properties for a five-year period following completion of the project as defined in the Law.

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

1. Short Title.

This article is enacted pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (hereinafter referred to as the "Act") and shall be known and may be cited as the "Five-Year Exemption and Abatement Ordinance."

2. Findings and Purpose.

The Governing Body finds that N.J.S.A. 40A:12-1, et seq., authorized by Article 8, § 1, paragraph 6, of the New Jersey Constitution, permitting municipalities to grant five-year periods of emptions or abatements, or both, from taxation in areas in need of rehabilitation have proven to be effective in promoting the construction and rehabilitation of commercial and industrial structures in such areas. It is the purpose of this Article to permit the Borough of Buena the greatest flexibility possible within the constitutional and statutory limitations to address

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problems of deterioration and decay through the employment of such exemptions and abatements within areas in need of rehabilitation.

3. Intent.

The Borough, pursuant to N.J.S.A. 40A-21-1, et seq., makes known its intention to utilize the tax exemption and abatement provision enacted by the New Jersey Legislature to authorize five-year exemptions and abatements for projects involving the construction of, or improvements to, commercial or industrial structures in areas in need of rehabilitation.

4. Definitions.

- A. AGREEMENT-A tax agreement entered into between a developer and the Borough under the Five-Year Exemption and Abatement Law, including all amendments and supplements thereto.
- B. ABATEMENT-A duration of time comprising 365 days, or 366 days when the included month of February has 29 days, that commences on the date that an exemption or abatement for a project becomes effective pursuant to § 16 of P.L. 1991, c. 441 (N.J.S.A. 40A:21-16).
- C. AREA IN NEED OF REHABILITATION-A portion of the municipality which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the Local Redevelopment and Housing Law, P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.).
- D. APPLICATION-The information required to be submitted by a developer seeking an exemption and/or abatement and conforming to the requirements of Section 7 or Section 18 hereof, as the case may be.
- E. ASSESSOR-The Tax Assessor of the Borough.
- E. COMMERCIAL OR INDUSTRIAL STRUCTURE- A structure, or part thereof, used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality, and maintain or diversify and expand commerce within the municipality.
- F. COMPLETION- Substantially ready for the intended use for which a building or structure is constructed, improved, or converted.
- G. CONSTRUCTION-The provision of a new commercial or industrial structure, or the enlargement of the volume of an existing commercial or industrial structure by more than 30% but shall not mean the conversion of an existing building or structure to another use.
- H. DEVELOPER-The person or entity who or which is seeking or receiving an exemption, including an assignee in any case where the Council has approved the assignment thereof.



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- I. IMPROVEMENT- A modernization, rehabilitation, renovation, alteration, or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building, but shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than 30%. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received from an insurance company or a claim for payment pending.
- J. LAW-The Five-Year Exemption and Abatement Law (NJ.S.A. 40A:21-1, et seq.), as amended and supplemented.
- K. PROJECT-The real property and the improvements thereon which are the subject of an Agreement and are located within an area in need of rehabilitation or redevelopment, as defined in the Law.
- L. PROPERTY-The real property and the improvements subject to an Agreement.
- M. BOROUGH-The Borough of Buena, in the County of Atlantic, New Jersey.
- N. BOROUGH ADMINISTRATOR-The Business Administrator of the Borough.
- O. BOROUGH CLERK-The Clerk of the Borough.
- P. COUNCIL-The Council of the Borough.
- Q. MUNICIPAL REVIEW COMMITTEE-The following Officials and Employees of the Borough constitutes the Municipal Review Committee:
  - a. Mayor or designee
  - b. Two members of the governing body appointed by the governing body
  - c. Tax Assessor or designee
  - d. Business Administrator or designee
  - e. Zoning Officer or designee
  - f. Road Department Supervisor or designee

5. Eligible Property.

A developer of commercial or industrial property located in an area in need of rehabilitation or redevelopment in the Borough may avail himself/herself of the opportunity to receive a five-year tax exemption and/or abatement as provided in this article as follows:

- A. Application to the Municipal Review Committee in accordance with Section 7 hereof.
- B. Approval of the Borough by ordinance.
- C. Written application to the Borough Assessor in accordance with Section 18 hereof.
- D. Payment of all municipal taxes and charges must be current at all relevant times.

6. Duties of the Municipal Review Committee.

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The Municipal Review Committee shall review and evaluate all applications submitted pursuant to Section 7 hereof and make recommendations to the Governing Body for tax abatements, exceptions, or denials. The recommendation of the majority of those members of the Committee present at a meeting called by the Mayor to review an Application shall constitute the recommendation of the Municipal Review Committee.

7. Application to Municipal Review Committee.

Applicants for tax exemption for construction of, or improvements to, commercial or industrial structures, shall provide the Municipal Review Committee with an application setting forth:

- A. A general description of a project for which an exemption is sought.
- B. A general description of a project for which an exemption is sought.
- C. A legal description of all real estate necessary for the project.
- D. Plans, drawings, and other documents as may be required by the governing body to demonstrate the structure and design of the project.
- E. A description of the number, classes, and type of employees to be employed at the project site within two years of completion of the project.
- F. A statement of the reasons for seeking tax exemption on the project and a description of the benefits to be realized by the applicant if a tax agreement is granted.
- G. Estimates of the cost of completing such project.
- H. A statement showing the real property taxes currently being assessed at the project site; estimated tax payments that would be made annually by the applicant on the project during the period of the agreement; and estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement.
- I. A description of any lease agreements between the applicant and proposed users of the project and a history and description of the users' businesses.
- J. Such other pertinent information as the Review Committee may require.

