

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 1**

MEETING CALLED TO ORDER: 7:02 **P.M.**
MEETING ADJOURNED: 8:23 **P.M.**

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

| Council Member | Present | Absent |
|----------------|---------|--------|
| MERIGHI | X | |
| ALVAREZ | | X |
| ADAMS | X | |
| BARSUGLIA | X | |
| ANDALORO | X | |
| FABRIZIO | X | |

ALSO IN ATTENDANCE: Solicitor Tonetta, Acting Clerk Pamela Johnston, Road Supervisor Nimohay, Administrator Coraluzzo, Clerk 1 Nicole Koch

The regular meeting of Mayor and Council of the Borough of Buena was held November 13, 2023 commencing at 7:02 p.m. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello 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 18, 2022 as well as being posted on the bulletin board in Borough Hall.

MAYOR’S REPORT: FIRST ORDER OF BUSINESS.

Presentation: Certificate of Appreciation to Pavillion Pizza will be offered for donating pizzas for the Trunk or Treat event. Councilwoman Barsuglia stated she would deliver the certificate since there was no representation for Pavillion Pizza present.

PUBLIC PORTION OF THE MEETING:

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

PUBLIC PORTION OPENED:

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

Patrick Hegarty, Tax Collector for Buena Borough, explained that only four properties owed money from

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 2**

2022 noting that the tax sale would occur on November 30, 2023.

Cheryl Lynn Walters, Nehmad, Davis, & Goldstein, P.C., counsel representing Taste of Earth, asked questions regarding cannabis RFPS and Solicitor Tonetta explained that the Cannabis Committee received three RFPS and will make a recommendation upon their review.

Jesus Motta, Arbor Avenue, explained that he had attended a meeting in August to discuss concerns regarding 110 East Arbor Avenue noting that the individual residing at the property is not listed on the deed after doing some research.

PUBLIC PORTION CLOSED:

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

=====

RESOLUTION NO. 160-23

A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, ADMINISTRATOR, ACTING BOROUGH CLERK AND STAFF, AND BOROUGH SOLICITOR CONCERNING CONTRACT NEGOTIATIONS BETWEEN THE BOROUGH OF BUENA AND THE MINOTOLA FIRE COMPANY, AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN

MOTIONEDE TO OPEN THE CLOSED HEARING:

| Council Member | By | 2nd | Aye | Nay | Abstain | Absent | Recuse |
|----------------|----|-----|-----|-----|---------|--------|--------|
| MERIGHI | X | | X | | | | |
| ALVAREZ | | | | | | X | |
| ADAMS | | | X | | | | |
| BARSUGLIA | | X | X | | | | |
| ANDALORO | | | X | | | | |
| FABRIZIO | | | 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 contract negotiations and deliberations; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Borough Solicitor, concerning contract negotiations and deliberations.

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

1.

The public shall be excluded from a meeting of the Council of the Borough of Buena, on November 13, 2023 in the Council Chambers during a recess of the special meeting of Borough Council.
2.

The general nature of the subject matter of the closed meeting shall pertain to contract negotiations and deliberations as set forth hereinabove.
3.

Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 3**

Mayor, Acting Borough Clerk and staff, Borough Solicitor shall be made public following a final decision 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 180 days, however, any personal confidential information may not be released.

MOTIONED TO CLOSE THE PUBLIC HEARING:

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

MOTIONED TO OPEN THE PUBLIC HEARING ON:

**ORDINANCE NO. 737 AN ORDINANCE AMENDING ORDINANCE NO. 22, CHAPTER 18 OF
THE CODE OF THE BOROUGH OF BUENA ENTITLED FIRE
COMPANIES**

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

DISCUSSION: NONE.

