

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
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**MEETING CALLED TO ORDER:** 7:00 P.M.  
**MEETING ADJOURNED:** 8:17 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 Johnston, Solicitor Tonetta, Administrator Coraluzzo, Road Supervisor Nimohay

The regular meeting of Mayor and Council of the Borough of Buena was held May 28, 2024 commencing at 7:00 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:**

- Thanked those who attended the Memorial Day service held at the American Legion and noted the event was a success.
- Met with NJ DOT via Zoom with Engineer Joe Mohnack and Road Supervisor Nimohay on May 24 regarding drainage issues along Route 40, Central Ave, and Kimberly Lane. A discussion ensued with ideas and possible solutions which the DOT and County engineer agreed to. All parties consented that prior to any new pavement on Rt. 40 all drainage issues would be addressed.
- Mayor and Councilman Giovinazzi toured the Borough to review problematic properties that local residents have brought to Council’s attention. It was noted with guidance of Council, the properties in question are being addressed.
- Mayor Baruffi will hold a luncheon for Borough Council and employees to express his gratitude for their dedication and loyalty to the Borough on June 3 at noon at Borough Hall.

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**RESOLUTION NO. 115-24 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL J. MALINSKY, ESQ, OF THE LA FIRM OF FOX ROTHCHILD LLP FOR REPRESENTATION IN MATTERS RELATED TO MINOTOLA ESTATES MAJOR SUBDIVISION AND FIRST INDEMNITY OF AMERICA INSURANCE COMPANY PURSUANT TO THE TERMS OF THEIR PERFORMANCE BOND**

Solicitor Tonetta gave a brief overview of the resolution noting prior issues with the subdivision and explained that the bond company was notified of the remaining items needing to be addressed.

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

**WHEREAS**, on April 22, 2024, Borough Council adopted Resolution 99-24, amending Resolution 50-14 declaring a default in the completion of the improvements on the Minotola Estates major subdivision and notifying the developer, Einhorn Construction and the bonding company, First Indemnity of America Insurance Company of the Borough’s intent to assert a claim as authorized in said bond, including litigation; and

**WHEREAS**, the Borough’s Land Use Attorney, Michael Malinsky, Esq. of the Law Firm of Fox Rothchild has provided a proposal for the representation of the Borough and Land Use Board at an hourly rate of \$300.00; and

**WHEREAS**, based upon his knowledge and experience in representing the Borough in land use matters and further, based upon his experience in representing municipalities in claims relating to defaults by developers, the Borough Council finds it to be in the best interest of the Borough to retain Michael Malinsky, Esq. of the Law Firm of Fox Rothchild LLP to pursue any and all claims against Einhorn Construction and First Indemnity of America Insurance Company related to the Minotola Estates major subdivision.

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

1. That the Mayor and Clerk are hereby authorized to execute a Professional Services Agreement with Michael J. Malinsky, Esq. of Fox Rothchild LLP for the representation of the Borough of Buena and/or the Buena Borough Land Use Board related to an and all claims Einhorn Construction and First Indemnity of America Insurance Company pursuant to N.J.S.A. 19:44A-20.5
2. That Michael J. Malinsky, Esq. is hereby authorized to pursue any and all claims against and to defend any claims made by Einhorn Construction and/or First Indemnity of America Insurance Company.
3. That this Professional Services Agreement is awarded without competitive bidding in accordance with NJSA 40 A: 11 – 5 (1)(a) of the Local Public Contracts Law because said services to be rendered or performed require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or apprenticeship and training.
4. That the Business Disclosure Entity Certification, the Political Contribution Disclosure Form and the Determination of Value be placed on file with the Resolution.
5. That a notice of this action shall be printed once in the Borough’s Official Newspaper.

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**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; 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

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**PUBLIC PORTION OF THE MEETING:**

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

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

**Dave Armanini, Landisville**, expressed concerns regarding the condition of Summer Road and requested an update regarding repairs. Mayor Baruffi acknowledged Mr. Armanini’s concerns.

