

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 30, 2024
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MEETING CALLED TO ORDER: 6:30 P.M.
MEETING ADJOURNED: 7:31 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> | |
| ALVAREZ | <u>X</u> | |
| ADAMS | | <u>X</u> |
| BARSUGLIA | <u>X</u> | |
| ANDALORO | <u>X</u> | |
| DESTEFANO | | |

ALSO IN ATTENDANCE: Clerk I Koch, Solicitor Tonetta, Road Supervisor Nimohay

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The regular meeting of Mayor and Council of the Borough of Buena was held September 30, 2024 commencing at 6:30 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’S REPORT: First order of business

- Demolition is complete at 1005B Central Avenue, Minotola, known as the old Maurelli property.
- The Minotola Estates Buena Drive basin had been dropped to the proper height and swale was made. Waiting for as-built from Flanglier Engineering to review their paperwork.
- On September 30, 2024 met with Road Supervisor Nimohay, Administrator Coraluzzo, and perspective person to cut grass at Blackwater Pond Park. Administrator will provide the Borough solicitor a formal agreement to be taken into consideration at Council’s October 15, 2024 meeting.
- Read into record correspondence sent September 23, 2024 from County Administrator DelRosso regarding drainage updates to Summer/Brewster Road and drainage issues at Route 40/Central Ave/Kimberly Lane.
- Read into record correspondence sent September 27, 2024 from NJDOT Regional Coordinator Sandra Opoku. Discussed a phone call with Ms. Opoku’s assistant who clarified the five phases of the project to be as follows: 1) Problem screening is near complete. 2) Concept development phase anticipated to be complete by summer of 2025. 3) Primary engineering. 4) Final design. 5) Construction to begin in fall of 2027. It was noted that a project of this scope usually takes ten years to come to fruition.
- Read into record correspondence sent to Borough Engineer Marc DeBlasio from John Notte, Water Project Manager of New Jersey Infrastructure Bank regarding USDA joint project with Buena Borough Municipal Utilities Authority for Summer Road and West Ave.
- Congressman VanDrew’s office is actively investigating resident’s concerns regarding the spike in costs of their recent electric bills. Updates are posted to the Congressman’s website to review the measures he has taken so far.
- Gerry Manganaro, Housing Program Director of USDA Rural Development, will provide an overview of housing programs through USDA Rural Development at the October 15, 2024 Workshop meeting.
- The First Annual Firefighter’s Association will hold a roast beef sale on October 26, 2024 from 11 AM to 2 PM. Tickets are \$20.00 each and include two sandwiches, hot or sweet peppers, two bottles of water, and chips for pick-up at the Buena Borough fire department.
- A portrait of Frank Grasso, retired Buena Borough policeman, will be placed on the wall in council chambers at the meeting of December 15, 2024

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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; AN INDIVIDUAL CANNOT YIELD TIME TO ANOTHER INDIVIDUAL; AN INDIVIDUAL 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.

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MOTIONED TO OPEN THE PUBLIC PORTION OF THE MEETING:

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

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

Brian Fatcher thanked Mayor and Council for updates regarding drainage issues on Kimberly Lane. Mr. Fatcher advised that the Borough website still noted that the Council meetings begin at 7 PM and it was acknowledged that we will make the correction. Mr. Fatcher noted the increase in his electric bill since installing the new smart meter at his residence and explained that upon further research, a third-party company will reduce the current rate by half.

Joann Rosemont echoed Mr. Fatcher’s statement regarding the third-party company stating she did the same to reduce her rates.

Denise Yacovelli explained that she called the third-party service but is certain that the issues with Atlantic City Electric will be fixed by Congressman VanDrew.

MOTIONED TO CLOSE PUBLIC PORTION:

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

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MOTIONED TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 760 AN ORDINANCE AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF BUENA MUNICIPAL 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>ALVAREZ</u> | GIOVINAZZI | X | | | | |
| | ALVAREZ | X | | | | |
| SECOND: <u>BARSUGLIA</u> RCV | ADAMS | | | | X | |
| | BARSUGLIA | X | | | | |
| | ANDALORO | X | | | | |
| | DESTEFANO | X | | | | |

DISCUSSION:

It was noted that this project is for the replacement of sewers on Summer and West Ave.