8. Consideration and Approval.

All exemptions and abatements shall be approved by Ordinance of the Council authorizing an agreement for tax exemption and/or tax abatement for a particular property for a period of five years. Such approval shall be made in Council's discretion based on the evaluation of the recommendation of the Municipal Review Committee.

9. Tax Agreement.

Each Project which has been approved by the Council for an exemption or abatement shall be evidenced by a tax agreement between the Borough and the developer. The agreement shall be in a form approved by the Council and shall contain representations that are required by this Article and as required under N.J.S.A. 40A-21-1, et seq. The agreement shall provide for the developer to make payments to the Borough in lieu of full property tax payments on improvements of an annual amount to be computed pursuant to the formula set forth in N.J.S.A. 40A-21-10(c).

- A. Form of Agreement. All Agreements for an exemption and/or abatement shall be in the form appropriate to the nature of the exemption and/or abatement. Such

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agreements shall at a minimum set forth the identification of the Property, the nature and magnitude of the improvements to be constructed thereon, the consideration to be paid to the Borough and the conditions thereon, the duration of the agreement and the grounds for its termination. The agreement shall in all cases further provide that any changes made in the ownership of the Project, or which would materially change the terms of the agreement shall under the agreement be void unless approved by the Borough by ordinance.

- B. Formula for payments under tax agreements. The agreement shall provide for the applicant to pay annually to the Borough in lieu of full property tax payments an amount to be computed by in accordance with N.J.S.A. 40A:21-10(c).
- C. Execution of agreement. No agreement shall be considered to be in force and effect unless and until it has been signed by the developer and the mayor, after which it shall be dated and certified by the Borough Clerk by his/her signature and the affixing of the Borough Seal.

10. Administration of Agreements After Construction.

After completion of construction and the issuance of a final certificate of occupancy, the project shall be maintained and operated consistent with the terms of the agreement and in accordance with the provisions of N.J.S.A. 40A-21-1, et seq. until the termination of the agreement.

11. Real Property Taxes.

In addition to the payments required in lieu of property taxes pursuant to the tax agreement, the developer or owner of the Property which has qualified for an exemption and/or abatement shall be liable for all real estate taxes assessed and levied against the land on which the exempt and/or abated improvements are located.

12. Formula For Computation of Payments In Lieu of Full Property Tax.

The tax agreement shall provide for the applicant to pay to the municipality, in lieu of full property tax payments, an amount annually based on the tax phase-in approach set forth in N.J.S.A. 40A:21-10(c), which shall be an amount equal to a percentage of taxes otherwise due according to the following schedule:

- A. In the first full year after completion, no payment in lieu of taxes otherwise due.
- B. In the second full year after completion, an amount not less than 20% of taxes otherwise due.
- C. In the third full year after completion, an amount not less than 40% if taxes otherwise due.
- D. In the fourth full year after completion, an amount not less than 60% if taxes otherwise due.
- E. In the fifth full year after completion, an amount not less than 80% of taxes otherwise due.

13. Tax Delinquency.

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No exemption and/or abatement shall be granted pursuant to this Article with respect to any property for which real estate taxes or other municipal charges are delinquent or remain unpaid, or for which penalties and interest for nonpayment of taxes are due.

14. Payment in Quarterly Installments; Terminations.

The payment in lieu of property taxes shall be made in quarterly installments according to the same schedule as real property taxes are due and payable. Failure to make these payments shall result in the termination of the exemption and/or abatement.

15. Property Taxes Subject to Exemption.

The exemption and abatement of real property taxes provided pursuant to this article shall apply to property taxes levied for municipal purposes, school purposes, county/government purposes, and for the purposes of funding any other property tax exemptions or abatements.

16. Conformance with Statutory and Regulatory Requirements.

All Projects subject to tax agreements as provided herein shall be subject to all applicable federal, state and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

17. Prohibition Against Added and Omitted Assessment.

The added assessment provisions of Section 3 of P.L. 1941, c. 397 (N.J.S.A. 54:4-63.3), and the omitted assessment provisions of Section 9 of P.L. 1947, c. 413 (N.J.S.A. 54:4-63.20), and Section 1 of P.L. 1968, c. 184 (N.J.S.A. 54:4-63.31), shall not be applicable to any improvements that are exempt from taxation under this article.

18. Application for Exemption and Abatement to be filed with the Assessor.

No exemption or abatement shall be granted pursuant N.J.S.A. 40A:21-1 et seq. except upon written application therefor filed with and approved by the Assessor. Every application shall be on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury and provided for the use of claimants by the Governing Body, and shall be filed with the Assessor within 30 days, including Saturdays and Sundays, following the completion of the Improvement or Construction. Every application for exemption, or exemption and abatement, within a municipality adopting the provisions of this act which is filed within the time specified, shall be approved and allowed by the assessor to the degree that the application is consistent with the provisions of the adopting ordinance or the Tax Agreement, provided that the Improvement, or Construction for which the application is made qualifies as an Improvement or Construction pursuant to the provisions of N.J.S.A. 40A:21-1, et seq and the Tax Agreement, if any. The granting of an exemption, or exemption and abatement, shall relate back to, and take effect as of, the date of Completion of the project, or portion or stage of the project for which the exemption, or exemption and abatement is granted, and shall continue for five annual periods from that date. The grant of the exemption, or exemption and abatement, or tax agreement shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

19. Inspection.

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The Property which is granted an exemption and/or abatement pursuant to this article shall be subject to an inspection by the Borough on an annual basis to ensure that the Property is in compliance with all ordinances, regulations, and safety codes of the Borough. Property which is determined to be in violation of any ordinance, regulation, and/or safety code of the Borough shall be subject to any penalties and fines, or any other remedial action permitted by state law.