**MOTIONED TO CLOSE PUBLIC PORTION:**

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

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**MOTIONED TO OPEN THE PUBLIC HEARING ON:**

**ORDINANCE NO. 753      ORDINANCE ADOPTING THE REVISED ZONE AND CANNABIS MAP  
CONSISTENT WITH THE RECOMMENDATIONS OF THE PINELANDS  
COMMISSION**

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

**DISCUSSION:** None.

**MOTIONED TO CLOSE THE PUBLIC HEARING:**

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

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**ORDINANCE 753 ADOPTED:**

	<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	<b>X</b>				
	ALVAREZ	<b>X</b>				
<b>SECOND:</b> <u>ALVAREZ</u>	ADAMS	<b>X</b>				
	BARSUGLIA	<b>X</b>				
	ANDALORO	<b>X</b>				
	DESTEFANO	<b>X</b>				
<b>RCV</b>						

**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 OPEN THE PUBLIC HEARING ON:**

**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”**

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

**DISCUSSION:** None.

**MOTIONED TO CLOSE THE PUBLIC HEARING:**

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

**ORDINANCE 754 ADOPTED:**

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

**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:12A-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:

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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 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.

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- 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.
- 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.

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6. Duties of the Municipal Review Committee.

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 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



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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.

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.

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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.

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

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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.

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**MOTIONED TO OPEN THE PUBLIC HEARING ON:**

**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>BARSUGLIA</u>	GIOVINAZZI		<b>X</b>			
	ALVAREZ	<b>X</b>				
<b>SECOND:</b> <u>ADAMS</u>	ADAMS	<b>X</b>				
	BARSUGLIA	<b>X</b>				
<b>RCV</b>	ANDALORO		<b>X</b>			
	DESTEFANO	<b>X</b>				

**DISCUSSION:** None.

**MOTIONED TO CLOSE THE PUBLIC HEARING:**

	<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	<b>X</b>				
	ALVAREZ	<b>X</b>				
<b>SECOND:</b> <u>BARSUGLIA</u>	ADAMS	<b>X</b>				
	BARSUGLIA	<b>X</b>				
<b>RCV</b>	ANDALORO	<b>X</b>				
	DESTEFANO	<b>X</b>				

**ORDINANCE 755 ADOPTED:**

	<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		<b>X</b>			
	ALVAREZ	<b>X</b>				
<b>SECOND:</b> <u>BARSUGLIA</u>	ADAMS	<b>X</b>				
	BARSUGLIA	<b>X</b>				
<b>RCV</b>	ANDALORO		<b>X</b>			
	DESTEFANO	<b>X</b>				

**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

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

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

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

**WHEREAS**, on March 28, 2022 Borough Council adopted Ordinance No. 705, Chapter 202 of the Code of the Borough of Buena setting forth certain enabling legislation regarding the issuance of cannabis licenses for the Borough and thereafter Borough Council adopted ordinance No. amending Ordinance 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 OPEN THE PUBLIC HEARING ON:**

**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**

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

**DISCUSSION:** None.

**MOTIONED TO CLOSE THE PUBLIC HEARING:**

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

**ORDINANCE 756 ADOPTED:**

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

**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

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**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;

**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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Solicitor Tonetta recommended Resolution 113-24 be removed from the Consent Agenda due to amending the quantity of cannabis licensing.

**RESOLUTION NO. 113-24                    A RESOLUTION AUTHORIZING THE ACTING CLERK OF THE  
BOROUGH OF BUENA TO ADVERTISE FOR PROPOSALS TO  
BE RECEIVED FOR THE ISSUANCE OF THREE (3) CANNABIS  
CLASS 1 CULTIVATION LICENSES AND FIVE (5) CLASS II  
CANNABIS MANUFACTURER LICENSES IN THE BOROUGH  
OF BUENA**

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	<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	<b>X</b>				
	ALVAREZ	<b>X</b>				
	ADAMS	<b>X</b>				
<b>SECOND:</b> <u>BARSUGLIA</u>	BARSUGLIA	<b>X</b>				
	ANDALORO		<b>X</b>			
	DESTEFANO	<b>X</b>				
<b>RCV</b>						

**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

**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.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Buena that the Acting Clerk is hereby authorized to advertise for Proposals to be received for the issuance of three Cannabis Class I Cultivation Licenses and five Cannabis Class II Cannabis Manufacturing Licenses in the Borough of Buena.