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MOTIONED TO CLOSE THE PUBLIC HEARING:

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

ORDINANCE NO. 760 ADOPTED:

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

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 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.

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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.
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.

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CORRESPONDENCE:

2024 Best Practices Survey

CORRESPONDENCE FILED:

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

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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 173-24** GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
- **RESOLUTION 174-24** A RESOLUTION FOR A PERSON-TO-PERSON LIQUOR LICENSE TRANSFER
- **RESOLUTION 175-24** A RESOLUTION DETERMINING THAT CERTAIN ITEMS OF PERSONAL PROPERTY OWNED BY OR FORFEITED TO THE BOROUGH OF BUENA ARE NOT NEEDED FOR PUBLIC USE, AND AUTHORIZING THE SALE OF SAID ITEMS AT PUBLIC AUCTION TO THE HIGHEST BIDDER
- **RESOLUTION 176-24** RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN, SAUL VIZCAYA
- **RESOLUTION 177-24** A RESOLUTION RESCINDING RESOLUTION 119-24 AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN, EUGENE JOHNSON
- **RESOLUTION 178-24** A RESOLUTION RESCINDING RESOLUTION 172-24 ACCEPTING THE RESIGNATION OF JOHN CILIBERTI AS FIRE SUB CODE OFFICIAL FOR THE BOROUGH OF BUENA
- **RESOLUTION 179-24** A RESOLUTION INCREASING THE SALARY OF JOHN CILIBERTI, PART TIME FIRE SUBCODE OFFICIAL FOR THE BOROUGH OF BUENA, TO \$500.00 PER MONTH, BEGINNING OCTOBER, 2024 AND ENDING DECEMBER 31, 2024
- **RESOLUTION 180-24** A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH REALAUCTION.COM, LLC FOR THE PURPOSE OF CONDUCTING MUNICIPAL TAX LIEN SALES FOR 2023 PURSUANT TO N.J.S.A. 54:5-19.1
- **RESOLUTION 181-24** A RESOLUTION AUTHORIZING 2024 ELECTRONIC TAX SALE
- **RESOLUTION 182-24** A RESOLUTION AUTHORIZING THE ASSESSMENT OF A \$25.00 FEE PER TAX SALE NOTICE FOR THE CREATION, PRINTING, AND MAILING OF SAID NOTICE
- **RESOLUTION 183-24** A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND A TAX PAYMENT TO PAMULA GITTLE IN THE AMOUNT IF \$2,883.34

- **BILLS PAID AS LISTED**

- **CLERK’S REPORT**
MINUTES OF THE EXECUTIVE SESSION OF AUGUST 12, 2024
MINUTES OF THE WORKSHOP AND REGULAR MEETING OF SEPTEMBER 16, 2024

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

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COMMITTEE REPORTS:

PLANNING/ZONING/INSPECTIONS

COUNCILMAN RICHARD GIOVINAZZI:

- Summons have been issued for the following properties: 106 E Arbor Ave, 110 East Arbor Ave, 539 North Harding Hwy, and 1305 South Central Ave.
- The Tax Assessor mailed statements to verify if properties still qualify for a tax exemption.
- Zoning Officer Keenan is following up on chicken complaints upon adoption of the new ordinance.
- Received complaints regarding junk vehicles being stored in the rear of the lot at 521 North Harding Highway. The owner was contacted and has a deadline of October 9, 2024 to comply before a summons is issued.

FINANCE/TAX COLLECTOR/ASSESSOR

COUNCILMAN JORGE ALVAREZ:

- Reported that Council will hold a Special Meeting on November 1, 2024 at 4:30 PM to discuss finances and decisions on necessary transfers.
- Councilman Alvarez noted that only 93% of taxes were collected for the August quarter and approximately 328,000 notices were sent to residents.
- The tax sale for 2023 unpaid taxes will occur on December 5, 2024.