**MOTIONED TO CLOSE THE PUBLIC HEARING AND CARRY TO THE MEETING OF NOVEMBER
27, 2023:**

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

WHEREAS, on February 26, 1961, the Borough Council adopted Ordinance 22 an Ordinance establishing two separate Boards of Commissioners, and two separate fire districts in accordance with N.J.S.A. 40A:14-70, known as Fire District Number 1 and Fire District Number 2; and

WHEREAS, Borough Council considered an Ordinance to dissolve Fire District Number 2 and after approval of the dissolution by the Department of Community Affairs, Local Finance board on July 14, 2021, Council thereafter adopted an Ordinance dissolving Fire District Number 2; and

WHEREAS, the Borough Council received and considered a petition to dissolve all fire districts and commissioners so as to allow the Borough Council act as and for the supervision of all fire suppression and prevention services within the Borough and after approval of the dissolution by the Local Finance Board

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 4**

Borough Council considered the cost savings to the taxpayers in dissolving the fire district and Commissioners and adopted an Ordinance dissolving the last fire district in accordance with N.J.S.A. 40A:14-68; and

WHEREAS, as the Borough Council shall now take over the duties and obligations previously held by the Fire Commissioners, it is necessary to consider the amendment of Ordinance 22, Chapter 18 of the Code of the Borough of Buena to reflect the dissolution of the fire districts and commissioners and establish the Fire Department under the Borough of Buena.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 22, Chapter 18 of the Code of the Borough of Buena entitled Fire companies be deleted in its entirety and replaced as follows:

Chapter 18. Fire Department

Article I. Fire Suppression/ Prevention Services

Section 18-1 ESTABLISHMENT AND FUNDING

- A. The Council of the Borough of Buena shall supervise and control all fire suppression and prevention services within the Borough of Buena and recognizes the Minotola Volunteer Fire Company (MFC) as and for its sole fire suppression and prevention company with no other firefighting organization to be formed within the Borough without the consent of the Borough Council.
- B. The Borough Council shall appropriate such sums of money as shall be deemed necessary to aid MFC in performing its duty on behalf of the Borough.

Section 18-2 FIRE CHIEF

- A. There shall be a Fire chief elected by the membership of the MFC that are eligible to vote pursuant to the by-laws of the MFC. The Fire Chief shall serve for a one (1) year term
- B. The Fire Chief shall have all of the following qualifications in order to serve:
 - 1. Must be an active firefighter in the MFC for at least 3 consecutive years. The Chief presently serving in the office for year 2023 shall not be subject to this requirement.
 - 2. Must be in good standing at the time of nomination
 - 3. Must have the ability to read, write and speak the English Language
 - 4. Must have a valid New Jersey Drivers License during the entire term of service as Chief
 - 5. Must have New Jersey Division of Fire Safety Fire Officers Requirements
 - a. I-100, I-200, I-300, IS-700 and IS-800
 - b. Incident Management Level 1 and 2 Certificates issued by the State of New Jersey Division of Fire Safety
 - c. Compliance with current State of New Jersey Officer Qualifications.

Section 18-2 LINE OFFICERS

- A. There shall be one (1) Deputy Chief; One (1) Assistant Chief, not more than three (3) Captains as determined by the Borough Council upon recommendation of Fire Chief and not more than three (3) Lieutenants as determined by the Borough Council upon recommendation of Fire Chief.
- B. The Deputy Chief, and Assistant Chief shall have all of the following qualifications in order to serve:
 - 6. Must be an active firefighter in the MFC for at least ~~5~~ 3 consecutive years. ~~The Deputy Chief and Assistant Chief presently serving in the office for year 2023 shall not be subject to this requirement.~~
 - 1.
 - 2. Must be in good standing at the time of nomination

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 5**

3. Must have the ability to read, write and speak the English Language
4. Must have a valid New Jersey Drivers License during the entire term of service as Chief
5. Must have New Jersey Division of Fire Safety Fire Officers Requirements
 - a. I-100 and I-200, IS-700 and IS-800
 - b. Incident Management Level 1 Certificates issued by the State of New Jersey Division of Fire Safety
 - c. Compliance with current State of New Jersey Officer Qualifications.

C. The Captains and Lieutenants shall have all of the following qualifications in order to serve:

1. Must be an active firefighter in the MFC for at least 3 consecutive years.
2. Must be in good standing at the time of nomination
3. Must have the ability to read, write and speak the English Language
4. Must have a valid New Jersey Drivers License during the entire term of service as Chief
5. Must have New Jersey Division of Fire Safety Fire Officers Requirements
 - a. I-100, I-200 and IS-700
 - b. Compliance with current State of New Jersey Officer Qualifications.