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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 110-24** A RESOLUTION ACCEPTING THE RESIGNATION OF KRISTEN WOLFE EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS
- **RESOLUTION 111-24** APPROVAL TO SUBMIT A GRANT APPLICATION MA-2025-RECONSTRUCTION OF WEST AVENUE AND WE-00035 AND EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
- **RESOLUTION 112-24** A RESOLUTION OF THE BOROUGH OF BUENA AWARDDING A CONTRACT TO AMERICAN DEMOLITION FOR THE DEMOLITION AND ASBESTOS REMOVAL AT 1005B SOUTH CENTRAL AVENUE IN AN AMOUNT NOT TO EXCEED \$43,500.
- **RESOLUTION 114-24** A RESOLUTION AMENDING RESOLUTION 157-23 AUTHORIZING AND DIRECTING THE COUNCIL OF THE BOROUGH OF BUENA TO POST AND FILE A SCHEDULE OF ALL MEETINGS OF THE COUNCIL AS REQUIRED BY THE OPEN PUBLIC MEETINGS ACT OF 1975; AND DESIGNATING CERTAIN NEWSPAPERS TO RECEIVE SAID NOTICES AS REQUIRED UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE YEAR 2024.

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- **BILLS PAID AS LISTED**
- **CLERK’S REPORT  
MINUTES OF THE WORKSHOP AND REGULAR MEETING OF MAY 13, 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	<b>X</b>				
	ALVAREZ	<b>X</b>				
	ADAMS	<b>X</b>				
<b>SECOND:</b> <u>BARSUGLIA</u>	BARSUGLIA	<b>X</b>				
	ANDALORO	<b>X</b>				
	DESTEFANO	<b>X</b>				
<b>RCV</b>						

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**COMMITTEE REPORTS:**

***PLANNING/ZONING/INSPECTIONS***  
**COUNCILMAN RICHARD GIOVINAZZI:**

- Reported that Code Enforcement Officer Hoffman’s court appearances had been rescheduled.
- A notice was sent to the owner of 1305 South Central Avenue stating that the property must be demolished or repaired.
- Met with Mr. Hoffman and Ms. Petrillo; Housing Inspector Trainee to discuss routine plans for annual inspections of rental units.

***FINANCE/TAX COLLECTOR/ASSESSOR***  
**COUNCILMAN JORGE ALVAREZ:**

- Reported that the budget is anticipated to be approved by the State at the end of June.
- Noted over 1600 April tax payments made in the amount of \$1,512,500,000.00.
- Explained that the school budget is going to be late and the tax rate for the county has not been issued.

***PUBLIC SAFETY/STREET LIGHTS***  
**COUNCILMAN DOUGLAS ADAMS:**

- Reported a total of 65 EMS calls for the month of April and a total of 1121 police calls.
- Ice Cream with a Cop will be held at Buena Borough Hall Thursday, June 11 from 5:30 P.M. to 7:30 P.M.
- Buena Borough Fire Department reported a total of 22 calls, 45 to date.
- The Buena Borough Fire Department will be holding an open house recruiting event on Saturday, June 1 from 9 A.M. to 12 P.M. at 255 Wheat Road, Minotola.
- Updated those in attendance that street light outages are being reported and in process and reminded those in attendance to continue to report any outages.

***RECREATION***  
**COUNCILWOMAN MARINA BARSUGLIA:**

- Noted that the yard sale occurred over the weekend and was successful and thanked those who participated.
- Art in the Park will begin on Sunday, June 9 from 1 P.M. to 3 P.M. and on the following dates: July 14, August 4, and September 8. The event is free and for all ages.
- Requested anyone that may witness individuals vandalizing the park to notify the police immediately.