20. Amendment.

Any amendment to this ordinance shall not affect any exemption, abatement, or tax agreement previously granted and in force prior to the amendment.

21. Severability.

In the event that any provision of this Ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

22. Notice.

Pursuant to N.J.S.A. 40A:21-20, notice of the adoption of this article shall be included in the mailing of annual property tax bills to each owner of a dwelling located in the Borough of Buena during the first year following adoption of this article.

23. Effective Date.

This Ordinance shall take effect upon passage and publication as required by law.

**MOTIONED TO INTRODUCE AND PASS AT FIRST READING:**

**ORDINANCE NO. 755 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AMENDING ORDINANCE 739, AS AMENDED, CHAPTER 202 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED CANNABIS**

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>ALVAREZ</u>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				

**RCV**

**WHEREAS**, in November 2020, a State Referendum was voted upon by the residents of the State of New Jersey to ascertain public opinion on adult use cannabis which reflected that 67% of the voting population is in favor of the legalization of adult use cannabis in the State and as a result, the State Legislation adopted the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Act (CREAMM) N.J.S.A. 24:6I-31, et seq; which establishes the authority by which municipalities may regulate the sale and use of adult use cannabis; and

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

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

**WHEREAS**, on March 28, 2022 Borough Council adopted Ordinance No. 705, Chapter 202 of the Code of the Borough of Buena setting forth certain enabling legislation regarding the issuance of cannabis licenses for the Borough and thereafter Borough Council adopted ordinance No. amending Ordinance 739 setting forth the number of specific class of cannabis licenses permitted in the Borough and criterion to obtain a cannabis license; and

**WHEREAS**, Borough Council has determined that it is in the best interest of the Borough to amend the number of Class I Cannabis Cultivation from four (4) to (6) six and Class II Cannabis Manufacturer licenses from four (4) to six (6) licenses.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Borough of Buena that Ordinance 739, Chapter 202 of the Code of the Borough of Buena be and is hereby amended as follows:

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

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

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

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

This Ordinance shall take effect upon passage and publication as required by law.

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**MOTIONED TO INTRODUCE AND PASS AT FIRST READING:**

**ORDINANCE NO.756      ORDINANCE ADOPTING THE FINDINGS AND RECOMMENDATION SET FORTH IN PLANNING BOARD RESOLUTION NO. 2014-08 AND APPROVING THE EXTENSION COMMERCE CENTER REDEVELOPMENT PLAN FOR AN INDEFINITE PERIOD OF TIME**

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ALVAREZ</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
<b>SECOND:</b> <u>ADAMS</u>	BARSUGLIA	X				
	ANDALORO	X				
<b>RCV</b>	DESTEFANO	X				

**WHEREAS**, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, in 2006, Buena Borough Council ("Buena Council") adopted Resolution 107-06 directing the Planning Board of the Borough of Buena (the "Planning Board") to undertake a preliminary investigation to determine whether Block 145 lot 8.04 (the "Property") among other contiguous lots met the criteria of an area in need of redevelopment in accordance with N.J.S.A. 40A:12A-5; and

**WHEREAS**, on March 27, 2007, the Planning Board adopted Resolution 2007-11 wherein the Planning Board found that the Property met the criteria set forth in N.J.S.A. 40A:12A-5(c), (e) and (h) as an area in need of redevelopment; and

**WHEREAS**, on April 9, 2007, the Borough Council adopted Resolution 41-07 directing the Planning Board to create a Redevelopment Plan and recommended the adoption of an Ordinance adopting the Redevelopment Plan for the Commerce Center Redevelopment Area prepared by the Remington, Vernick and Walberg, Licensed Professional Planners, dated May, 2007 (the "Redevelopment Plan"); and

**WHEREAS**, on July 5, 2007 the State of New Jersey Department of Community Affairs, Office of Smart Growth approved the Property in need of redevelopment; and

**WHEREAS**, on April 22, 2008, the Planning Board adopted Resolution Number 2008-06, in which the Planning Board recommended that Borough Council adopt the changes to the Land Use Ordinance as set forth in the Redevelopment Plan; and

**WHEREAS**, on May 27, 2008, Borough Council adopted Ordinance 559 which adopted the Redevelopment Plan consistent with Resolution 2008-6 of the Planning Board.

**WHEREAS**, Section XII of the Redevelopment Plan provided that it was to be in effect for a period of ten (10) years from the date of adoption by the Borough Council;

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**WHEREAS**, the Section XII of the Redevelopment Plan further provided “nothing herein shall be construed to limit the ability of the Governing Body to extend the duration of this Redevelopment Plan ... upon the adoption of an Ordinance authorizing same;” and

**WHEREAS**, the expiration of the Redevelopment Plan was May 27, 2018; and

**WHEREAS**, on March 25, 2024, Borough Council adopted Resolution Number 84-24 in which it found it to be in the best interest of the Borough of Buena for the Planning Board to conduct a subsequent investigation consistent with N.J.S.A. 40A:12A-5 to determine if the reasons set forth for the adoption of Ordinance 559 or such other criteria remain; to confirm that the Redevelopment Plan is still consistent with the Buena Borough Master Plan; and to provide recommendations regarding the adoption of an Ordinance extending the duration of the Redevelopment Plan; and

**WHEREAS**, the March 2024 Council Resolution authorized and directed the Buena Borough Planning Board to conduct hearings and investigations as required to determine whether the Property continues to meet the criteria as an area in need of redevelopment as defined by N.J.S.A. 12A-1, et seq.; and

**WHEREAS**, the Planning Board has considered the Redevelopment Plan and provided comment as to the consistency of the Redevelopment Plan with the Buena Borough Master Plan found the Property remains in an area in need of redevelopment and recommended the extension of the Redevelopment Plan for an indefinite amount of time in order to allow for the proper redevelopment of the Property; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Buena, that the statements of the preamble, hereinabove, are incorporated herein as though fully set forth herein;

**BE IT FURTHER ORDAINED**, by the Council of the Borough of Buena, that the findings and recommendations set forth in the Borough of Buena Planning Board Resolution No. 2024-08 are hereby adopted;

**BE IT FURTHER ORDAINED** that the recommendation of the Borough of Buena Planning Board that the Redevelopment Plan for the Commerce Center Redevelopment Area be extended for an indefinite period of time to in order to allow for the proper redevelopment of the Property, be and is hereby adopted.