Section 18-3 MEMBERSHIP AND JUNIOR MEMBERSHIP

- A. Membership applications shall be open to all persons, and no person shall be discriminated against including race or gender, who shall have acquired I-100 and IS-700 qualifications. All applications shall be reviewed by the MFC trustees and recommendations to accept or reject a candidate shall be made to Borough Council within 30 days of receipt of applications. Borough Council shall finally approve or disapprove all members to MFC. All potential members shall undergo background investigations and physical evaluations. No person shall be approved as a member should there be a criminal conviction on their record or physically unable to perform the duties of firefighter. Only 5 new members shall be accepted in any calendar year unless the Chief recommends a greater number based upon the number of members existing and the needs of the Borough.
- B. On a yearly basis all members shall be evaluated in March by the MFC trustees to determine if a member has maintained an activity level of 20 LOSAP points for two consecutive years and to confirm that no member has been convicted of any criminal activity.
- C. There shall be established the Junior Fireperson's Auxiliary per N.J.S.A. 40A:14-95. Qualifications and eligibility for said membership shall be in accordance with N.J.S.A. 40A:14-96
- D. Exempt Members. Any MFC member who holds a Borough issued exempt certificate or a qualifying certificate issued by the New Jersey State Firemen's Association shall be entitled to be an exempt member of the MFC. Exempt members shall have all of the rights and privileges of active membership.
- E. Honorary Members. Upon a vote of 2/3 of the membership, a MFC member may be granted an honorary membership who is an exempt member and who holds a qualifying certificate or who has been a member of the MFC for 20 years or more. Honorary Members shall not be required to comply with fire duty attendance requirements, except such member shall not qualify for LOSAP unless he/she has met the LOSAP point requirements as set forth herein.

Section 18-4 APPROVAL OF BY-LAWS

It is recognized that the membership of the MFC are also considered quasi-employees of the Borough of Buena when acting in their capacity as firefighters and therefore, the By-Laws of MFC shall be submitted for the approval of Borough council and review by the Borough Solicitor and Insurance Carrier. Any amendments shall be submitted to Borough Council for review and approval.

Section 18-5 OWNERSHIP OF BUILDINGS AND EQUIPMENT

- A. Building Ownership and Use. The land and improvements within which the MFC operates is and shall remain the property of the Borough of Buena. The Borough shall maintain

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 6**

insurance thereon including liability and property damage coverage as provided through the Borough insurance carrier. Notwithstanding said ownership, no person shall be permitted in any area of the building not otherwise open to the public without first notifying the Chief and without being accompanied by or having special permission by the Chief or his representative. The Borough may utilize other portions of the building for public purposes provided it does not substantially interfere with proper firefighting services. No use of the building or grounds shall be permitted for private purposes without express consent of the Public Safety Director and Borough Council and only upon notification to the Borough's insurance carrier.

- B. Firefighting Equipment, Clothing and Apparatus. All firefighting equipment, clothing, apparatus purchased by the Borough, or the predecessor Fire Commissioners shall remain the property of the Borough of Buena. Except as may be authorized by Borough Council, no person shall use any fire equipment or apparatus for any private purpose. No person shall willfully and without authority take away or conceal any asset specified herein.

No fire apparatus of the Borough shall be permitted to leave the Borough of Buena without the consent of the Chief and Borough Public Safety Director except in response to a call for in a neighboring community or official business relating to firematic services, including training. No apparatus is to leave the Borough on official business except in response to a fire call without the consent of the Chief and Public Safety Director, but in no event shall any equipment be permitted outside of the Borough if, in the judgment of the Chief, in doing so would jeopardize the protection of the Borough and its residents.

The use of fire equipment and apparatus for Borough sponsored events, such
Parades or public relations events is permitted provided it is first approved
by the Chief and Public Safety Director and the Borough's insurance carrier.

- C. Location and Storage of Fire Equipment and Apparatus. Except for gear assigned to each firefighter, all Borough equipment and apparatus shall be safely and conveniently housed by the MFC at the Minotola Fire Station, or such other building as approved by Borough Council and the Fire Chief.
- D. The Borough has several "Command Vehicles" which are used solely by the Chief and such Line Officers assigned to said vehicle by the Chief. Command Vehicles are vehicles used solely for the purposes of transportation and are permitted to be taken by the Chief and Line Officers to their home and other locations to allow for immediate response to fire calls, however the Command Vehicles shall not be used for personal use. Command Vehicles may also contain such equipment as is necessary for proper operation of the MFC.

