

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 NOVEMBER 22, 2021
 AGENDA
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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
WALKER		
D'ALESSANDRO		
BAKER		
MANCUSO		
ALVAREZ		

SUNSHINE LAW: This meeting is being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided, via email, to The Press of Atlantic City and The Daily Journal on December 1, 2020 as well as having been posted on the municipal bulletin board and website at www.buenaboro.org

MAYOR'S REPORT: FIRST ORDER OF BUSINESS.

PUBLIC PORTION OF THE MEETING:

MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER							
D'ALESSANDRO							
BAKER							
MANCUSO							
ALVAREZ							

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

MOTION TO CLOSE PUBLIC PORTION:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER							
D'ALESSANDRO							
BAKER							
MANCUSO							
ALVAREZ							

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RESOLUTION NO. 97-21 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF PAUL WILLIAMS JR. AS EMERGENCY MEDICAL TECHNICIAN FOR THE BOROUGH OF BUENA, WITH REGRETS.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER							
D'ALESSANDRO							
BAKER							
MANCUSO							
ALVAREZ							

WHEREAS, Paul Williams Jr has served the Borough of Buena in the capacity of Emergency Medical Technician; and

WHEREAS, during his tenure, Paul Williams Jr has provided effective and compassionate representation to the Borough while serving as Emergency Medical Technician; and

WHEREAS, Paul Williams Jr has resigned his position, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the resignation of Paul Williams Jr be regretfully accepted effective immediately.

RESOLUTION NO. 98-21 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 2022.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER							
D'ALESSANDRO							
BAKER							
MANCUSO							
ALVAREZ							

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, Section III of the Open Public Meetings Act of 1975 requires certain notices of meetings to be submitted to at least two newspapers, one of which shall be the official newspaper, and the second a newspaper which has the greatest likelihood of informing the citizens of the Borough of Buena; and

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WHEREAS, the Open Public Meetings Act of 1975 requires that notice of any meetings of the Borough of Buena not provided for in the annual schedule must be (1) posted in at least one public place reserved for public announcements; (2) mailed, telephoned, telegraphed or hand delivered to at least two newspapers designated by the public body; and (3) filed with the Clerk of the municipality.

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

1. 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 2020 and to file a copy of said notice in the Office of the Borough Clerk.

2. Written notice of the date, time, place and agenda of any special meeting, rescheduling meeting, hearing or any other meeting of the Borough Council not provided for in the attached schedule as required by the Open Public Meeting Act of 1975, shall be posted by the Borough of Buena on the official bulletin board and filed; and maintained in the Office of the Borough Clerk.

3. The Atlantic County Record is hereby designated as the official newspaper of the Borough of Buena and said newspaper, together with the Press and Daily Journal are hereby designated to receive all notices of meetings required under the Open Meetings Act of 1975. The Clerk of the Borough of Buena is hereby authorized and directed to mail the attached schedule to the offices of the Atlantic County Record, the Press and the Daily Journal and to provide notices of all other meetings of the Borough of Buena to said newspapers in accordance with the provisions of the Open Meetings Act.

4. It is the opinion of this body that the Atlantic County Record, the Press and the Daily Journal have the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

THE REGULAR AND REGULAR MEETINGS OF THE COUNCIL OF THE BOROUGH OF BUENA SHALL BE HELD ON THE FOLLOWING DATES AT 7:00 P.M., AT THE BOROUGH HALL, CENTRAL AVENUE, MINOTOLA, NEW JERSEY, OR REMOTELY, EXCEPT FOR THE REORGANIZATIONAL MEETING WHICH WILL BE HELD AT 6:00 P.M. AT THE BOROUGH HALL, CENTRAL AVENUE, MINOTOLA, NEW JERSEY, OR REMOTELY.

MEETING	DATE	TIME
Council -Regular	January 18, 2022 (Tuesday)	7:00 P.M.
Council -Regular	February 14, 2022	7:00 P.M.
Council -Regular	February 28, 2022	7:00 P.M.
Council -Regular	March 14, 2022	7:00 P.M.
Council -Regular	March 28, 2022	7:00 P.M.
Council -Regular	April 11, 2022	7:00 P.M.
Council -Regular	April 25, 2022	7:00 P.M.

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Council -Regular	May 9, 2022	7:00 P.M.
Council -Regular	May 23, 2022	7:00 P.M.
Council -Regular	June 13, 2022	7:00 P.M.
Council -Regular	June 27, 2022	7:00 P.M.
Council -Regular	July 11, 2022	7:00 P.M.
Council -Regular	August 8, 2022	7:00 P.M.
Council -Regular	September 12, 2022	7:00 P.M.
Council -Regular	September 26, 2022	7:00 P.M.
Council -Regular	October 11, 2022 (Tuesday)	7:00 P.M.
Council -Regular	October 24, 2022	7:00 P.M.
Council -Regular	November 14, 2022	7:00 P.M.
Council -Regular	November 28, 2022	7:00 P.M.
Council -Regular	December 12, 2022	7:00 P.M.
Reorganization	January 2, 2023	6:00 P.M.

