

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 16, 2024
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MEETING CALLED TO ORDER: 6:31 P.M.
MEETING ADJOURNED: 7:17 P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

<u>Council Member</u>	<u>Present</u>	<u>Absent</u>
GIOVINAZZI	<u>X</u>	<u> </u>
ALVAREZ	<u>X</u>	<u> </u>
ADAMS	<u>X</u>	<u> </u>
BARSUGLIA	<u>X</u>	<u> </u>
ANDALORO	<u>X</u>	<u> </u>
DESTEFANO	<u> </u>	<u>X</u>

ALSO, IN ATTENDANCE: Acting Clerk Johnston, Solicitor Tonetta, Administrator Coraluzzo, Road Supervisor Nimohay, Engineer Joseph Mohnack, Emergency Management Coordinator Marinacci

The regular meeting of Mayor and Council of the Borough of Buena was held September 16, 2024 commencing at 6:31 P.M. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi 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 27, 2023 as well as being posted on the bulletin board in Borough Hall.

Mayor Baruffi's Update Summary:

1. **Maurelli Building Demotion:** The demolition at the old Maurelli building (1005B Central Avenue) is complete, and site cleanup and leveling will begin soon.
2. **Rt 40 Drainage Project:** A meeting with Assemblyman Hutchison regarding the Rt 40 drainage was held, and ongoing discussions with the engineer aim to kick off the project within the next year.
3. **Brewster Road Triangle:** The hazardous area at the Brewster Road triangle has been cleared and cleaned by Atlantic County.
4. **Buena Drive Drainage:** Corrections to the drainage on Buena Drive are progressing; the basin is set, and construction of the swell is underway.
5. **South Boulevard Cleanup:** The old metal building area near the American Legion on South Boulevard is being cleaned and is expected to be completed this week.
6. **Landfill Closure Meeting:** A meeting was conducted with engineers Joe Mohnack and Marc DeBlasio, along with Road Supervisor Nimohay, to discuss the landfill closure process as advised by the DEP. Mayor Baruffi noted this has been a priority since January.
7. **Flu Shot Clinic Reminder:** Residents are reminded of the free flu shot clinic at the Senior Center (600 Central Ave) on Friday, October 25th, from 9:30 AM to 11:00 AM.

PUBLIC COMMENT: OPPORTUNITY FOR ANYONE TO COMMENT WITH A LIMIT OF FIVE (5) MINUTES PER SPEAKER. PLEASE REFER TO THE FOLLOWING STATEMENT

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

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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

PUBLIC PORTION OPENED:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ANDALORO</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ALVAREZ</u>	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO				X	
RCV						

John Saseen expressed gratitude to Mayor Baruffi for maintaining lower taxes and acknowledged the council, committees, engineers, and departments for their transparent administration.

Joann Rosemont praised the success of Buena Day on September 8th and thanked everyone involved in its planning and execution.

Faith Gunston inquired about the senior tax freeze and the Anchor program. She also raised concerns about chickens in residential areas and questioned if homes were being built on Weymouth near Marlyn, prompting a discussion on these issues.

Bill Coltri asked if the Mayor had updates regarding concerns over Atlantic City Electric rates and bills. Mayor Baruffi mentioned he was aware that Senator Van Drew had sent a letter to ACE but was uncertain of the response. He committed to seeking a report for the next council meeting.

PUBLIC PORTION CLOSED:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>BARSUGLIA</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ANDALORO</u>	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO				X	
RCV						

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PUBLIC HEARING OPENED:

ORDINANCE NO. 759 AN ORDINANCE AMENDING ORDINANCE 395, AS AMENDED, CHAPTER 150, ARTICLE XVI, SECTION 150-136 ENTITLED FARMING RIGHTS; RESTRICTIONS AND PERMITTED NUISANCES

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>BARSUGLIA</u>	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO				X	
RCV						

DISCUSSION: Council President Adams gave an overview of the changes concerning the number of farm animals in the R-4 zone. Councilman Giovinazzi added a notice would be given by the zoning officer for these

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changes for a 30-day correction to those residents that currently have farm animals in those areas. Solicitor Tonetta noted the property size not to be more than 3 acres in R4 zone.