Section 18-6 DUTIES AND RESPONSIBILITIES OF OFFICERS

- A. **Chief of Department.** In addition to all of the duties and responsibilities of all members of the MFC, the Chief shall:
1. Timely review and submit all NFIRS Reports as required by the State of New Jersey
 2. Develop a schedule of the testing and certification of the following:
 - a. SCBA Training (January)
 - b. RTR Training (January)
 - c. Cascade Training (January)
 - d. Fit-testing (January)
 - e. Blue Light Awareness refresher (January)
 - f. Emergency Action Plan (EAP) review/awareness (January)
 - g. Bloodborne Pathogens/HazMat Awareness (February)
 - h. SOG/SOP Review (March)
 - i. Ladder Testing
 - j. Hose Testing
 - k. Pump Testing
 - l. SCBA Air Testing
 - m. SCBA Equipment Testing Hydro-Static Testing for SCBA (as required)
 - n. Apparatus Maintenance (as required)
 - o. Monthly Drill Schedule
 - p. Aerial Testing
 - q. CPR Training/Certification (as required)

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 7**

- r. CPR Training/Certification (as required)
- s. Turn-out gear Inspection (as required)
- t. Turn-out gear Cleaning/Maintenance (as required)
- u. Any other required testing/certifications of any new equipment purchased.

Scheduling of testing and certifications set forth herein above may be modified subject to scheduling and availability in the discretion of the Chief provided said scheduling does not impact the proper operation of the MFC and its members.

- 3. The Chief shall submit the Schedule of testing and certification to the Director of Public Safety for submission to Borough Council
- 4. The Chief shall have general supervision of the MFC at all times, including but not limited to responding to an alarm at drills and at such other times when the MFC membership is assembled. The Chief shall always take prompt and efficient measures to control the fire scene and shall have full power and control and command over all apparatus and members of the MFC and all fire, rescue. In the absence of the Chief, the command shall devolve as per the by-laws of the MFC.
- 5. The Chief shall keep and maintain all records as to attendance at all alarms and drills for each member. The Chief shall also be responsible to certify LOSAP points for all members to the Borough for qualification for LOSAP
- 6. The Chief shall provide monthly reports on the second Monday of each month during the regular meeting of Borough Council of all matters regarding the maintenance and operation of MFC as well as all reports of alarms and attendance to calls. Written reports shall be submitted to the Director of Public Safety prior thereto.
- 7. The Chief shall provide an annual report with recommendations, if any, for the improvement of the effectiveness of the MFC.
- 8. The Chief shall transmit to the Borough Council and Chief Financial Officer on or before November 1 of each year a proposed annual budget in the form as presented by the CFO.

B. **Deputy Chief and Assistant Chief.** The Deputy Chief and Assistant Chief are directly responsible to the Chief and shall have general supervision at all fire calls, alarms, hazardous material emergencies and fire drills in the absence of the Chief.

C. **Captains and Lieutenants.** The Captains and Lieutenants shall be directly responsible to the Chief and shall have general supervision at all fire calls, alarms, hazardous material emergencies and fire drills. Captains and Lieutenants shall have such other duties as required in the MFC by-laws.

Section 18-7 LENGTH OF SERVICE AWARD PROGRAM (LOSAP)

A. **Program Established.** Whereas, the Commissioners of Fire District No 1 and No 2, now dissolved, have adopted Resolutions creating the Length of Service Award Program (LOSAP) to provide tax deferred income benefits from the Borough to active volunteer members of the existing fire companies within the Borough and have created a points system that reflects the range of volunteer services that may be provided to the MFC and Landisville Fire Company members. Upon the dissolution of Fire District No. 1 and its Commissioners, evaluation and redistribution of annual LOSAP qualification points was assigned to Fire District No. 2. The following sets forth the established criteria which shall be adopted as follows:

B. **Criteria.** The LOSAP shall provide for annual contributions to each eligible member who meets the criteria as follows:

- (1) Eighty (80) points are required for a member to be eligible for an annual contribution.
- (2) Five (5) years of service are required for vesting.

