

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 MINUTES
 NOVEMBER 30, 2022
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MEETING CALLED TO ORDER: 6:05 P.M.
MEETING ADJOURNED: 6:45 P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
ANDALORO, G	X	
ALVAREZ	X	
ANDALORO, P	X	
D'ALESSANDRO		X
ADAMS	X	

ALSO PRESENT: Administrator Coraluzzo and Road Supervisor Nimohay

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD WEDNESDAY, NOVEMBER 30, 2022 COMMENCING AT 6:05 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 DECEMBER 6, 2021 AS WELL AS BEING POSTED ON THE BULLETIN BOARD IN BOROUGH HALL

MAYOR'S REPORT: FIRST ORDER OF BUSINESS.

OATH OF OFFICE:

JOSEPH FABRIZIO- FILLING THE UNEXPIRED TERM- NOVEMBER 30, 2022 - DECEMBER 31, 2023

Atlantic County Clerk Joseph Giraolo administered the Oath of Office to Councilman elect Joseph Fabrizio who took his respective seat on Council.

RESOLUTION 134-22 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF JOSEPH D'ALESSANDRO, III FROM THE POSITION OF BOROUGH COUNCIL OF THE BOROUGH OF BUENA.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ	X		X				
ANDALORO, P			X				
FABRIZIO			X				
ADAMS			X				

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WHEREAS, Joseph D'Alessandro, III has served the Borough of Buena for more than three-years as a council member; and

WHEREAS, Joseph D'Alessandro, III has served the Borough of Buena in an exemplary manner; and

WHEREAS, Joseph D'Alessandro, III has decided to resign effective November 22, 2022; and

WHEREAS, the Mayor and Council of the Borough of Buena would like to extend their gratitude to Joseph D'Alessandro, III for his years of service and genuine desire to improve the community of Buena Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of Joseph D'Alessandro, III be regrettfully accepted effective November 22, 2022.

RESOLUTION 135-22 A RESOLUTION APPOINTING MARINA BARSUGLIA TO THE POSITION OF COUNCIL PERSON OF BUENA BOROUGH TO FILL THE UNEXPIRED TERM OF JOSEPH D'ALESSANDRO, UNTIL DECEMBER 31, 2022

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ	X		X				
ANDALORO, P			X				
FABRIZIO			X				
ADAMS			X				

WHEREAS, On November 22, 2022, Councilman Joseph D'Alessandro tendered his resignation from the position of Councilman of the Borough of Buena effective November 22, 2022, whose term commenced January 1, 2020, and was to expire on December 31, 2022; and

WHEREAS, Councilman D'Alessandro's resignation was received on November 22, 2022; and

WHEREAS, because of the resignation, a vacancy exists on the Borough Council; and

WHEREAS, on November 28, 2022, Borough Council received a list of three names provided by the Buena Republican Club County Committee from which Council shall nominate an individual to fill the unexpired term of Councilman D'Alessandro, at

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which time the seat will be filled until the expiration of the term of the vacancy on December 31, 2022; and

WHEREAS, Borough Council opened the nomination for consideration and having received one nomination, to wit, Marina Barsuglia and thereafter receiving no further nominations, the nominations were duly closed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Marina Barsuglia shall, upon taking the oath of office, immediately fill the vacant seat of Council for the Borough of Buena commencing November 30, 2022, until December 31, 2022.

Atlantic County Clerk Joseph Giraolo administered the Oath of Office to Marina Barsuglia who took her respective seat on Council.

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
ANDALORO, G			X				
ALVAREZ			X				
ANDALORO, P	X		X				
FABRIZIO			X				
ADAMS		X	X				
BARSUGLIA			X				

SUSAN ROMEO, LANDISVILLE, AFFIRMED HER SUPPORT OF ORDINANCE 715. MS. ROMEO CITED THE NJ STATE ASSOCIATION OF FIRE DISTRICT FIRE COMMISSIONERS' HANDBOOK AS HER REASONS, IN PART, FOR SUPPORTING THE ORDINANCE. HER CONCERNS ALSO INCLUDED FALSE INFORMATION CONTAINED IN A PETITION WHICH STATES THE BOROUGH COUNCIL IS CLOSING OF MINOTOLA FIRE COMPANY, WHICH IS NOT THE INTENT, NOR LANGUAGE CONTAINED IN THE PROPOSED ORDINANCE.