MOTIONED TO CLOSE THE PUBLIC HEARING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>BARSUGLIA</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ANDALORO</u>	BARSUGLIA	X				
	ANDALORO	X				
RCV	DESTEFANO				X	

ADOPTED ORDINANCE NO. 759:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ALVAREZ</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ADAMS</u>	BARSUGLIA	X				
	ANDALORO	X				
RCV	DESTEFANO				X	

WHEREAS, Borough Council passed a motion to refer a question to the Buena Borough Land Use Board (BBLUB) to consider an amendment to the Buena Borough Municipal Land Use Laws (MLUL) to consider an amendment to so as to set forth restrictions upon the right to keep and maintain chickens, turkeys ducks and other fowl and poultry in certain residential zones and to provide findings of fact and recommendations thereto; and

WHEREAS; on July 23, 2024 the BBLUB considered the motion and passed a Resolution recommending certain changes to Chapter 15, Article XVI, Section 150-36 recommending an amendment to the Buena Borough MLUL and the Governing Body adopts the findings of fact and recommendations set forth in said BBMUB Resolution as if set forth herein at length.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 395, as amended, Chapter 150 Article XVI, Section 150-136 entitled Farming rights; restrictions and permitted nuisances shall be amended as follows:

Section 150-136 A, B, C, and D shall be deleted in their entirety and replaced as follows:

§ 150-136 Farming rights; restrictions and permitted nuisances.

- A. The right to farm shall be protected in the A-1, R-4 and R-5 Zones, as well as the P-A and P-R4 Zones of the Pinelands Area, subject to the regulations governing farm and livestock operations, to the prohibited uses specified below, to the standards set forth in the schedules herein[1] and to the health and sanitary codes.
- B. The right to farm protection includes the right to use irrigation, fertilizer, insecticides and herbicides, as well as the right to house and graze farm animals.

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C. The right to farm protection shall not extend into the R-1, R-2 and R-3 Zones and the P-R3 Zone of the Pinelands Area, nor shall it extend into the B-1, B-2 and B-3 Zones and the P-B2 Zone of the Pinelands Area, nor shall it extend into the I-1 Zone and the P-I Zone of the Pinelands Area.

D. In all zones except the A-1 as well as the P-A and P-R4 Zones of the Pinelands Area, the keeping of farm animals such as horses, cows, bulls, mules, donkeys, poultry, rabbits, sheep or goats shall be prohibited unless the property on which they exist comprises at least three acres and said farm animals are not bred for commercial purposes.

(1) No more than five farm animals or 25 rabbits, chickens or other poultry may be kept on such three-acre properties, except for in the R-4 and R-5 Zones, where no more than five farm animals or 10 rabbits, chickens or other poultry may be kept on such three-acre properties.

(2) All structures required to shelter animals on such three-acre properties shall be limited to no more than 50% of the square footage of the dwelling existing thereon.

(3) All farm animals kept on such three-acre properties shall be properly fenced and contained to prevent them from wandering onto neighboring lands or public streets.

(4) The housing and grazing of said animals on such three-acre properties is prohibited unless the owner or keeper resides in a dwelling house on the same lot or on a contiguous lot to that on which the animals are housed and grazed

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

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NEED MOTION TO INTRODUCE AND PASS AT FIRST READING:

ORDINANCE NO 760 AN ORDINANCE AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY AND AUTHORIZING DEBLASIO & ASSOCIATES TO FILE A PRELIMINARY GRANT/LOAN APPLICATION FOR THE REPLACEMENT OF VARIOUS SANITARY SEWERS

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>BARSUGLIA</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ANDALORO</u>	BARSUGLIA	X				
	ANDALORO	X				
RCV	DESTEFANO				X	

WHEREAS, N.J.S.A. 40A:65-1, et seq., known as the "Uniform Shared Services and Consolidation Act," authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement for the provision of municipal services ("Agreement."); and

WHEREAS, the governing body of the Borough of Buena recognizes that shared services may result in property tax relief and enhanced services for its residents and constituents; and

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WHEREAS, the Borough engineer identified the need to replace the asbestos and clay tile sewer pipes on Summer Road; and