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 8**

(3) The annual contribution per member shall be \$1,504.74.

C. **Categories, Distribution and Assignment of Annual Qualification Points.** The Commissioners of Fire District No.2 adopted Resolution 2020-016 setting forth the categories, distribution and assignment of LOSAP annual qualification points. The following sets forth the established criteria which shall be adopted as follows.

- (1) **Incidents.** One and one half (1.5) points shall be awarded for each fire call member response between the hours of 0700hrs-2259hrs and two and one half (2.5) points shall be awarded for each fire call member response between the hours of 2300hrs-0659 hrs No Max.
- (2) **Drills.** Two points shall be awarded for each drill attended. No Max
- (3) **Training.** One point shall be awarded for the first hour of training and on quarter (.25) points foreach additional one-half hour attended 30 point max.
- (4) **Meetings.** One point for each meeting attended 10-point max.
- (5) **Special Assignments.** One point for the first hour of the special assignment and one quarter (.25) points for each additional one-half hour attended 10 points max
- (6) **Any person completing Firefighter II after January 1, 2021** shall be eligible to receive eighty (80) points upon successful completion of the course and receipt of State Certification. Said points shall be awarded once in the year attaining such certification.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are and the same are hereby repealed.

MOTIONED TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 738 AN ORDINANCE AMENDING ORDINANCE NO. 692, ARTICLE XIV, CHAPTER 35, SECTION 35-43 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED DIRECTOR OF PUBLIC SAFETY, POWERS AND DUTIES

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

DISCUSSION: NONE.

MOTIONED TO CLOSE THE PUBLIC HEARING:

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

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 9**

ORDINANCE 738 ADOPTED:

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

WHEREAS, on January 19, 2021, the Borough Council adopted Ordinance 692 an Ordinance establishing and setting forth the appointment and powers and duties of the office of Public Safety Director which included general supervision of any fire districts within the Borough; and

WHEREAS, Borough Council has since dissolved all fire districts within the Borough and has taken over the general supervision of fire suppression and prevention services.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 692, Article XIV, Chapter 35 Section 35-43 of the Code of the Borough of Buena entitled Director of Public Safety, Powers and Duties be deleted in its entirety and replaced as follows:

Section 35-43 Powers and Duties

The Director of Public Safety shall be assigned general supervisory authority of the Department of Emergency Medical Services of the Borough (EMS) Office of Emergency Management (OEM), Animal Control and of the Fire Department and Fire Company (Minotola Volunteer Fire Company, MFC) authorized to provide fire suppression/ prevention and firematic services for the Borough and its residents. Powers and duties shall include the following:

- (1) The Director shall report to Borough Council on any matter regarding the EMS, OEM, Animal Control and MFC.
- (2) The Director, with the advice of the Chief of the Fire Company and EMS, shall prepare, modify and present to the Borough Council for its approval, a manual or set of rules and regulations for the administration, control and discipline of the officers and members of the Fire Department and EMS.
- (3) The Director shall serve as Hearings Officer for any appeal from a disciplinary determination made by the Chief, Assistant Chief, President or Officer in charge of all departments over which he/she has general supervisory control and, except to the extent of compliance with Civil Service Rules and Regulations, Title 11, New Jersey Civil Service, the decision of the Director shall be final.
- (4) The Director shall review and approve standard operating procedures (SOP's) guidelines and general orders proposed by the Fire Chief, OEM and EMS Chief.
- (5) The Director, with the assistance of the Chief of EMS, OEM and MFC shall prepare the budget to be presented to Borough Council.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are and the same are hereby repealed.

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.

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 10**

MOTIONED TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 739 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AMENDING ORDINANCE 705, AS AMENDED, CHAPER 202 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED CANNABIS

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

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 705 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 II Cannabis Manufacturer licenses from one (1) to four (4) licenses and Class I Cannabis Cultivation from two (2) to (4) four.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 705, 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 four Class I Cannabis Cultivator Licenses; not more than four 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

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 11**

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.