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**CONSENT AGENDA:**

Consent Agenda includes items of business which are not controversial and do not require individual discussion. A Motion approving the Consent Agenda is moved, seconded and voted upon as one item by the Borough Council. If any discussion is requested on a Consent Agenda item, it is removed from the Consent Agenda to the Regular Agenda

- **RESOLUTION 100-24** A RESOLUTION ACCEPTING THE RESIGNATION OF SARAH ANDERSON EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS
- **RESOLUTION 101-24** A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, PROVISIONALLY APPOINTING MARIA PETRILLO AS HOUSING INSPECTOR TRAINEE, PART-TIME
- **RESOLUTION 102-24** RESOLUTION AUTHORIZING HIRING OF EMERGENCY MEDICAL TECHNICIANS:  
Jasmine Strickland, Larry Lewis, Jessica Boyer
- **RESOLUTION 103-24** A RESOLUTION CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045
- **RESOLUTION 104-24** A RESOLUTION UNEQUIVOCALLY OPPOSING OFFSHORE WIND PROJECTS, ENCOURAGING ALL MUNICIPALITIES TO JOIN THE OPPOSITION AND SUPPORTING THE ATLANTIC COUNTY EXECUTIVE AND BOARD OF COMMISSIONERS TO UTILIZE ITS VARIOUS POWERS, INCLUDING LEGAL ACTION TO PROTECT THE FUTURE OF ATLANTIC COUNTY
- **RESOLUTION 107-24** A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON MAY 27, 2024, FROM 8:30 A.M. TO 10:30 A.M. AND DIRECTING THE AMERICAN LEGION POST 270 TO SUBMIT AN APPLICATION TO THE ATLANTIC COUNTY ENGINEER FOR A PERMIT APPROVING SAID TEMPORARY CLOSURE.
- **BILLS PAID AS LISTED**
- **CLERK’S REPORT:**  
MINUTES OF THE REGULAR MEETING OF APRIL 22, 2024

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>BARSUGLIA</u>  <b>RCV</b>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				

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**SOLICITOR’S REPORT:**

RICHARD TONETTA, BOROUGH SOLICITOR, stated he prepared two resolutions for corrections:

**RESOLUTION NO. 108-24**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AMENDING RESOLUTION 75-24 AUTHORIZING THE ISSUANCE OF A CLASS II ANNUAL CANNABIS MANUFACTURER LICENSE TO GREEN THUMB MANUFACTURING COMPANY LLC, TO CORRECT THE PROPER NAME OF THE COMPANY TO BE GREEN THUMB PROCESSING COMPANY, BLOOMFIELD, MICHIGAN CONDITIONED UPON THE ISSUANCE OF AN ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT**

**WHEREAS**, the Borough of Buena adopted Resolution 134-23 awarding a Class II Cannabis Manufacture licenses (License) to Green Thumb Growing Company, LLC, then amended by Resolution 75-24 the Green Thumb Manufacturing Company, LLC subject to and conditioned upon the issuance of an annual license by the Cannabis Regulatory Commission and the execution of a Host Community Agreement; and

**WHEREAS**, the Borough has been advised that the proper name for the issuance of the Class II license is Green Thumb Processing Company LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that Resolution 134-23 as amended by Resolution 75-24 shall be amended so as to reflect the proper name of the company receiving the conditional Class II license from the Borough to be Green Thumb Processing Company LLC.

**BE IT FURTHER RESOLVED** that the balance of Resolution 134-23 and Resolution 75-24 not amended hereby shall remain in full force and effect.

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>ANDALORO</u>  <b>RCV</b>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				

**RESOLUTION NO. 109-24**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, REJECTING ALL BIDS RECEIVED FOR THE MOWING OF BLACKWATER POND PARK AND AUTHORIZING THE CLERK TO RE-ADVERTISE FOR BIDS TO BE RECEIVED ON MAY 28, 2024**

**WHEREAS**, the Council of the Borough of Buena authorized bids to be received for the mowing and collection of hay/grass on Block 122 Lot 10.01 and 10.02 which included an option for the successful bidder to pay the Borough of the hay/grass removed; and

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**WHEREAS**, the bids were received, opened and read aloud on April 2024 at which time it appeared that the bidders misunderstood the terms of the bid specifications and therefore and in accordance with the bid specifications, the Borough Solicitor has recommended all bids received be rejected and readvertised.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that all bids received for the mowing and collection of hay/grass received by the Clerk of the Borough of Buena be and are hereby rejected.

**BE IT FURTHER RESOLVED** that the Clerk is hereby directed to readvertise for the mowing and harvesting of hay/grass from the Blackwater Pond Park to be opened on May 28, 2024 and that Council may consider an award of the bid on May 28, 2024.

