

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
OCTOBER 23, 2023
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MEETING CALLED TO ORDER: 7:03 P.M.
MEETING ADJOURNED: 7:40 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 October 23, 2023 commencing at 7:03 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.

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 | | | | |

Reverend Jeanette Block, Minotola United Methodist Church, introduced herself as the new pastor.

Joanne Rosemont, Landisville, requested information regarding the manhole covers on Central Avenue. Mr. Bill Nimohay, Road Supervisor, confirmed that the project will begin in approximately two weeks.

Shayla Cabrera, founder and owner of Tia Planta Cannabis Cultivation, introduced herself to those in attendance. Ms. Cabrera explained that her business was one of the first in the state of New Jersey to be awarded a cultivator’s license. Ms. Cabrera requested that council offer the opportunity for other candidates to submit RFPs for cultivation in addition to amending the ordinance to allow a third cannabis cultivator.

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Leo Hagerty, Edgarton School Trustee, referenced Resolution 135-23 and expressed his concern on the cannabis resolution for the adjoining property and wants council to consider how their vote may affect their proposed school being next to a licensed cannabis facility.

Minyeong Yang, owner of JM Leaf, expressed enthusiasm to establish her business in the Borough and discussed beneficial opportunities that her business could provide such as employment and increasing the Borough’s taxes. Ms. Yang stated she would like to partner with the Borough regarding environmental and beautification efforts to provide an impact on the community.

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 | | | | |

MOTIONED TO INTRODUCE AND PASS AT FIRST READING:

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

Solicitor Tonetta advised council that he had submitted an email with a final draft of the ordinance containing minor changes earlier that evening.

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

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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
 - 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

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- 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 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

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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)
 - 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

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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 pas 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.
- (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

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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 INTRODUCE AND PASS AT FIRST READING:

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 | | | |

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

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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.

RESOLUTION NO. 135-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE ISSUANCE OF A CLASS I ANNUAL CANNABIS CULTIVATION LICENSE TO JM LEAFS, LLC, FORT LEE, NEW JERSEY CONDITIONED UPON THE ISSUANCE OF AN ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT

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

WHEREAS, the Borough of Buena has two Class I Cannabis Cultivator licenses (License) available for issuance to qualified Cannabis Businesses wishing to locate within the Borough; and

WHEREAS, the Borough has requested proposals be submitted to the Buena Borough Cannabis Advisory Committee (CAC) for review to make recommendations to the Governing Body regarding the issuance of a Buena Borough license in accordance with Chapter 202 of the Code of the Borough of Buena; and

WHEREAS, JM Leafs, LLC (JM) has heretofore received a Conditional License from the State of New Jersey Cannabis Regulatory Commission indicating they qualify to operate a cannabis business within the State and has submitted a proposal for one of the two available Class I licenses; and

WHEREAS, the CAC has reviewed the submission, has graded the proposal and has determined that

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JM wishes to operate a Cannabis Class I license at property located at 385 East Wheat Road, Buena, is properly zoned for such a business and has further scored high enough to qualify for a Buena Borough Class I license

WHEREAS, the Proposal submitted by JM is incorporated herewith as if set forth at length and the recommendation by the CAC is accepted and approved subject to the issuance of a State license, the execution of a Host Community Agreement containing all of the terms contained in the proposal submitted by JM and the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) for the Class I licensed premises; and

WHEREAS, the Council of the Borough of Buena finds it to be in the best interest of the Borough to issue a license to operate a Class I Cultivation license to JM conditioned upon the issuance of an annual license by the State of New Jersey, the execution of a Host Community Agreement containing all of the terms contained in the proposal submitted by JM and the issuance of a CO or TCO.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that upon the issuance of an annual license by the State of New Jersey, the execution of a Host Community Agreement containing all of the terms contained in the proposal submitted by JM Leafs, LLC and the issuance of a CO or TCO the Mayor and Borough Acting Clerk are authorized to issue an annual license to JM Leafs LLC, Fort Lee, New Jersey for a Class I Cultivator business at 385 East Wheat Road, Buena New Jersey