MOTIONED TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 740 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AMENDING ORDINANCE 705, AS AMENDED CHAPTER 202 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED CANNABIS

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

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 705 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 members of the Cannabis Advisory Committee to remove the Borough Engineer as a member and replace that position with the Zoning Officer or his/her designee and further to set forth the process for the appointment of the one Business Owner member of the Committee.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 705, Chapter 202 of the Code of the Borough of Buena be and is hereby amended as follows:

Section 202.12 Definitions shall be amended with the following definition:

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 12**

Cannabis Advisory Committee (CAC) shall mean a committee created for the purpose of reviewing and grading all applicants and proposals for the receipt of any cannabis business within the Borough and consisting of the following;

- a. Mayor or Designee
- b. Two members of the governing body appointed by the governing body.
- c. Borough Zoning Officer
- d. Business Administrator
- e. Director of Public Safety
- f. One Business Owner operating a business and residing within the Borough to be chosen by a majority of members of the CAC after review of pertinent information including type of business and curriculum vitae of person interested in serving. Service shall be for a period of one (1) year from appointment or until reappointed or replaced.

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.

=====

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 NO. 157-23 A RESOLUTION 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.
- RESOLUTION NO. 158-23 A RESOLUTION ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF VARIOUS PROFESSIONAL SERVICE AGREEMENTS.
- RESOLUTION NO. 159-23 A RESOLUTION AUTHORIZING THE APPOINTMENT OF NICOLE KOCH AS DEPUTY REGISTRAR
- RESOLUTION NO. 161- 23 RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES
- RESOLUTION NO. 162-23 A RESOLUTION OF THE BOROUGH OF BUENA PLACING LIENS ON PROPERTY FOR FAILURE TO MAINTAIN PROPERTY IN ACCORDANCE WITH ORDINANCE 642
- RESOLUTION NO. 163-23 A RESOLUTION ACCEPTING THE RESIGNATION OF FRANK DESTEFANO AS ALTERNATE II MEMBER OF THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY, EFFECTIVE DECEMBER 31, 2023
- RESOLUTION NO. 164-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AWARDING A PROFESSIONAL SERVICES CONTRACT TO DEBLASIO & ASSOCIATES, FOR FY22 & FY23 NJ DOT MUNICIPAL AID RECONSTRUCTION OF E. FLOWER ST. & S. BOULEVARD SET IN AN AMOUNT NOT TO EXCEED \$12,000.00
- BILLS PAID AS LISTED

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 13**

- **CLERK’S REPORT**
MINUTES OF THE REGULAR MEETING OF OCTOBER 23, 2023

MOTIONED TO APPROVE THE CONSENT AGENDA:

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

=====

SOLICITOR’S REPORT:
RICHARD TONETTA, BOROUGH SOLICITOR

ENGINEER’S REPORT:
MARC DEBLASIO, P.E., P.P., C.M.E.
BOROUGH ENGINEER

Grant Applications

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

Capital Projects

1. FY2022 and FY2023 NJDOT Municipal Aid - Reconstruction of E. Flower Street and South Boulevard
 - The Borough has been notified by the NJDOT that \$285,000.00 in FY2022 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - The Borough has been notified by the NJDOT that \$261,640.00 in FY2023 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - Due to the fact that the project costs exceed the combined grant amounts and there appears to be a potential sanitary sewer pipe collapse on E. Summer Road, the Borough has decided to proceed with just South Boulevard and E. Flower Street.
 - The bid opening occurred on August 1, 2023 and the apparent low bidder was Asphalt Paving Systems, Inc. in the amount of \$528,395.00.
 - The bids exceeded the Engineer’s Estimate and were rejected. The project will be advertised for re-bid.
 - The project was rebid and the bid opening occurred on October 4, 2023. The apparent low bidder was Arawak Paving Company, Inc. in the amount of \$383,000.00.

2. CDBG ADA Building Improvements

Our office has requested a revised proposal from OSK Architects. Our office will send an updated proposal upon receipt.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

NEXT MEETING: REGULAR COUNCIL MEETING NOVEMBER 27TH AND A SPECIAL MEETING NOVEMBER 29TH

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

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
NOVEMBER 13, 2023
PAGE 14**

Pamela Johnston
Acting Borough Clerk