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
<b>SECOND:</b> <u>BARSUGLIA</u>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				
<b>RCV</b>						

**ENGINEER’S REPORT:**  
MARC DEBLASIO AND ASSOCIATES, BOROUGH ENGINEER  
JOSEPH MOHNACK

**Grant Applications**

1. FY2024 NJDCA Local Recreation Improvement Grant (LRIG)
  - Our office collaborated with the Aubrey Group to produce a grant application for the improvements at Bruno Melini Park. The Aubrey Group has submitted the Grant Application to the NJDCA which is currently under review.
2. FY2024 NJDOT Local Transportation Projects Fund (LTPF) Grant
  - Last year (FY2023) our office applied for and received \$400,000.00 in grant funding from the NJDOT for roadway improvements in the Borough.
  - The application was completed and submitted on April 24, 2024.
  - The roads selected for reconstruction consist of Pacific Avenue, Artic Avenue and Williams Avenue.
3. FY2025 NJDOT Municipal Aid Program Grant Application
  - The New Jersey Department of Transportation is now accepting grant applications for roadway improvements.
  - The Borough has selected West Avenue and West Atlantic Avenue.
  - The application is in progress, and is due July 1<sup>st</sup>.

**Capital Projects**

1. FY2022 and FY2023 NJDOT Municipal Aid - Reconstruction of E. Flower Street and South Boulevard
  - All work is complete. Project is being closed out with the State.

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2. FY2023 NJDOT Local Transportation Projects Fund - Reconstruction of Plymouth Street and Friendship Road
  - The Borough has been notified by the NJDOT that \$400,000.00 in FY2023 Grant funds have been awarded for the reconstruction of Plymouth Street and Friendship Road.
  - Our office has completed the land survey of the roadways.
  - Engineering design is in progress. The project is expected to be advertised in June.
  
3. FY2024 NJDOT Municipal Aid - Reconstruction of East Summer Road
  - The Borough has been notified by the NJDOT that \$269,995.00 in FY2024 Grant funds have been awarded for the reconstruction of East Summer Road.
  - Our office has completed the land survey of the roadways.
  - Engineering design is in progress.
  
4. CDBG ADA Building Improvements
  - a. The Borough has approved engineering design and construction phase services for the replacement of the front doors at Municipal Hall and the Senior Center.
  - b. Jerry Blackman of OSK Architects has completed the architectural design drawings.
  - c. Our office is working with Bob McGuigan of the Atlantic County Improvement Authority to include necessary language in the project documents required by the County.
  - d. Our office anticipates advertising the project for public bid next week.
  
5. Bruno Melini Park Bathroom Building
  - a. Our office met with Jerry Blackman of OSK Architects to review the design of the new bathroom building.
  - b. The project is in the design phase.
  
6. Minotola Estates (Buena Drive) Flooding
  - a. Our office obtained the final approved plans for the development dated back to 2005.
  - b. Our professional land surveyor visited the site to perform a survey of the as-built conditions to verify conformance with the approved design plans.
  - c. The plans specify an infiltration system that includes two 34"x16" infiltration chamber pipes along the side property lines. It was found that only one 12" pipe was installed. It is assumed that this design deviation is largely responsible for the observed flooding.
  - d. Our office will issue a report to the solicitor outlining all shortcomings of the development.
  
7. NJDEP MS4 Stormwater Infrastructure Mapping
  - a. The New Jersey Department of Environmental Protection is requiring all stormwater infrastructure (inlets, manholes, outfalls, etc.) mapped and submitted to the State in a GIS format by 2026.
  - b. Our office obtained a \$25k grant from the NJDEP to aid the Borough in the cost required to perform the survey and mapping.
  - c. Our office is working to produce the required map.
  
8. Forest Grove Road Speeding
  - a. Our office produced a traffic calming analysis and the Borough elected to install road striping in an effort to reduce vehicular speed on the road.
  - b. Our office will investigate the requirements to reduce the speed limit on the roadway.

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**UNFINISHED BUSINESS:**

**Councilman President Adams noted the Cannabis Ordinance is to announce the increase of licenses will be adopted at the May 28<sup>th</sup> meeting and the RFP's will be prepared for those licensing with recommendations to Council at the July 15<sup>th</sup> meeting.**

**NEW BUSINESS: The American Legion Post #270 at 703 Central Ave., will hold ceremonies beginning 8:30am to 10:30am with hot dogs and beverages to follow.**

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**NEXT MEETING: TUESDAY, MAY 28, 2024**

**MEETING ADJOURNED: M/ ANDALORO S/ BARSUGLIA RCVU**

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**RESOLUTION NO. 100-24**

**A RESOLUTION ACCEPTING THE RESIGNATION OF SARAH ANDERSON EMERGENCY  
MEDICAL TECHNICIAN FROM BUENA EMS**

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

Sarah Anderson

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**RESOLUTION NO. 101-24**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, PROVISIONALLY  
APPOINTING MARIA PETRILLO AS HOUSING INSPECTOR TRAINEE, PART-TIME**

**WHEREAS**, a need exists in the Borough of Buena Construction Department for the position of Part-Time Housing Inspector Trainee; and

**WHEREAS**, the Personnel Committee has recommended Maria Petrillo who served as Temporary Part-Time Occupancy Inspector and Temporary Part-Time Code Enforcement Officer for the Borough of Buena; and.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Borough of Buena that Maria Petrillo be appointed as Housing Inspector Trainee, Part-Time, serving no more than fifteen hours per week at the hourly rate of \$20.00 commencing May 13, 2024.