MINOTOLA FIREMAN JOE DROGO, STATED HE WAS REPRESENTING MINOTOLA FIRE DISTRICT #2. HE SAID THE COMPANY WANTED TO CONTINUE SERVING THE RESIDENTS OF THE BOROUGH, BUT ONLY IF IT

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COULD DO SO UNDER THE COMMISSIONERS OF THE FIRE DISTRICT. MR. DROGO PRESENTED TO COUNCIL PACKETS AND INFORMED THE GOVERNING BODY THAT MORE THAN TWENTY VOLUNTEERS WOULD TENDER THEIR RESIGNATION IF THE BOROUGH ABOLISHED FIRE DISTRICT NO. 2. A PETITION WAS PRESENTED TO THE ACTING CLERK OPPOSING THE DISSOLUTION.

JENNIFER BARUFFI-TALARICO, MINOTOLA, READ A LETTER FROM THE EDITOR PUBLISHED IN THE ATLANTIC CITY PRESS SUPPORTING THE COUNCILS' DECISION TO TAKE THE FIRE DISTRICT UNDER MUNICIPAL CONTROL.

PUBLIC PORTION CLOSED:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ			X				
ANDALORO, P	X		X				
FABRIZIO			X				
ADAMS			X				
BARSUGLIA			X				

ORDINANCE NO. 715 **AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY DISSOLVING THE BUENA BOROUGH FIRE DISTRICT NO. 2 AND FIRE COMMISSIONERS IN ACCORDANCE WITH N.J.S.A. 40A:14-91, REQUIRING AN ACCOUNTING OF ALL ASSETS AND DEBTS OF THE FIRE DISTRICT AND COMMISSIONERS AND AUTHORIZING THE ACCEPTANCE OF AN ASSIGNMENT OF ANY AND ALL AGREEMENTS FOR FIRE SUPPRESSION WITH THE MINOTOLA FIRE COMPANY IN ACCORDANCE WITH N.J.S.A. 40A:14-68**

MAYOR ZAPPARIELLO CALLED FOR A MOTION TO INTRODUCE ON FIRST READING. COUNCILMAN ADAMS ASKED FOR THE ORDINANCE TO BE TABLED PENDING A JOINT MEETING WITH THE FIRE COMMISSIONERS ON DECEMBER 20TH. THE COUNCILMAN SAID HE DOES NOT WANT TO SEE THE MINOTOLA COMPANY DECOMMISSIONED; HOWEVER, HE DOES NOT LIKE BEING STRONG-ARMED. COUNCILMAN ADAMS STATED, FOR THE RECORD, THAT WE ARE NOT TRYING TO GET RID OF THE FIRE COMPANY BECAUSE THAT IS NOT TRUE.

COUNCILMAN ALVAREZ REQUESTED A CLOSED SESSION MEETING BETWEEN THE COUNCIL AND THE MINOTOLA FIRE COMPANY. THE COUNCILMAN CRITICIZED HOW THE FIRE COMPANY HANDLED THE MEETING AND STATED HE DID NOT LIKE GETTING THREATENED. HE WAS CONCERNED ABOUT THE IMPACT OF THE THREAT THE RESIGNATIONS COULD HAVE ON RESIDENTS AND FELT IT WAS WRONG.

**Ordinance No. 715 Tabled
M/Adams S/Alvarez RCV/Unanimous**

WHEREAS, on July 29, 2021, the Council of the Borough of Buena adopted Ordinance 701 dissolving Buena Borough Fire District No. 1 and expanding Buena Borough Fire District

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No. 2 to include all of the Borough of Buena which was done in accordance with N.J.S.A. 40A:5A-20 and not N.J.S.A. 40A:14-91 which is specific to the dissolution of fire districts: and

WHEREAS, on October 24, 2022, Borough Council received and filed a petition signed by not less than 5% of the voters to establish a new fire district as required by N.J.S.A. 40A:14-70 and thereafter received and filed a petition signed by not less than 5% of the voters to dissolve Buena Borough Fire District No. 2 thereby having the Borough Council undertake the oversight of fire suppression and prevention instead of a fire commission in accordance with N.J.S.A. 40A:14-68; and

WHEREAS, Borough Council adopted Ordinance No. 714 staying the transfer of any further assets that inured to the Borough upon dissolution of Fire District No. 1 pending further consideration by the Borough; and

WHEREAS, Borough Council finds it to best determine whether to dissolve Fire District No. 2 before considering whether to create a new fire district; and