WHEREAS, The Borough of Buena and the Borough of Buena Municipal Utilities Authority wish to authorize DeBlasio & Associates to apply to the U.S. Department of Agriculture for funding under the USDA-RD-Preliminary Application for the replacement of asbestos and clay tile sewer pipes on Summer Road, in an amount not to exceed \$18,500.00, to replace various sanitary sewers; and

WHEREAS, The Borough of Buena and the Borough of Buena Municipal Utilities Authority wish to authorize DeBlasio & Associates to apply to the U.S. Department of Agriculture for funding under the USDA-RD-Preliminary Application for said project, in an amount not to exceed \$18,500.00, to replace various sanitary sewers; and

WHEREAS, The Borough of Buena and Borough of Buena Municipal Utilities Authority hereby endorses undertaking a shared services agreement for the provision of authorizing DeBlasio & Associates to apply to the U.S. Department of Agriculture for funding under the USDA-RD- Preliminary Application for said project in an amount not to exceed \$18,500.00, and the Authority paid at \$9,250.00 each; and

WHEREAS, the entities also agree that, if approved, all other mutually approved expenses incurred and not covered by the Grant will be paid at 50% by the Borough of Buena and 50% by the Borough of Buena Municipal Utilities Authority

NOW, THEREFORE, BE IT ORDAINED by Council of the Borough of Buena, County of Atlantic, State of New Jersey, as follows:

Section 1. Approval of Agreement. The Borough of Buena hereby approves the terms and conditions of a Shared Services Agreement for of the Borough of Buena Municipal Utilities Authority and the Borough of Buena and such Agreement attached hereto and incorporated herein by reference as Exhibit A dated September 16, 2024. The Mayor and Acting Clerk of the Borough of Buena are hereby expressly authorized to execute the aforesaid Agreement on behalf of the Borough.

Section 2. Miscellaneous.

1. **Amendment.** This Shared Services Agreement may not be amended or modified for any reason without the express prior written consent of the parties hereto.
2. **Successors and Assigns.** This Shared Services Agreement shall inure to the benefit of and shall be binding upon each other entity and their respective successors and assigns.
3. **Severability.** In the event that any provision of this Shared Services Agreement shall be held to be invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
4. **Counterparts.** This Shared Services Agreement may be simultaneously executed in several counterparts, each of which shall constitute an original document and all of which shall constitute but one and the same instrument.
5. **Entire Agreement.** This Shared Services Agreement sets forth all the promises, covenants, agreements, conditions and undertakings between the parties hereto with respect to the subject matter hereof, and supersedes all prior or contemporaneous agreements and undertakings, inducements, or conditions, express or implied, oral or written between the parties hereto.
6. **Further Assurances and Corrective Instruments.** Both entities shall execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for correcting any inadequate or incorrect description of the Project or to correct any inconsistent or ambiguous term hereof.

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7. **Headings.** The Article and Section headings in this Shared Services Agreement are included herein for convenience of reference only and are not intended to define or limit the scope of any provision of this Shared Services Agreement.
8. **Non-Waiver.** It is understood and agreed that nothing which is contained in this Shared Services Agreement shall be construed as a waiver on the part of the parties, or any of them, of any right which is not explicitly waived in this Shared Services Agreement.
9. **Governing Law.** The terms of this Shared Services Agreement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of New Jersey. Any legal action related to this agreement, or the performance thereof, shall only be filed in the Superior Court of New Jersey, Atlantic County, New Jersey.

CORRESPONDENCE:

Our Lady of the Blessed Sacrament Parish request for the following Bingo and Raffle Licenses No.: BA01-2024; RA03-2024; RA04-2024; RA05-2024 to be held on December 6, 2024 from 6 to 10 PM.

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>BARSUGLIA</u>	ADAMS	X				
	BARSUGLIA	X				
RCV	ANDALORO	X				
	DESTEFANO				X	

NEED MOTION TO FILE CORRESPONDENCE:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ANDALORO</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>BARSUGLIA</u>	ADAMS	X				
	BARSUGLIA	X				
RCV	ANDALORO	X				
	DESTEFANO				X	