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**RESOLUTION NO. 102-24**

**RESOLUTION AUTHORIZING HIRING OF EMERGENCY MEDICAL TECHNICIANS**

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

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

**WHEREAS**, the Emergency Medical Services Chief of the Borough of Buena requests the authorization from Council to approve the hiring of the following candidates to replace the Emergency Service Technicians who have left the department:

Jasmine Strickland  
Larry Lewis  
Jessica Boyer

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approves the hiring of aforementioned candidates as per-diem Emergency Service Technicians based on qualifications with a start date as soon as possible and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

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**RESOLUTION NO. 103-24**

**CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND  
THE SWIFT PASSAGE OF S-2930/A-4045**

**WHEREAS**, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

**WHEREAS**, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

**WHEREAS**, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

**WHEREAS**, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

**WHEREAS**, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

**WHEREAS**, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

**WHEREAS**, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

**WHEREAS**, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

**WHEREAS**, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

**WHEREAS**, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens’ personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

**NOW, THEREFORE, BE IT RESOLVED**, the governing body of the Borough of Buena in the County of Atlantic respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

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**BE IT FURTHER RESOLVED**, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Paul D. Moriarty, Assemblyman Dan Hutchinson, Assemblyman Cody D. Miller Governor Murphy, and the New Jersey League of Municipalities.

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**RESOLUTION NO. 104-24**

**A RESOLUTION UNEQUIVOCALLY OPPOSING OFFSHORE WIND PROJECTS, ENCOURAGING ALL MUNICIPALITIES TO JOIN THE OPPOSITION AND SUPPORTING THE ATLANTIC COUNTY EXECUTIVE AND BOARD OF COMMISSIONERS TO UTILIZE ITS VARIOUS POWERS, INCLUDING LEGAL ACTION TO PROTECT THE FUTURE OF ATLANTIC COUNTY**

**WHEREAS**, the future of Atlantic County's economy faces significant risk from the negative impacts of proposed offshore wind projects and the industrialization of our ocean; and

**WHEREAS**, developers continue to pursue federal and state approvals to construct more than 550 giant wind turbines off New Jersey's coastline and such construction will detrimentally affect the Atlantic Ocean and Atlantic County's shore communities and economy; and

**WHEREAS**, the Ocean Wind One/Two and Atlantic Shores offshore wind projects seek to place several hundred thousand-foot tall towers and turbines off the beaches of Atlantic and Cape May and Ocean Counties; and

**WHEREAS**, specifically, Atlantic Shores, and Ocean Wind developers (which still holds an active permit) will build 566 highly visible giant wind turbines starting only nine (9) miles off our beaches; and

**WHEREAS**, 357 of these massive structures will be 1040 feet high and 209 will be 906 feet high; and

**WHEREAS**, in addition to the projects adjacent to Atlantic County's coast, another group of six (6) offshore wind development projects are planned directly east of the ones next to our coastline in an area known as the New York Bight. These developers are planning to build 549 more turbines starting 27 miles off the coast at an even greater height of 1312 feet; and

**WHEREAS**, that is a total of 1,115 massive industrial wind turbines off of our South Jersey coast in our pristine ocean; and

**WHEREAS**, New Jersey's breathtaking scenic ocean views will be forever lost; and

**WHEREAS**, Tourism remains one of New Jersey's largest economic drivers; and

**WHEREAS**, Atlantic County generates over \$7.7 billion in Tourism-related revenue annually with the State realizing over \$800 million in tax revenue; Cape May County generates over \$7.4 billion in Tourism-related revenue annually with the State realizing over \$600 million in tax revenue. 29.9% of all State Tourism-related tax revenue comes out of Atlantic and Cape May Counties alone. Ocean County



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generates another \$4.7 billion in Tourism-related revenues and over \$400 million in tax receipts; and

**WHEREAS**, Assessors estimate that based upon the impact of an industrialized ocean view from beach homes in Atlantic City, Brigantine, Longport, Margate, and Ventnor, total property values could be reduced by \$2.2 billion, and the County, municipalities, and school districts could lose over \$36 million in annual tax revenues; and

**WHEREAS**, surveys conducted show that fifty percent (50%) of prior renters would not return to Atlantic County communities with visible turbines regardless of rent discount; and

**WHEREAS**, including Atlantic City, Atlantic County annual rental income loss could be \$17.2 Million (10%) to \$68.9 Million (30%) and excluding Atlantic City, Atlantic County's annual revenue loss could be \$4.5 Million (10%) to \$17.9 Million (40%) and lost total rental income over 20 years could be \$65 Million to \$250 Million; and

**WHEREAS**, the rental income loss alone is enough to destroy Atlantic County's economy but the impacts are felt throughout every industry; and

**WHEREAS**, wind turbines will not be a significant tourist attraction but will, in fact, deter tourism and based on survey results, participants are not willing to pay more for rental property with a view of wind turbines off of the coast; and

**WHEREAS**, it is estimated that between 16.5% to 24% of tourists would not visit Atlantic County beach towns and choose other places to vacation, resulting in a loss of 8,700 to 12,700 jobs or 175,000 to 255,000 job years over the project life; and

**WHEREAS**, massive turbines will result in \$1.3 to \$1.9 Billion in annual revenue losses or net present value of \$17.4 Billion to \$25.5 Billion over the project life; and

**WHEREAS**, industrialized ocean views will create a \$142 to \$206 million government tax loss revenue over the project life; and

**WHEREAS**, offshore wind turbines do not create lower cost energy for local residents and business, especially fragile seasonal tourism businesses; and

**WHEREAS**, based upon the most recent analysis for 11GW of offshore wind energy in New Jersey, electricity rates are expected to increase by over 55% for residents, 70% for commercial and over 80% for industrial users by 2047 and based upon the most recent solicitation for 3742 MW of power over 20 years, rates are projected to increase by 20-30%; and

**WHEREAS**, offshore wind turbines not only impact our onshore tourist economy but also affect the recreational fishing industry; and