WHEREAS, after considering the costs incurred in litigation by the Buena Borough Fire Commissioners for Fire District No. 2 inclusive of issues unrelated to the duties of fire commissioners to assure the health and safety of the Borough residents are protected from the hazards of fires as outlined in N.J.S.A. 40A:14-70 and having heard the testimony of residents and officials including the Borough's auditor related to savings realized from the dissolution of the fire district; and

WHEREAS, the Minotola Fire Company has provided fire suppression and prevention services through an agreement with the Board of Fire Commissioners of Fire District No 2 as authorized by N.J.S.A. 40A: 14-70.1 and said agreement shall inure to the governing body should the Fire District and Commissioners be dissolved so as to continue to protect the health and welfare of the Borough; and

WHEREAS, Borough Council recognizes the equities in dissolving all of the fire districts and allowing the governing body to oversee fire suppression and prevention with the Minotola Fire Company or such other fire company that may be created for the purposes of providing fire suppression services to the Borough residents as authorized in accordance with N.J.S.A. 40A:14-68; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, any municipal governing body which has established a fire district is empowered to dissolve the fire district providing said ordinance is approved by the Local Finance Board within the Department of Community Affairs prior to adoption, which application is now pending.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Buena

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as follows:

1. **Dissolution.** Borough of Buena Fire District No. 2 is hereby dissolved and abolished subject to the terms and conditions hereof and the terms of the offices of the members of the Board of Commissioners of the Borough of Buena Fire District No. 2 are hereby terminated.
2. **Transfer of Title of All Facilities.** All real and personal property owned or titled in the name of Borough of Buena Fire District No. 2 or the Commissioners thereof, including all cash assets shall become the assets of the Borough of Buena.
3. **Payment of All Creditors and Obligees.** Borough of Buena shall be responsible for the payment of lawful debts and obligations of the Borough of Buena Fire District No. 2 including therewith the continuation of all agreements with Minotola Fire Company to provide fire suppression and prevention services for the Borough of Buena as has been provided through the Commissioners of the Buena Fire District No. 2.
4. **Contract with Volunteer Fire Companies.** Minotola Fire Company shall be recognized as such fire company assigned to the duty of extinguishing fires within the Borough of Buena under such terms and conditions as shall be deemed proper, including financing by the Borough of Buena for such equipment and training necessary to adequately provide for fire suppression and prevention within the Borough of Buena and for such other related obligations including mutual aid to adjacent municipalities.
5. **Borough Authority.** Upon the effective date of this Ordinance, the Borough of Buena Fire District No. 2 shall cease all operations and activities and all operations and activities shall be transferred to the Governing Body automatically and without further action either by the Borough of Buena or Buena Fire District No. 2.
6. **Approval of Local Finance Board.** Pursuant to the provisions of N.J.S.A. 40A:5A-20, a copy of this Ordinance must be forwarded to the Local Finance Board of the State of New Jersey (Board) for review and approval. Final adoption of this Ordinance shall be subject to the Board's approval. A copy of this Ordinance as adopted shall be filed immediately with the Board and with the Secretary of State of New Jersey.
7. **Effective Date of Dissolution.** The dissolution of the Borough of Buena Fire District No. 2 shall be effective upon adoption of this Ordinance and the automatic transfer of all assets and liabilities from Borough of Buena Fire District No. 2 to the Borough of Buena and the assumption of all duties by Fire District No. 2 and the Commissioners thereof shall be effective upon adoption of this Ordinance.
8. **Severability.** Should any section, subsection or phrase of this Ordinance is held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
9. **Repeal of All Inconsistent Ordinances.** All Ordinances or portions thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
10. **Effective Date.** This Ordinance shall take effect upon passage and publication as required by law and upon approval by the Local Finance Board.

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**RESOLUTION 136-22 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO ISSUE
 A PAYMENT TO THE BOROUGH OF BUENA MUNICIPAL
 UTILITIES AUTHORITY THAT WAS ERRONEOUSLY DEPOSITED
 INTO THE TAX COLLECTOR'S ACCOUNT.**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ			X				
ANDALORO, P	X		X				
FABRIZIO			X				
ADAMS			X				
BARSUGLIA			X				

WHEREAS, a check was received from Realsafe Title, LLC in the amount of \$34.99, intended for the Borough of Buena Municipal Utilities Authority, that was credited to Block 176, Lot 10 and deposited into the Tax Collectors account.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the Borough of Buena that the Tax Collector is hereby authorized to issue a check in the amount of \$34.99 to the Borough of Buena Municipal Utilities Authority for correct payment against Block 176, Lot 10.