PUBLIC SAFETY/STREET LIGHTS

COUNCILMAN DOUGLAS ADAMS:

Mayor Baruffi reported on behalf of Council President Adams a total of 910 police calls for the month of August.

RECREATION

COUNCILWOMAN MARINA BARSUGLIA:

- Received notice that the Borough did not qualify for the Army Corps of Engineer's grant.
- Trick or Treat and Trunk or Treat and a movie, Nightmare Before Christmas, will be on October 26, 2024.
- The Knights of Columbus will host Trick or Treat at the parish facility.
- The Christmas Parade is being planned for December 7, 2024 with a rain date of December 14, 2024.
- The tennis courts are in the final planning stages.
- Met with Aubrey Group to discuss seeking additional funding for lighting in the park and applying for an EMS grant for LUCAS compression devices.

BLDGS/GROUNDS/IMPROVEMENTS

COUNCILWOMAN PATRCIA ANDALORO:

- The firehouse and EMS buildings will be serviced for the winter season to include cleaning of filters and checking the generator.
- Irrigation system will be shut off and drained.
- Bids for bathrooms at Bruno Melini Park will be received 10 AM Thursday, October 10, 2024 at Borough Hall.
- The brackets for the holiday flags are broken. Councilwoman Andaloro and Road Supervisor Nimohay will create an itemized list to request a donation from commissioners for the brackets and holiday decor.

ROADS/RECYCLING

COUNCILMAN FRANK DESTEFANO:

- Potholes have been filled.
- Cedar Lake Road has been graded.
- Pre-construction meeting was held regarding Friendship Road and Plymouth Street (schedule to be announced).
- Stormwater monthly sweeping completed.

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UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Councilwoman Andaloro met with the Aullfo family who facilitates a non-profit corporation, Claus for the Cause noting that they are working on ideas for the community for this holiday season. Ms. Andaloro also visited Landisville Co-op who was awarded a contract for food banks. The contract allows area farmers to bring produce to the co-op so they can buy, separate, and deliver to food banks from here to the Camden area.

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NEXT MEETING: WORKSHOP AND REGULAR, OCTOBER 15, 2024 6:00 P.M.

MEETING ADJOURNED: M/ ANDALORO S/ BARSUGLIA RCVU

Nicole Koch

Nicole Koch
Clerk I

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RESOLUTION NO. 173-24

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Buena, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 174-24

RESOLUTION FOR A PERSON-TO-PERSON LIQUOR LICENSE TRANSFER

WHEREAS, there exists in the Borough of Buena, a certain Plenary Retail Consumption License, being license No.: **0104-44-009-004** known as SJP Liquors, Inc., d/b/a Town N Country Liquor, Pravin Patel, 1006 Central Avenue, Minotola, NJ 08341 and;

WHEREAS, said owner having filed with the issuing authority a letter of consent to transfer said license; and

WHEREAS, the applicant has complied with the provisions of N.J.A.C. 13:2-7.10, as follows:

1. The submitted application is complete in all respects; and

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2. The applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33; and
3. The applicant has disclosed and the authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, said owners have complied with all State and Local requirements for said transfer, including legal advertisements under such statutes made and provided.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Plenary Retail Consumption License No.: **0104-44-009-004** is hereby transferred to **MAHANT 2024 INC**, 292 Forbes Drive, Vineland, NJ 08360.

RESOLUTION NO. 175-24

A RESOLUTION DETERMINING THAT CERTAIN ITEMS OF PERSONAL PROPERTY OWNED BY OR FORFEITED TO THE BOROUGH OF BUENA ARE NOT NEEDED FOR PUBLIC USE, AND AUTHORIZING THE SALE OF SAID ITEMS AT PUBLIC AUCTION TO THE HIGHEST BIDDER

WHEREAS, the Borough of Buena has recently determined that the items of personal property which are set forth in the list annexed to this Resolution are not needed for public use; and

WHEREAS, the Borough Council has further determined that it would be in the best interest of the Borough to sell said items of personal property at public auction to the highest bidder; and

WHEREAS, the Borough Council has determined to authorize Douglas Adams, an auctioneer, to sell said property at public sale to be held on November 9, 2024 at Buena Borough Road Department, 499 Sumner St, Landisville, NJ 08326 commencing at 9:00 o'clock a.m. after due notice and publication of said sale.