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 164-24** RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN, SABRINA IGLESIAS
- **RESOLUTION 165-24** A RESOLUTION ACCEPTING THE RESIGNATION OF ADAM AKERS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS
- **RESOLUTION 166-24** A RESOLUTION AUTHORIZING THE CFO TO REFUND A PAYMENT IN THE AMOUNT OF \$28.00 TO SAMANTHA LINDSAY
- **RESOLUTION 167-24** A RESOLUTION AUTHORIZING THE CFO TO REFUND A PAYMENT IN THE AMOUNT OF \$20.00 TO JOANNE GIBBONS
- **RESOLUTION 168-24** A RESOLUTION AUTHORIZING THE CFO TO REFUND A DEVELOPERS ESCROW BALANCE IN THE AMOUNT OF \$940.50 TO THE DIOCESE OF CAMDEN
- **RESOLUTION 169-24** A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, REJECTING THE BID RECEIVED FOR THE MOWING OF BLACKWATER POND

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PARK AND AUTHORIZING AN AWARD OF A CONTRACT IN ACCORDANCE WITH N.J.S.A. 40A:11-5(3)

- **RESOLUTION 170-24** A RESOLUTION OF BOROUGH OF BUENA AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE
- **RESOLUTION 171-24** RESOLUTION ADOPTING AND MANDATING USE OF THE OPEN PUBIC RECORDS REQUEST FORM PURSUANT TO N.J.S.A. 47-1A5(f)
- **RESOLUTION 172-24** A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF JOHN CILIBERTI AS FIRE SUB CODE OFFICIAL FOR THE BOROUGH OF BUENA, WITH REGRETS

- **BILLS PAID AS LISTED**

- **CLERK’S REPORT**
MINUTES OF THE REGULAR MEETING OF AUGUST 12, 2024

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>BARSUGLIA</u>	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO				X	
RCV						

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SOLICITOR’S REPORT:

Solicitor Tonetta reported that the EMS non-emergency transport agreement had been amended and sent to Inspira for review and we are awaiting their response.

ENGINEER’S REPORT:

Joseph Mohnack, Borough Engineer

Grant Applications

1. FY2024 NJDOT Local Transportation Projects Fund (LTPF) Grant
 - The grant application was submitted on April 24, 2024. The Borough is awaiting grant awards.
2. FY2025 NJDOT Municipal Aid Program Grant Application
 - The application was submitted on June 3, 2024. The Borough is awaiting grant awards.

Capital Projects

1. CDBG ADA Building Improvements – New Automatic Access Sliding Doors
 - . The preconstruction meeting with Capri Construction is scheduled for September 12, 2024.
2. Bruno Melini Park Bathroom Building
 - . The bid documents are being finalized with a target bid advertisement date of September 23, 2024.
3. Resurfacing of the Tennis Courts
 - . The project is in the preliminary design phase.
4. EMS Building Roof Replacement
 - . Butch Czar, of Czar Engineering, has provided a proposal for design and construction phase services.
5. FY2023 NJDOT Local Transportation Projects Fund - Reconstruction of Plymouth St and Friendship Rd
 - The preconstruction meeting with Arawak Paving was held on August 29, 2024.
6. FY2024 NJDOT Municipal Aid - Reconstruction of East Summer Road

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- The road project is being combined into the USDA Rural Improvement Grant.
- 7. USDA Rural Development Grant/Loan Application for the Replacement of Various Sanitary Sewers
 - . Our office submitted the draft documents to Subconsultant, Triad for review.
- 8. Minotola Estates Drainage
 - . Ralph Laks of Einhorn Construction has contacted the Borough with the intent to perform repairs to the stormwater infrastructure on the site.
 - a. The work is scheduled for September 12, 2024.

UNFINISHED BUSINESS:

1. **MUA Complaints:** Council President Adams reported that citizen complaints regarding the MUA have been addressed with MUA members, and further items are pending review.
2. **Mobile Health Clinic:** EMS Chief Ciruolo and Council President Adams discussed a mobile health clinic to provide testing and diagnostic for all Borough employees.
3. **Buena Day Success:** Councilwoman Barsuglia confirmed that Buena Day was a success, with plans for the 2025 event set for September 6th, with a rain date of September 13th. Mayor Baruffi estimated over 2,000 attendees and noted that donations exceeded expectations.
4. **Mobile Shredding Reminder:** Councilwoman Andaloro reminded residents about the mobile shredding event on September 28th, from 10 AM to 12 PM, in the Borough Hall parking lot.