***BLDGS/GROUNDS/IMPROVEMENTS***  
**COUNCILWOMAN PATRCIA ANDALORO:**

Landscaping and maintenance updates were provided on the municipal buildings.



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**ROADS/RECYCLING**

**COUNCILMAN FRANK DESTEFANO:**

- Curbing near Minotola Church and on Central Avenue near the post office in front of the mailbox will be painted.
- Grass had been cut at the Buena Borough Fire Department.
- Potholes are being filled.

**UNFINISHED BUSINESS:**

- Council President Adams reminded those in attendance that on June 3 the RFP application for cannabis cultivation or manufacturing licensing will be available on the Borough’s website and noted that RFPs are due by noon on June 19.
- On June 26 the Cannabis Advisory Committee will receive the RFPs and meet on July 3 and have a recommendation for Mayor and Council for the provisional licenses on the July 15 Council meeting.

**NEW BUSINESS:**

- Council President Adams stated a Municipal Auction is expected occur in August at the Road Department’s garage noting that various items from the fire department and the municipal offices that are not in use and purchased with tax money will be auctioned for sale.
- Councilwoman Barsuglia noted that the Recreation Committee planted 228 milkweed plants throughout the Borough.
- Mayor Baruffi attended the Mayor’s Conference for three days in Atlantic City regarding key issues in municipalities.

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**RESOLUTION NO.116-24 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH ACTING CLERK AND STAFF, BUSINESS ADMINISTRATOR AND STAFF, BOROUGH SOLICITOR AND STAFF AND CHIEF OF EMERGENCY MEDICAL SERVICES CONCERNING PERSONNEL ISSUES INVOLVING A BOROUGH EMPLOYEE AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN**

	<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>	X				
	ALVAREZ	X				
<b>SECOND:</b>	ADAMS	X				
	<u>ANDALORO</u>	X				
	BARSUGLIA	X				
	ANDALORO	X				
<b>RCV</b>	DESTEFANO	X				

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

**WHEREAS**, the Borough Council desires to meet with the Mayor, Borough Acting Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, and Chief of Emergency Medical Services (EMS) concerning personnel matter involving a public employee within the EMS.

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

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1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on May 28, 2024 in the Council Chambers immediately following or during the Regular Session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to personnel matters involving a member of the Emergency Medical Services staff.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, and Chief of Emergency Medical Services shall be made following final employment decisions and determination of said matter excepting information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 10 days, however, any personal confidential information may not be released.

=====

**RESOLUTION NO. 117-24 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE PUBLIC SAFETY DIRECTOR TO EXECUTE AN EMPLOYMENT AGREEMENT AMENDMENT BY AND BETWEEN NATE SAUNDERS AND THE BOROUGH OF BUENA**

	<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	<b>X</b>				
	ALVAREZ	<b>X</b>				
<b>SECOND:</b> <u>ALVAREZ</u>	ADAMS	<b>X</b>				
	BARSUGLIA	<b>X</b>				
	ANDALORO	<b>X</b>				
	DESTEFANO	<b>X</b>				
<b>RCV</b>						

**WHEREAS**, Nate Saunders is employed with the Borough of Buena as a part time Emergency Medical Technician; and

**WHEREAS**, Mr. Saunders has requested the execution of an amendment to his employment agreement so as to allow for certain considerations regarding his health; and

**WHEREAS**, the Chief of Emergency Medical Services has recommended Council favorably consider said amendment and Council finds it to be in the best interest of the EMS and the employee.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Director of Public Safety is authorized to execute an amendment to an employment agreement by and between Nate Saunders and the Borough of Buena.

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**NEXT MEETING: WORKSHOP AND REGULAR MONDAY, JUNE 10, 2024**

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

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**RESOLUTION NO. 110-24**

**A RESOLUTION ACCEPTING THE RESIGNATION OF KRISTEN WOLFE 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 regrettfully accepted effective June 1, 2024.