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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 NO. 151-23 RESOLUTION TO AMENDING RESOLUTION 15-23 BOROUGH OF BUENA
- RESOLUTION NO. 152-23 EMERGENCY APPROPRIATION
- RESOLUTION NO.153-23 A RESOLUTION ADOPTING THE BOROUGH OF BUENA’S PERSONNEL POLICIES AND PROCEDURES, HANDBOOK, EMERGENCY MEDICAL SERVICES (EMS) MANUAL, AND DRUG AND ALCOHOL POLICY
- RESOLUTION NO. 154-23 A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON DECEMBER 2, 2023, FROM 6:00 P.M. TO 7:00 P.M. AND DIRECTING THE BOROUGH OF BUENA RECREATION COMMISSION TO SUBMIT AN APPLICATION TO THE ATLANTIC COUNTY ENGINEER FOR A PERMIT APPROVING SAID TEMPORARY CLOSURE.
- RESOLUTION NO. 155-23 A RESOLUTION APPOINTING MARIA PETRILLO AS PART-TIME TEMPORARY OCCUPANCY INSPECTOR AND PART-TIME TEMPORARY CODE ENFORCEMENT OFFICER FOR THE BOROUGH OF BUENA EFFECTIVE OCTOBER 23, 2023
- RESOLUTION NO. 156-23 A RESOLUTION APPOINTING ANTHONY DESIMONE AS SUBSTITUTE CONSTRUCTION OFFICIAL AND BUILDING CODE OFFICIAL FOR THE BOROUGH OF BUENA
- BILLS PAID AS LISTED
- CLERK’S REPORT
MINUTES OF THE WORKSHOP MEETING OF OCTOBER 10, 2023
MINUTES OF THE REGULAR MEETING OF OCTOBER 10, 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 | | | | |

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COMMITTEE REPORTS:

PERMITS/INSPECTIONS/TAX OFFICES: (CHAIRMAN, DOUGLAS ADAMS)

Councilman Adams reported on code enforcement concerns. Adams explained that there would not be a Land Use meeting on October 24, 2023. It was also mentioned that the fire company dissolution is complete and the accounting audit will be done by the end of the year. The municipal tax lien sale will be held for delinquent taxes.

PUBLIC SAFETY/STREET LIGHTS/ANIMAL CONTROL:(CHAIRMAN, DOUGLAS ADAMS)

Councilman Adams provided his report on the police department to include number of calls, tickets, disputes, and EMS calls for the month.

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FINANCE:(CHAIRMAN, JORGE ALVAREZ)

No Report

PUBLIC BLDGS/GROUNDS/IMPROVEMENTS:(CHAIRWOMAN PATRICIA ANDALORO)

Councilwoman Andaloro reported receiving an email from the high school thanking mayor and council for use of the Arbor Avenue property to prepare the homecoming parade floats. It was also reported that three quotes were received for the roof and downspouts also plumbing issues will be repaired.

RECREATION/SPECIAL EVENTS:(CHAIRWOMAN, MARINA BARSUGLIA)

Councilwoman Barsuglia reminded those in attendance that trick or treat events will be on October 28 including awards for best decorated house. The Christmas parade will be held December 2 including lighting of the tree. The Salvation Army will be holding a food drive and a drop off box will be available at the Borough Hall building also, coats, gloves, and hats are needed.

ROADS/RECYCLING:(CHAIRMAN JOSEPH FABRIZIO)

Councilman Fabrizio reported on the pre-construction meeting with the contractors and engineers for the S.E. Boulevard and Flower Street project.

ECONOMIC DEVELOPMENT:(CHAIRMAN, ERNEST MERIGHI)

No Report

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UNFINISHED BUSINESS:

Council President Adams reported that the Cannabis Committee would meet on Wednesday, October 25, 2023 to review the RFPs for the retail cannabis license. Discussion ensued with Council and Solicitor regarding companies submitting RFP requests in accordance with the ordinance.