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**RESOLUTION 137-22 A RESOLUTION REAPPOINTING CARLA GIOVINAZZI AS A
 COMMISSIONER OF THE HOUSING AUTHORITY OF THE
 BOROUGH OF BUENA RETROACTIVE TO SEPTEMBER 16,
 2022 AND EXPIRING SEPTEMBER 15, 2027.**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ		X	X				
ANDALORO, P	X		X				
FABRIZIO			X				
ADAMS			X				
BARSUGLIA			X				

WHEREAS, the appointment of Carla Giovinazzi expired as a Commissioner of the Housing Authority of the Borough of Buena; and

WHEREAS, the Council of the Borough of Buena has determined to reappoint Carla Giovinazzi to a full five-year term as a Commissioner of the Housing Authority of the Borough

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of Buena.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that Carla Giovinazzi be and she is hereby appointed as a Commissioner of the Housing Authority of the Borough of Buena for a term of five years, retroactive to September 16, 2022 and expiring September 15, 2027.

BE IT FURTHER RESOLVED that the Acting Clerk of the Borough of Buena is directed to forward a certified copy of this Resolution to the Executive Director of the Housing Authority of the Borough of Buena in order to advise the Authority of this appointment.

RESOLUTION 138-22 A RESOLUTION REAPPOINTING LYNN HOBAN AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE BOROUGH OF BUENA RETROACTIVE TO JUNE 14, 2022 AND EXPIRING JUNE 15, 2027.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ			X				
ANDALORO, P	X	X					
FABRIZIO		X					
ADAMS		X					
BARSUGLIA		X					

WHEREAS, the appointment of Lynn Hoban expired as a Commissioner of the Housing Authority of the Borough of Buena; and

WHEREAS, the Council of the Borough of Buena has determined to reappoint Lynn Hoban to a full five-year term as a Commissioner of the Housing Authority of the Borough of Buena.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that Lynn Hoban be and she is hereby appointed as a Commissioner of the Housing Authority of the Borough of Buena for a term of five years, retroactive to June 14, 2022 and expiring June 15, 2027.

BE IT FURTHER RESOLVED that the Acting Clerk of the Borough of Buena is directed to forward a certified copy of this Resolution to the Executive Director of the Housing Authority of the Borough of Buena in order to advise the Authority of this appointment.

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Minutes of the regular meeting of November 14, 2022 were approved.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ	X		X				
ANDALORO, P			X				
FABRIZIO			X				
ADAMS		X	X				
BARSUGLIA			X				

Minutes of the workshop meeting of November 14, 2022 were approved.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ	X		X				
ANDALORO, P			X				
FABRIZIO			X				
ADAMS		X	X				
BARSUGLIA			X				

CORRESPONDENCE:

1. Our Lady of the Blessed Sacrament request for Raffle License dated for the year 2023 was approved.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ			X				
ANDALORO, P	X		X				
FABRIZIO			X				
ADAMS			X				
BARSUGLIA			X				

2. Our Lady of the Blessed Sacrament request for Bingo License dated for the year 2023 was approved.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ			X				

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ANDALORO, P	X		X				
FABRIZIO			X				
ADAMS			X				
BARSUGLIA			X				

UNFINISHED BUSINESS:

Council President Patricia Andaloro reported that a Christmas parade will be held on Saturday, December 3, 2022, at 6:00 pm, starting at Cleary School. The evening will end with a tree-lighting ceremony at the borough hall with Santa.

The Council President stated that she partnered with the Aulffo family’s “Claus with a Cause” and will be collecting new and barely worn coats for any age. The Councilwoman asked to be contacted for any further information about the cause.

Mayor Zappariello reported the borough employees will be collecting unwrapped toys for boys and girls aged 10-11 years for the Salvation Army on December 14th.

NEW BUSINESS: None

BILLS PAID AS LISTED:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ			X				
ANDALORO, P	X		X				
BARSUGLIA			X				
ADAMS			X				
FABRIZIO			X				

NEXT MEETING: DECEMBER 12, 2022

Mayor Zappariello concluded the meeting wishing new Councilmembers Marina Barsuglia and Joe Fabrizio the best of luck.

MEETING ADJOURNED: M/ ALVAREZ S/GINA ANDALORO RCVU