Kristen Wolfe

-----  
**RESOLUTION NO. 111-24**

**APPROVAL TO SUBMIT A GRANT APPLICATION MA-2025-RECONSTRUCTION OF WEST  
AVENUE AND WE-00035 AND EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY  
DEPARTMENT OF TRANSPORTATION**

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

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

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

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

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

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

**WHEREAS**, the Borough of Buena wishes to apply for to the Municipal Aid Program for a grant for the Reconstruction South West Avenue and West Atlantic Avenue; and

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

**BE IT FURTHER RESOLVED** that the Mayor, Clerk and Borough Engineer are hereby authorized to submit an electronic grant application identified as **MA-2025-Reconstruction of West Avenue and We-00035** to the New Jersey Department of Transportation on behalf of the Borough of Buena.

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

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**RESOLUTION NO. 112-24**

**A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT TO AMERICAN  
DEMOLITION FOR THE DEMOLITION AND ASBESTOS REMOVAL AT 1005B SOUTH  
CENTRAL AVENUE IN AN AMOUNT NOT TO EXCEED \$43,500.**

**WHEREAS**, The Borough of Buena sought bids for the demolition and asbestos removal at 1005B South Central Avenue; and

**WHEREAS**, American Demolition was the lowest bidder; and

**WHEREAS**, William Nimohay, Road Supervisor for the Borough of Buena reviewed the bids received and recommended that Mayor and Council accept the bid of American Demolition.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough and by the Council for the Borough of Buena, County of Atlantic, State of New Jersey that the Mayor and Borough Clerk are authorized to execute an agreement with American Demolition in the amount of \$43,500.

-----  
**RESOLUTION NO. 114-24**

**A RESOLUTION AMENDING RESOLUTION 157-23 AUTHORIZING AND DIRECTING THE  
COUNCIL OF THE BOROUGH OF BUENA TO POST AND FILE A SCHEDULE OF ALL  
MEETINGS OF THE COUNCIL AS REQUIRED BY THE OPEN PUBLIC MEETINGS ACT OF 1975;  
AND DESIGNATING CERTAIN NEWSPAPERS TO RECEIVE SAID NOTICES AS REQUIRED  
UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE YEAR 2024.**

**WHEREAS**, the Open Public Meetings Act of 1975 requires that a schedule of regular meetings of the Council of the Borough of Buena be annually posted and maintained in one public place reserved for public announcements, and requires that the annual notice be filed and maintained by the Clerk of the Borough of Buena; and

**WHEREAS**, the Council of the Borough of Buena adopted Resolution No. 157-23 setting the dates and times of said meetings for 2024; and

**WHEREAS**, the Council of the Borough of Buena wishes to amend Resolution No. 157-23 as follows:

- Workshop Meetings previously scheduled for July 15, 2024 and August 12, 2024 are hereby cancelled
- Workshop Meetings will begin at 6:00 p.m. starting September 16, 2024
- All Regular Meetings will begin at 6:30 p.m. starting September 16, 2024

**WHEREAS**, that Borough of Buena, County of Atlantic and the State of New Jersey hereby designate the dates for its meetings for the remainder of the year as follows:

September 16 workshop  
September 16 regular  
September 30 regular  
October 15 workshop Tuesday  
October 15 Regular Tuesday

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October 28 Regular  
November 12 Workshop Tuesday  
November 12 Regular Tuesday  
November 25 Regular  
December 16 Workshop  
December 16 Regular  
January 2, 2025 Reorganization @ 6:00PM

**WHEREAS,** all meetings will be held at the Buena Borough Municipal Hall, located at 616 Central Ave, Minotola; and

**WHEREAS,** the amended dates to be submitted to The Press of Atlantic City, The Daily Journal, and posted on the Bulletin Board in the Municipal Building; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that Resolution No. 157-23 is hereby amended to reflected the aforementioned changes.

**BE IT FURTHER RESOLVED** the Clerk of the Borough of Buena is hereby authorized and directed to post and maintain posted on the official bulletin board located in the Municipal Building, Borough of Buena, New Jersey, a copy of the attached schedule of regular meetings of the Council of the Borough of Buena for the year 2024 and to file a copy of said notice in the Office of the Borough Clerk.

  
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Pamela Johnston  
Acting Borough Clerk