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

1. The Council of the Borough of Buena hereby determines that the personal property described on the attached listing, which were either forfeited to or purchased by the Borough are not needed for public use, and has determined that it is in the public interest that said property be sold at public sale to the highest bidder.

2. The Council has designated as the Borough's representative to sell the personal property described on the annexed list for sale to the highest bidder, at public auction to be held on November 9, 2024 at Buena Borough Road Department, 499 Sumner St, Landisville, NJ 08326 commencing at 9:00 o'clock a.m.

3. The personal property to be sold at public auction on the attached listing shall be sold for not less than the minimum price indicated for each item, or where no minimum price is indicated for a particular item of personal property, then at the highest bid which is received on each item of personal property.

4. After the receipt of bids on a particular item of personal property, the Auctioneer conducting the auction is hereby authorized to finalize the sale to the highest bidder, provided that the minimum price listed for said item of personal property has been met, to collect the amount bid from the highest bidder and to deliver the item of personal property to the bidder. In the event no minimum bid is provided for as item of personal property, the Auctioneer is authorized to finalize the sale on the basis of the highest bid presented and to deliver the item of personal property upon payment.

5. No special conditions or restrictions on the use of the personal property set forth on the annexed list are imposed beyond those established by law, unless indicated on the attached listing. There is no assurance that any property sold at public auction is fit for any particular purpose, and the Borough Council makes no warranties as to the nature or condition of any item of personal property set forth on the annexed list.

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6. The Borough is authorized to pay the Auctioneer named herein a fee of not to exceed 10% of the purchase price for each item sold at auction in accordance with this Resolution, and the Auctioneer is authorized to deduct said fee from the purchase price before remitting the balance to the Borough of Buena.

7. The Clerk of the Borough of Buena is hereby authorized and directed to publish in a newspaper circulating in the Borough of Buena, in accordance with the provisions of N.J.S.A.40A:12-13(a), a Notice of Public Sale setting forth the date, time and place of sale, and publishing the list of items to be sold.

LIST OF ITEMS TO BE AUCTIONED OFF

EMS Building:

- Dell tower, no hard drive in the computer
- 2 Panasonic tough books
- 3 Havis docking stations
- 4 computer keyboards
- 1 mobile radio

Clerk

- Desk
- A computer table
- Several empty vertical file cabinets
- A few miscellaneous desk items

Administrator

- Broken electric stapler (Bostitch)
- Victor 1560-6 Adding Machine (works intermittently)

Public Works

- 1993 White Ford Ranger Pickup VIN 1FTCR10UXPTA86129

RESOLUTION NO. 176-24

**RESOLUTION AUTHORIZING HIRING OF AN
EMERGENCY MEDICAL TECHNICIAN,
SAUL VIZCAYA**

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:

Saul Vizcaya

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 per-diem Emergency Service Technician based on qualifications with a start date of September 30, 2024 and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

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RESOLUTION NO. 177-24

**A RESOLUTION RESCINDING RESOLUTION 119-24 AUTHORIZING HIRING OF AN
EMERGENCY MEDICAL TECHNICIAN, EUGENE JOHNSON**

WHEREAS, Eugene Johnson interviewed and accepted the position of per-diem Emergency Medical Technician as outlined in Borough of Buena Resolution 119-24; and

WHEREAS, Mr. Johnson did not report to work on the agreed start date of June 10, 2024 or notify the Borough that he did not wish to pursue the offer of employment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Resolution 119-24 is hereby rescinded.