NEW BUSINESS:

1. **Surplus Auction:** Council President Adams proposed scheduling an auction for surplus Borough items on November 2nd. Councilwoman Barsuglia seconded the motion, which was unanimously approved by all council members.
2. **Spending Approval:** Councilman Alvarez announced that memos would be sent to remind that all spending must be approved by the Mayor or himself. He reported that tax collection is currently at 93%, a low rate for this time of year, and notices will be sent out for a possible December tax sale for properties with delinquent taxes.
3. **Amateur Radio Class:** Jerry Marinacci will be teaching a Buena Amateur Radio Class at the Fire Department starting tomorrow, September 17th, from 7 PM to 9 PM, with a final exam on the 26th. There are still spaces available, and Marinacci emphasized its potential benefits for Buena Borough residents.
4. **Community Yard Sale:** Councilwoman Barsuglia reminded everyone about the community yard sale scheduled for Saturday and Sunday, September 21st and 22nd, from 9 AM to 1 PM, with a rain date for the following weekend.

NEXT MEETING: September 30, 2024 at 6:30 P.M.

MEETING ADJOURNED: m/ALVAREZ s/BARSUGLIA RCVU

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Please refer to next page for Consent Agenda Resolutions

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**RESOLUTION NO. 164-24
RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN,
SABRINA IGLESIAS**

WHEREAS, the Borough of Buena Emergency Medical Services Department operates 24 hours a day, 365 days a year; and

WHEREAS, appropriate staffing is required for the department to operate effectively and efficiently; and

WHEREAS, the Emergency Medical Services Chief of the Borough of Buena requests the authorization from Council to approve the hiring of the following candidate to replace the Emergency Service Technicians who have left the department:

Sabrina Iglesias

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approves the hiring of aforementioned candidate as a part-time Emergency Service Technician based on qualifications with a start date of September 16, 2024 and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

RESOLUTION NO. 165-24

A RESOLUTION ACCEPTING THE RESIGNATION OF ADAM AKERS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignation be regrettfully accepted effective February 7, 2023:

Adam Akers

RESOLUTION NO. 166-24

A RESOLUTION AUTHORIZING THE CFO TO REFUND A PAYMENT IN THE AMOUNT OF \$28.00 TO SAMANTHA LINDSAY

WHEREAS, Samantha Lindsay remitted a payment for a marriage license in the amount of \$28.00 to the Borough of Buena Clerk's Office. It was determined that Ms. Lindsay was a resident of Buena Vista Township causing a payment of \$28.00 to 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 \$28.00 to Samantha Lindsay.

RESOLUTION NO. 167-24

A RESOLUTION AUTHORIZING THE CFO TO REFUND A PAYMENT IN THE AMOUNT OF \$20.00 TO JOANNE GIBBONS

WHEREAS, Joanne Gibbons remitted a payment for a certified copy of a marriage license in the amount of \$20.00 to the Borough of Buena Clerk's Office. Upon further research, it was determined that the resident was required to obtain the certified copy from New Jersey Vital Statistics causing a payment of \$20.00 to 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 \$20.00 to Joanne Gibbons.

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RESOLUTION NO. 168-24

A RESOLUTION AUTHORIZING THE CFO TO REFUND A DEVELOPERS ESCROW BALANCE IN THE AMOUNT OF \$940.50 TO THE DIOCESE OF CAMDEN

WHEREAS, the Diocese of Camden remitted monies for escrow in the Developers Escrow fund in the amount of \$4,684.50 to the Borough of Buena Land Use office. The review of a Site Drainage has been reviewed and billed leaving a \$940.50 balance in escrow.

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 \$940.50 held in escrow.