**WHEREAS**, projection envision approximately \$19 Million per year losses to the New Jersey recreational fishing economy over an estimated 20-year period because of wind turbine construction and operation; and

**WHEREAS**, Atlantic County famously hosts significant regional and state events and attractions and the future scheduling and success of such events becomes questionable with the development of giant wind turbines immediately off the coast of Atlantic County; and

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**WHEREAS**, for example, the County hosts the annual Farley Marina Jimmy Johnson Fishing Tournament, the annual Atlantic City Air Show, and world class beach concerts, and other beach centric entertainment events, bars and restaurants and the future of those events becomes uncertain; and

**WHEREAS**, the air show alone brings 100,000 tourists to Atlantic City and \$50 million to the economy; and

**WHEREAS**, the construction of turbines and the loss of tourists will result in casino contraction; and

**WHEREAS**, closure of casinos because of operating losses may jeopardize the casino industry which, in turn, could reduce local and state taxes/fees including but not limited to the annual \$200 million PILOT tax payments and \$700+ million annual Gaming Specific taxes and fees; and

**WHEREAS**, the New Jersey Legislature expressed concern for the Board of Public Utilities ("BPU") approach on offshore wind project because of unanswered questions about the economic impact these projects will have on ratepayers as well as potential impacts to one of our state's largest economic drivers, tourism at the shore; and

**WHEREAS**, the Legislature has asked the BPU to share these impacts with the communities affected and the Legislature before moving forward with these new offshore projects; and

**WHEREAS**, the Borough of Buena remains concerned about the negative impacts of the build-as-fast-as-possible approach that the State of New Jersey is currently taking on offshore wind; and

**WHEREAS**, these massive ocean wind projects that Governor Murphy has planned for the waters off the coast of New Jersey are being utilized to advance a dangerous experiment with little understanding or concern for the many, potentially catastrophic, impacts the installation of these industrial power generating facilities will have on the environment, economy, fishing industry, property values, and cost of electricity for the people of New Jersey; and

**WHEREAS**, the BPU and the developers cannot assure the Legislature that construction of these offshore wind facilities will not negatively impact tourism; and

**WHEREAS**, even taken at their own word, one of the developers indicates that tourism losses could be as high as 15%, creating a scenario where New Jersey would lose over \$210 million in annual tax revenue; and

**WHEREAS**, such construction will have a devastating impact on New Jersey families and small businesses; and

**WHEREAS**, neither BPU nor any other state or federal agency have adequately studied these impacts on our economy; and

**WHEREAS**, the Borough community supports appropriate clean energy programs, but believes these projects should proceed no further until the potential damage to our tourism-based economy is studied and quantified; and

**WHEREAS**, before these projects are rushed to be built, our citizens need to know what the real

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economic and environmental impact will be; and

**WHEREAS**, the negative impacts from the infrasound generated by these massive ocean wind turbines on marine mammals and humans living along the coast is still unknown and could have long-term damaging effects that may change the Jersey shore forever; and

**WHEREAS**, despite the pronouncements by Executive agencies of the State of New Jersey that the surveying operations by these off shore wind developers is not leading to the demise of whales, dolphins and porpoises, the Borough is aware that in 2018, the Murphy Administration joined a federal lawsuit in the United States District Court for the District of South Carolina, case number 2:18-cv-03326-RMG, seeking an injunction against similar surveying activities by other offshore energy companies; and

**WHEREAS**, in the lawsuit, the State of New Jersey alleged that "the prospect of seeing marine mammals - whether directly from [New Jersey's] shores, or from boats launched from [New Jersey's] shores - is an important draw for the State's coastal economies." And further, "Whales, dolphins, and porpoises have finely tuned senses of hearing, on which they rely to navigate, seek food, avoid danger, and communicate among themselves. Many species are vulnerable to human activities"; and

**WHEREAS**, the lawsuit further alleged, "The seismic testing activities at issue here will harm [New Jersey] and [its] citizens. They will harass marine mammals and other wildlife that commonly move between federal and state waters, including the waters of [New Jersey]. Further seismic testing's negative impact on marine mammals' health and abundance will make [New Jersey] less attractive for coast tourism, will deprive [New Jersey] of tax revenues associated with coastal tourism, and could create cascading effects on the [New Jersey's] economically important commercial and recreational fishing industries."; and

**WHEREAS**, the Borough of Buena finds that the State of New Jersey's current insistence that the offshore wind activities will have no negative impacts on marine mammals, tourism or fisheries to be inconsistent with reality and contrary to the arguments the State of New Jersey made in Federal Court in 2018; and

**WHEREAS**, although the Governor and certain other New Jersey officials and representatives of offshore wind developers continue to represent to the public that the immediate construction of these offshore wind electric power generation facilities is of emergent importance in efforts to combat climate change, the Borough is aware of significant findings both governmental and private sector researchers to the contrary; and

**WHEREAS**, the Bureau of Ocean Energy Management (BOEM) in 2021, in Volume II of its Final Environmental Impact Statement on the Vineyard Wind 1 offshore wind project at page A-66 states, "Therefore, the Proposed Action (the construction of multiple offshore wind project along the East Coast) would have negligible impacts on climate change during these activities and an overall minor beneficial impact of Green House Gas emissions compared to the generation of the same amount of energy by the existing grids. Development of offshore wind projects and the construction, implementation, operation, maintenance and the eventual decommissioning activities would cause some Green House Gas emissions increases primarily through the emissions of CO2. Overall, it is anticipated that there would be no collective impact on global warming as a result of offshore wind projects... though they may beneficially contribute to a broader combination of actions to reduce future impacts of climate change."; and