RESOLUTION NO. 178-24

**RESOLUTION RESCINDING RESOLUTION 172-24 ACCEPTING THE RESIGNATION OF
JOHN CILIBERTI AS FIRE SUB CODE OFFICIAL FOR THE BOROUGH OF BUENA**

WHEREAS, by Resolution 172-24 John Ciliberti resigned his position as Fire Sub Code Official effective September 27, 2024; and

WHEREAS, John Ciliberti advised Mayor and Council he respectfully wishes to rescind his resignation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Resolution 172-24 Accepting the Resignation of John Ciliberti as Fire Sub Code Official for the Borough of Buena effective September 27, 2024 is hereby rescinded.

BE IT FURTHER RESOLVED, that John Ciliberti shall continue to perform the duties of Fire Sub Code Official as stated in N.J.A.C. 5-23-5.3 and 5-7

RESOLUTION NO. 179-24

**A RESOLUTION INCREASING THE SALARY OF JOHN CILIBERTI, PART TIME FIRE SUBCODE
OFFICIAL FOR THE BOROUGH OF BUENA,
TO \$500.00 PER MONTH, BEGINNING OCTOBER, 2024 AND ENDING DECEMBER 31, 2024**

WHEREAS, John Ciliberti was appointed as Part-Time Fire Subcode Official on March 27, 2023; and

WHEREAS, N.J.A.C. 5-23-5.3 and 5.7 requires all construction officials and sub code officials to be licensed; and

WHEREAS, John Ciliberti has met all of the requirements for the position and possesses all the required licenses; and

WHEREAS, due to the increase and complexity of commercial inspections, the Mayor and Council of the Borough of Buena have determined that John Ciliberti shall be paid \$500.00 per month, beginning October 2024, and ending December 31, 2024; and

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

WHEREAS, John Ciliberti shall be performing all duties of the Fire Subcode Official as stated in N.J.A.C. 5-23-5.3 and 5.7.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that John Ciliberti shall be paid \$500.00 per month beginning in October 2024 and ending December 31, 2024.

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RESOLUTION NO. 180-24

**RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE MAYOR TO SIGN A
CONTRACT WITH REALAUCTION.COM, LLC FOR THE PURPOSE OF CONDUCTING
MUNICIPAL TAX LIEN SALES FOR 2023 PURSUANT TO N.J.S.A. 54:5-19.1**

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales in the State of New Jersey along with participating Counties and Municipalities, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS RealAuction.com has supplied and negotiated a contract to provide electronic tax sales services to the Borough of Buena, which contract is attached hereto and made a part hereof by reference, and

WHEREAS, the Borough of Buena wishes to participate in an electronic tax sale in 2023 and to award a contract for such services to RealAuction.com as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Buena that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

1. The Mayor is hereby authorized to sign the attached contract for services with RealAuction.com, which has offices located at 861 SW 78th Avenue, Plantation, Fla. 33224.
2. The Mayor and other officers and employees of the Borough are hereby authorized to perform whatever task may be necessary to effectuate the purposes of this Resolution.
3. This Resolution is subject to the availability of funds.

RESOLUTION NO. 181-24

A RESOLUTION AUTHORIZING 2024 ELECTRONIC TAX SALE

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Buena wishes to participate in an electronic tax sale for prior year 2024 delinquencies.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Buena, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is forwarded to the Borough of Buena Tax Collector and the Chief Financial Officer by the Acting Clerk.

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RESOLUTION NO. 182-24

BOROUGH OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING THE ASSESSMENT OF A \$25.00 FEE PER TAX SALE NOTICE FOR THE CREATION, PRINTING, AND MAILING OF SAID NOTICE.

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Buena wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the Council of the Borough of Buena that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2024 electronic tax sale.

RESOLUTION NO. 183-24

A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND A TAX PAYMENT TO PAMULA GITTLE IN THE AMOUNT IF \$2,883.34

WHEREAS, taxes on Block 201, Lot 233 and Block 201 Lot 33 Q-Farm were paid in error; and

WHEREAS, the Tax Collector has determined that the payments in the amount of \$2,883.34 should be returned to Pamula Gittle for Block 201, Lot 33 and Block 201, Lot 33 Q-Farm also known as 126 Wheat Road.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to refund Pamula Gittle for taxes paid on Block 201, Lot 33 and Block 201, Lot 33 Q-Farm in the amount of \$2,883.34.