

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
May 28, 2024
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MEETING CALLED TO ORDER: _____ **P.M.**

MEETING ADJOURNED: _____ **P.M.**

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
GIOVINAZZI		
ALVAREZ		
ADAMS		
BARSUGLIA		
ANDALORO		
DESTEFANO		

SUNSHINE LAW: This meeting is being held on May 28, 2024 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 having been posted on the municipal bulletin board and website at www.buenaboro.org

MAYOR'S REPORT: FIRST ORDER OF BUSINESS.

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:

MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
RCV	ANDALORO					
	DESTEFANO					

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

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MOTION TO CLOSE PUBLIC PORTION:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____ RCV	ADAMS					
	BARSUGLIA					
	ANDALORO					
	DESTEFANO					

NEED MOTION 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: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____ RCV	ADAMS					
	BARSUGLIA					
	ANDALORO					
	DESTEFANO					

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____ RCV	ADAMS					
	BARSUGLIA					
	ANDALORO					
	DESTEFANO					

NEED MOTION TO ADOPT ORDINANCE 753:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____ RCV	ADAMS					
	BARSUGLIA					
	ANDALORO					
	DESTEFANO					

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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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NEED MOTION 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"

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
RCV	ANDALORO					
	DESTEFANO					

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
RCV	ANDALORO					
	DESTEFANO					

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NEED MOTION TO ADOPT ORDINANCE 754:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
	ADAMS					
SECOND: _____	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

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 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.

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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.
- 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 (N.J.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.

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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.

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.

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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 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.

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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.

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.

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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.

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NEED MOTION 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

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
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NEED MOTION TO ADOPT ORDINANCE 755:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
	DESTEFANO					

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

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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NEED MOTION 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**

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

NEED MOTION TO ADOPT ORDINANCE 756:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

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

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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;

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 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

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- **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 113-24** A RESOLUTION AUTHORIZING THE ACTING CLERK OF THE BOROUGH OF BUENA TO ADVERTISE FOR PROPOSALS TO BE RECEIVED FOR THE ISSUANCE OF TWO (2) CANNABIS CLASS 1 CULTIVATION LICENSES AND FOUR (4) CLASS II CANNABIS MANUFACTURER LICENSES IN THE BOROUGH OF BUENA
- **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.
- **BILLS PAID AS LISTED**
- **CLERK’S REPORT**
MINUTES OF THE WORKSHOP AND REGULAR MEETING OF MAY 13, 2024

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

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COMMITTEE REPORTS:

PLANNING/ZONING/INSPECTIONS.....CHAIRMAN, RICHARD GIOVINAZZI,
DOUGLAS ADAMS, JORGE ALVAREZ

FINANCE/TAX COLLECTOR/ASSESSOR.....CHAIRMAN, JORGE ALVAREZ,
MARINA BARSUGLIA, PATRICIA ANDALORO

PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN, DOUGLAS ADAMS,
RICHARD GIOVINAZZI, FRANK DESTEFANO

RECREATION.....CHAIRWOMAN MARINA BARSUGLIA,
PATRICIA ANDALORO, RICHARD GIOVINAZZI

BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRWOMAN, PATRICIA ANDALORO,
DOUGLAS ADAMS, MARINA BARSUGLIA

ROADS/RECYCLING.....CHAIRMAN, FRANK DESTEFANO,
JORGE ALVAREZ, RICHARD GIOVINAZZI

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UNFINISHED BUSINESS

NEW BUSINESS:

NEXT MEETING: WORKSHOP AND REGULAR MEETING JUNE 10, 2024

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

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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 regretfully 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.

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

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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. 113-24

A RESOLUTION AUTHORIZING THE ACTING CLERK OF THE BOROUGH OF BUENA TO ADVERTISE FOR PROPOSALS TO BE RECEIVED FOR THE ISSUANCE OF TWO (2) CANNABIS CLASS 1 CULTIVATION LICENSES AND FOUR (4) CLASS II CANNABIS MANUFACTURER LICENSES IN THE BOROUGH OF BUENA

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 two Cannabis Class 1 Cultivation Licenses and four Cannabis Class II Cannabis Manufacturing Licenses in the Borough of Buena.

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

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- 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
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.