NEW BUSINESS:

Councilwoman Barsuglia reported on the Atlantic County grants that were applied to bring arts to the community and should be notified by December of the determination.

Discussion ensued with council and Road Supervisor regarding a portion of Central Avenue that is sinking and it was determined that it would be repaired.

Discussion ensued regarding the lease for the Commerce Center and Solicitor Tonetta explained that is still being worked on.

Discussion ensued regarding the speed limit on Forest Grove Road and it was determined that the Solicitor would contact the Borough Engineer to complete a study.

NEXT MEETING: NOVEMBER 13, 2023

MEETING ADJOURNED: M/ MERIGHI S/BARSUGLIA RCVU

1s/ Pamela Johnston

Pamela Johnston
Clerk

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RESOLUTION NO. 151-23

**RESOLUTION TO AMENDING RESOLUTION 15-23 BOROUGH OF BUENA
OFFICIAL DEPOSITORY/AUTHORIZED SIGNATURES**

WHEREAS, N.J.S.A 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies, a bank or trust company having its business in the State of New Jersey and organized under the laws of the United States or this State.

BE IT RESOLVED, by the Mayor and Council of the Borough of Buena that Newfield National Bank, TD Bank and Capital Bank be and the same are hereby designated the official Depositories of the Borough of Buena; and

NOW, THEREFORE, BE IT RESOLVED, that authorized signatures for depositories for the year 2023 are as follows:

David Zappariello, Mayor, Douglas Adams, Council President, Maryann Coraluzzo, Administrator, Cynthia Holland, CFO, Diane Bassetti, Pamela Johnston, Joyce Thurlow, Patrick Hegarty, Nicole Koch and Valerie Jones are authorized for the following:

Borough of Buena Truck Account
Borough of Buena LOSAP Account

**RESOLUTION NO. 152-23
EMERGENCY APPROPRIATION**

WHEREAS, an emergency has arisen with respect to the budget lines for “Emergency Medical Services – Salaries and Wages” and “Maintenance of Hazardous Property” due to the unexpected overtime costs and a building explosion, respectively, it is in the best interest of the Borough to protect and promote the public health, safety and welfare of the Borough; and

WHEREAS, no adequate provision was made in the 2023 budget for the aforesaid purposes, and the N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purposes above mentioned; and

WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$165,000.00 and three percent of the total operations in the budget for the year 2023 is \$146,019.00,

WHEREAS, the foregoing appropriation together with prior appropriations does exceed three (3) percent of the total operating appropriations in the budget for 2023,

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Buena in the County of Atlantic (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. Emergency appropriations be and the same is hereby made for:

Emergency Medical Services – Salaries and Wages - \$60,000
Maintenance of Hazardous Property - \$30,000

2. That said emergency appropriation shall be provided in full in the year 2024

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budget. Insurance reimbursements received will be used to fund a portion of the Maintenance of Hazardous Property emergency appropriation.

3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of government Services.

RESOLUTION NO.153-23

A RESOLUTION ADOPTING THE BOROUGH OF BUENA’S PERSONNEL POLICIES AND PROCEDURES, HANDBOOK, EMERGENCY MEDICAL SERVICES (EMS) MANUAL, AND DRUG AND ALCOHOL POLICY

WHEREAS, it is the policy of the Borough of Buena to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Buena has determined that there is a need for personnel policies and procedures, handbook, Emergency Medical Services Manual, and drug and alcohol policy to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Personnel Policies and Procedures Manual, the Handbook, the EMS Manual, and Drug and Alcohol Policy attached hereto are hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that these manuals and handbook are intended to provide guidelines covering public service by Borough employees and are not contracts. The provisions of the manuals and handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Buena.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Buena shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Borough Administrator, Clerk and the CFO and all managerial/supervisory personnel are responsible for these employment practices. The Borough Attorney shall assist the Borough Clerk and CFO in the implementation of the policies and procedures in these manuals and handbook.