RESOLUTION NO. 169-24

A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, REJECTING THE BID RECEIVED FOR THE MOWING OF BLACKWATER POND PARK AND AUTHORIZING AN AWARD OF A CONTRACT IN ACCORDANCE WITH N.J.S.A. 40A:11-5(3)

WHEREAS, on or about March 25, 2024 the Council of the Borough of Buena adopted Resolution 82-24 authorizing the advertisement for bids to be received for the mowing of Black Water Pond Park with the winning bidder removing the grass/hay and paying the Borough for the value of the harvested grass/hay (Product); and

WHEREAS, a bid was received, opened and read aloud on May 28, 2024 and the bidder did not provide any proposed payment to the Borough for the Product but instead proposed to charge the Borough for the cost associated with the Product, contrary to the terms of the specifications; and

WHEREAS, the Borough Solicitor recommended rejecting the bid as being non responsive, however, while the bid specifications were clear regarding the intent, the bid specifications were modified to make clear that the bid was for the successful bidder to pay the Borough for the Product and on May 13, 2024 Borough Council adopted Resolution 109-24 rejecting the bids received and authorized the Acting Clerk to readvertise; and

WHEREAS, a second bid was received, opened and read aloud on August 13, 2024 and the bid received was non-compliant with the bid specifications as it did not provide any payment to the Borough for the Product; and

WHEREAS, the Solicitor again recommended the rejection of the bid as being non-compliant; and

WHEREAS, the Mayor and Council hereby accepts the recommendation of the Solicitor and rejects the bid received for the mowing of Black Water Pond Park; and

WHEREAS, N.J.S.A. 40A:11-5(3) authorizes the municipality to negotiate and award a contract for services where bids have been advertised on two occasions and no responsive bids have been received.

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

1. The bids received by the Borough of Buena for the mowing of the Black Water Pond Park be and are hereby rejected as being non-responsive to the bid specifications.
2. The Director of Public Works is hereby authorized to negotiate a contract for the mowing of Black Water Pond, removal of the hay/grass and payment to the borough for the value of the harvested grass/hay.
3. Upon the negotiation of a potential contract in accordance herewith, the Director of Public Works is to make a reasonable effort to determine if a government agency or adjacent municipality will perform the service with payment to the Borough for the Product in an amount higher than that of the negotiated price.

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4. A report shall be made to Council regarding the negotiated price for consideration of a Resolution awarding a contract in accordance herewith.

RESOLUTION NO. 170-24

A RESOLUTION OF BOROUGH OF BUENA AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Buena has determined to move forward with the EMEX Reverse Auction in order procure electricity for the and Borough of Buena

WHEREAS, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, Borough of Buena will utilize the online auction services of EMEX, LLC, a division of Mantis Innovation an approved vendor pursuant to the Act; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and be it

WHEREAS, if the main electricity load auction achieves a price of \$0.085/kWh or less for any term length the Borough of Buena may award a contract to the winning supplier for the selected term.

NOW THEREFORE BE IT RESOLVED, that the Council of the Borough of Buena is hereby authorized to execute on behalf of the Borough of Buena any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the main electricity load auction achieves a price of \$0.085/kWh or less for any term length the Borough of Buena may award a contract to the winning supplier for the selected term.

RESOLUTION NO. 171-24

RESOLUTION ADOPTING AND MANDATING USE OF THE OPEN PUBIC RECORDS REQUEST FORM PURSUANT TO N.J.S.A. 47-1A5(f)

WHEREAS, Governor Phil Murphy signed the Open Public Records Act (OPRA) Modernization and Reform Legislation on June 5, 2024; with the legislation to take effect on September 3, 2024; and

WHEREAS, The Government Records Council (GRC) has created and promulgated an Adoptable OPRA Request Form on August 28, 2024, which will be required to be used once adopted by the Borough as per N.J.S.A. 47:1A-5(f); and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Buena, that the GRC Adoptable OPRA Request Form promulgated on August 28, 2024, shall be the required form to be completed by all requestors seeking records under OPRA effective immediately.

BE IT FURTHER RESOLVED, that the Custodian of Records shall post said form to the Borough of Buena website.

RESOLUTION NO. 172-24

A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF JOHN CILIBERTI AS FIRE SUB CODE OFFICIAL FOR THE BOROUGH OF BUENA, WITH REGRETS

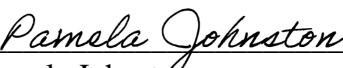
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WHEREAS, John Ciliberti has served the Borough of Buena in the capacity of Fire Sub Code Official; and

WHEREAS, during his tenure, John Ciliberti has provided effective and compassionate representation to the Borough while serving as Fire Sub Code Official; and

WHEREAS, John Ciliberti has resigned his position, effective September 27, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the resignation of John Ciliberti be regretfully accepted effective September 27, 2024.



Pamela Johnston
Acting Borough Clerk