**WHEREAS**, BOEM concluded in 2021 that building multiple offshore wind farms in Atlantic waters of the East Coast of the United States will essentially have no impact on reducing global warming; and

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**WHEREAS**, the Borough of Buena through sharing data with neighboring municipalities and counties, is aware of studies conducted by researchers at Harvard University that found that the installation of scores of wind turbines in a concentrated area will actually raise surface temperatures, especially in the immediate area of the turbines. The Harvard researchers concluded, "The direct climate impacts of wind power are instant, while the benefits of reduced emissions accumulate slowly. If your perspective in the next 10 years, wind power actually has - in some respects- more climate impact than coal or gas," David & Keith, Climate Impacts of Wind Power, Joule, Volume II, Issue 12, P2618, December 19, 2018; and

**WHEREAS**, it would appear that combating climate change does not appear to be advanced by the installation of wind projects thus the urgent necessity of stripping the Borough of home rule does not appear to exist; and

**WHEREAS**, post-construction evaluations of the projects' impact will be meaningless to the residents of Atlantic County when the economy is decimated and to the ocean life after their habitats are severely altered;

**WHEREAS**, the recent, unprecedented deaths and stranding of marine mammals including whales, dolphins and porpoises along the shores of Atlantic County and other New Jersey Counties and surrounding states is of the utmost concern to the Borough and no satisfactory answer to the question of whether or not the actions of offshore wind developers are leading to the deaths of whales and other marine mammals had been provided by any federal or state agency; and

**WHEREAS**, Borough Council does not find it an acceptable answer for state and federal officials and agencies to state that they are not certain what is leading to the unprecedented deaths of multiple marine mammals but that they somehow know for certain that the deaths are not related in any way to the activities of offshore wind development companies; and

**WHEREAS**, the Borough has grave concerns about the potential negative impaction on our tourism economy as a result of the installation of scores of offshore wind turbines visible from shore; and

**WHEREAS**, the Mayor and Borough Council join and support the approach and statements made by United States Congressman VanDrew, State Senator Polistina, Assemblywoman Claire Swift and Assemblyman Don Guardian in the State Legislatures' efforts to vote against Senate Bill S4019 and Assembly Bill A5651 that would give millions of dollars in federal tax credits to the offshore wind project that will adversely affect the rate payers of this municipality, this County and this State.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Buena, County of Atlantic, State of New Jersey that:

1. The preamble to this resolution is incorporated here by reference and made part hereof as the findings of the Borough Council.
2. The Borough of Buena opposes the Atlantic Shore and Ocean Wind turbine projects; and
3. The Borough determines that the installation of offshore wind projects and other such projects, as currently designed and intended will cause great harm to our marine environment and great harm to the tourism and fisheries sector of our local economy and may cause to other sectors such as real estate.

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4. The Borough of Buena further opposes any wind turbine projects along New Jersey's coast, regardless of height of the structures and distance from New Jersey's pristine shorelines, until proper studies are performed; and
5. Studies must include full evaluation of the impact of such construction on the tourism industry, the economy in general, the Atlantic County labor market; and
6. Studies must better understand the environmental impact of ocean habitats, the migration of ocean mammals and organisms that create a healthy biosphere to ensure continued protection of the Atlantic Ocean, waterways and back bays and ocean life in general; and
7. The Borough resolves that until such time that the wind developers present a project design that, to the greatest extent possible, mitigates the negative environmental and economic impacts of its project, the Borough objects to and opposes the construction of the projects.
8. The Borough of Buena calls on the municipalities in Atlantic, Cape May and Ocean Counties to join in the Borough's opposition to these wind turbine projects because of the significant negative impacts to the New Jersey coastline and coastline communities; and
9. The Borough of Buena encourages and urges the Atlantic County Executive and Board of County Commissioners to pursue all appropriate action, including but not limited to legal action to prevent the approval and construction of wind turbine projects because of the detrimental impact they would have on Atlantic County municipalities; and
10. The Borough of Buena recognizes and appreciates the efforts already initiated by Congressman Jeff VanDrew and Senator Vince Polistina and Assembly Members Don Guardian and Claire Swift; and
11. The Borough of Buena shall provide copy of this resolution to each elected official at the County, State and Federal level as well as serve a copy upon Governor Phil Murphy, Lt. Governor Tahesha Way, Department of Environmental Protection Commissioner Shawn M. LaTourette, Members of the Board of Public Utilities, the Senate President Nicholas Scutari, and the Assembly Speaker Craig Coughlin.

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**RESOLUTION NO. 107-24**

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON MAY 27, 2024, FROM 8:30 A.M. TO 10:30 A.M. AND DIRECTING THE AMERICAN LEGION POST 270 TO SUBMIT AN APPLICATION TO THE ATLANTIC COUNTY ENGINEER FOR A PERMIT APPROVING SAID TEMPORARY CLOSURE.**

**WHEREAS**, the American Legion Post 270 has scheduled its annual Memorial Day Ceremony; and

**WHEREAS**, the American Legion Post 270 has requested a portion of Central Avenue (CR 627) be closed during the ceremony to minimize the possibility of injury to person or property during the parade; and

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**WHEREAS**, the Franklin Township Police Department has reviewed this request and has recommended that Central Avenue (CR 627), from the intersection of Summer Road (CR 682) and Central Avenue (CR 627), to the American Legion Post 270, 703 Central Avenue, be closed to through traffic during the ceremony for public safety reasons.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that Central Avenue, from the intersection of Summer Road (CR 682) and Central Avenue (CR 627), to the American Legion Post 270, 703 Central Avenue, be temporarily be closed on May 27, 2024, from 8:30 A.M. To 10:30 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.

*Pamela Johnston*

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Pamela Johnston  
Acting Borough Clerk