RESOLUTION 99-21 A RESOLUTION AUTHORIZING THE CFO TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$866.74 TO CENTURY SAVINGS BANK.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER							
D'ALESSANDRO							
BAKER							
MANCUSO							
ALVAREZ							

WHEREAS, Century Savings Bank erroneously remitted a duplicate property tax payment in the amount of \$866.74 to the Borough of Buena for payment of property taxes on Block 191, Lot 17; and

WHEREAS, Century Savings Bank has requested the duplicate payment be refunded.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Chief Financial Officer is hereby authorized to refund the amount of \$866.74 to:

Century Savings Bank
1376 W. Sherman Avenue
Vineland, NJ 08360

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WHEREAS, the Constitution of the United States of America is the supreme law of our nation, and

WHEREAS, the Second Amendment to the Constitution states, “A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”

WHEREAS, the U.S. Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed that the Second Amendment right to keep and bear arms is not connected in any way to the service of the militia; and

WHEREAS, the U.S. Supreme court in United States v. Miller, 307 U.S. 174 (1939) stated firearms that are part of ordinary military use (Weapons of common use) that can contribute to the common defense and are protected by the Second Amendment; and

WHEREAS, Certain legislation introduced into the state of New Jersey's legislature could have the effect of infringing on law abiding citizens right to keep and bear arms, as guaranteed by the Second amendment of the United States. And

WHEREAS, Section 1 of the fourteenth amendment states, no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life liberty, or property, without due process of the law. Nor deny any person within its jurisdiction equal protection under the law. And

WHEREAS, New Jersey's Gun Control Law is highly purposed and conscientiously designed toward preventing criminal and other unfit elements from acquiring firearms while enabling the fit elements of society to obtain them with minimal burdens and inconveniences.” [Burton v Sills 53 N.J. 86 (1968) 248 A.2d 521 at 105.and

WHEREAS, A law abiding citizen of the State of New Jersey who possess a N.J. Firearms Purchaser Identification card has met the burden of proof to be a law-abiding citizen and is immune from further legislation and laws that violate the constitution of the United States of America.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena, State of New Jersey, as follows:
The Mayor and Council declares Buena Borough to be a 2nd Amendment/ Lawful Gun Owner Borough as defined herein:

a. The Borough of Buena supports the rights of lawful gun owners to lawfully use firearms; to defend themselves, their loved ones and other innocents; to lawfully hunt to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic sports.

b. The Borough of Buena opposes further interference through state legislation or abridging of, the rights of lawful gun owners.

c. The Borough Mayor and Council of Buena Borough, hereby declare its intent to oppose unconstitutional restrictions of the right to keep and bear arms through such legal

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WHEREAS, the Borough Council of the Borough of Buena acknowledges the need for Professional Services to be provided to the Borough of Buena; and

WHEREAS, the Borough Council of the Borough of Buena has adopted Ordinance No.543, an Ordinance Restricting and Controlling the Award of Professional Service Agreements in the Borough of Buena which prohibits the award of a Professional Service Agreement where such professional has made a political contribution to a city elected official; and

WHEREAS, N.J.S.A. 19:44A-20.4 requires municipalities to adopt fair and open procedures for awarding professional service agreements which are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council of the Borough of Buena believes it is in the best interest of the Borough of Buena to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Buena; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

WHEREAS, the Borough Council of the Borough of Buena has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining the services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the Borough Council and then published in accordance with N.J.S.A. 40A:11-5.

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

- 1) All appointments for Professional Services contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
- 2) The Borough Clerk shall cause all legal notices to be published on the website for the Borough of Buena stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualification, will be posted at Borough Hall beginning no later than November 24, 2021
- 3) The criteria for each position contained on Schedule A follows immediately subsequent to the Listing on Schedule A. The criteria shall be disclosed, together with the posting of the listed positions at Borough Hall.

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- 4) The website posting shall inform potential applicants that all submissions must be made to the Borough Clerk and received no later than 12:00 noon, December 14, 2021.
- 5) Commencing 12:01 p.m. on December 14, 2021, or as soon thereafter as may be available, the Borough Clerk of the Borough of Buena or her designee shall publicly open and announce all submissions in the Borough Council Chambers at Buena Borough Hall.
- 6) The appropriate department heads and the representatives from the appropriate boards shall thereafter review all submissions and report to the Mayor with recommendations.
- 7) Appointments shall thereafter be made at a public meeting of the Borough Council at a future meeting.
- 8) Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that those positions included on Schedule A are those positions which the Borough of Buena Council reasonably believes shall be subject to appointment for the year 2021. However, all such appointments are subject to the availability of funds and the continuing needs of the Borough of Buena. Accordingly, inclusion of a position on Schedule A is not a representation or warranty that such position will be filled, but that if filled, it will be subject to the terms and conditions contained herein.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Buena has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 1

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT.....**CHAIRMAN, JOSEPH MANCUSO**
MATTHEW WALKER, JORGE ALVAREZ

ROADS/RECYCLING.....**CHAIRMAN, MATTHEW WALKER**
JORGE ALVAREZ,

RECREATION**CHAIRWOMAN, ROSALIE M. BAKER,**
JOSEPH D'ALESSANDRO, MATTHEW WALKER

FINANCE.....**CHAIRMAN, JORGE ALVAREZ,**
JOSEPH D'ALESSANDRO, MATTHEW WALKER

PUBLIC SAFETY/STREET LIGHTS.....**CHAIRMAN, JOSEPH D'ALESSANDRO,**
JOSEPH MANCUSO,

BLDGS/GROUNDS/IMPROVEMENTS.....**CHAIRMAN,**
JOSEPH MANCUSO, ROSALIE M. BAKER

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UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER							
D'ALESSANDRO							
BAKER							
MANCUSO							
ALVAREZ							

NEXT MEETING: DECEMBER 13, 2021

MEETING ADJOURNED: M _____ S _____ All in favor? Any opposed?