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RESOLUTION NO. 154-23

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON DECEMBER 2, 2023, FROM 6:00 P.M. TO 7:00 P.M. AND DIRECTING THE BOROUGH OF BUENA RECREATION COMMISSION TO SUBMIT AN APPLICATION TO THE ATLANTIC COUNTY ENGINEER FOR A PERMIT APPROVING SAID TEMPORARY CLOSURE.

WHEREAS, the Borough of Buena Recreation Commission has scheduled a parade; and

WHEREAS, the Borough of Buena Recreation Commission have requested a portion of Central Avenue be closed during the parade to minimize the possibility of injury to person or property during the parade; and

WHEREAS, the Franklin Township Police Department has reviewed this request and has recommended that Central Avenue, from Dr. J.P. Cleary School located at 1501 S. Central Avenue, to the Buena Borough Municipal Building, 616 Central Avenue, be closed to through traffic during the parade for public safety reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Central Avenue, from Dr. J.P. Cleary School located at 1501 S. Central Avenue to the Buena Borough Municipal Building, 616 Central Avenue, be temporarily be closed on December 2, 2023, from 6:00 P.M. to 7:00 P.M.

BE IT FURTHER RESOLVED that the temporary closure of the above streets shall affect through traffic only and shall not unduly impede the ingress or egress of residents of Central Avenue, and their guests or visitors to and from their respective properties.

BE IT FURTHER RESOLVED that notice of this temporary closure shall be given to property owners along Central who are affected by same, immediately upon adoption of this Resolution.

RESOLUTION NO. 155-23

A RESOLUTION APPOINTING MARIA PETRILLO AS PART-TIME TEMPORARY OCCUPANCY INSPECTOR AND PART-TIME TEMPORARY CODE ENFORCEMENT OFFICER FOR THE BOROUGH OF BUENA EFFECTIVE OCTOBER 23, 2023

WHEREAS, a temporary vacancy exists in the office of Occupancy Inspector and Code Enforcement; and

WHEREAS, Maria Petrill has showed interest in filling these positions; and

WHEREAS, the CFO of the Borough of Buena has certified that funding is available to cover the costs of these positions; and

WHEREAS, Maria Petrillo has agreed to temporarily perform the duties of Occupancy Inspector and Code Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Maria Petrillo be appointed to the temporary positions of Part-Time Occupancy Inspector and Part-Time Code Enforcement Officer in the Borough of Buena, effective October 23, 2023, for a weekly total of six hours, calculated at three hours for Occupancy Inspector and three hours for Code Enforcement.

BE IT FURTHER RESOLVED, that Maria Petrillo shall be compensated \$300.00 bi-weekly.

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RESOLUTION 156-23

**A RESOLUTION APPOINTING ANTHONY DESIMONE AS SUBSTITUTE CONSTRUCTION
OFFICIAL AND BUILDING CODE OFFICIAL FOR THE BOROUGH OF BUENA**

WHEREAS, temporary vacancies exist in the Borough of Buena Construction Department for the positions of Construction Official and Building Code Official; and

WHEREAS, N.J.A.C. 5-23-5.3 and 5.6 requires all construction officials and sub code officials to be licensed; and

WHEREAS, Anthony DeSimone has showed interest in filling these positions as a substitute; and

WHEREAS, Anthony DeSimone has met all of the requirements for the positions and possesses all the required licenses; and

WHEREAS, the Mayor and Council of the Borough of Buena have determined that it is in the best interests of the residents of the Borough of Buena to appoint Anthony DeSimone as substitute Construction Official and substitute Building Code Official in the Construction Department; and

WHEREAS, the CFO of the Borough of Buena has certified that funding is available to cover the costs of these positions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of Buena, County of Atlantic State of New Jersey that Anthony DeSimone is hereby appointed to the positions of substitute Construction Official and substitute Building Code Official and will be compensated at the rate of \$25.00 per inspection.