

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
SEPTEMBER 11, 2023
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**MEETING CALLED TO ORDER: 7:21 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: Acting Clerk Johnston, Solicitor Tonetta,
Administrator Coraluzzo, Road Supervisor Nimohay, Engineer Mohnack.

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD MONDAY, SEPTEMBER 11, 2023 COMMENCING AT 7:21 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: MAYOR ZAPPARIELLO ASKED FOR A MOMENT OF SILENCE IN REMEMBRANCE OF THOSE WHO LOST THEIR LIVES ON SEPTEMBER 11TH, 2001.

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 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.

Certificates were given to EMS Chief to present to those involved in the emergency at the Buena Wawa's:

**CERTIFICATES OF RECOGNITION: BILLY LITZNER
ELLA ARNOLD
JOSEPH WHEELER
JENNIFER ARCHER
MIKE ELLIS
JENNIFER BREWER
VINCE BERTUCCI**

**PRESENTATION AND CERTIFICATE OF RECOGNITION:
DAVID FIOCCHI
NINOS AMIGOS**

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PUBLIC PORTION OPENED:

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

Leo Haggerty, Trustee of the Edgerton Christian Academy, expressed his concern regarding the planned cannabis facility adjacent to the proposed school.

Betty Testa, Landisville, recalled that Buena Borough took on the opt-out on the cannabis ruling with prior counsel.

PUBLIC PORTION CLOSED:

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

**ORDINANCE NO. 734 AN ORDINANCE APPOINTING THE BUENA BOROUGH
CLERK AS ISSUING AUTHORITY FOR BINGO AND
RAFFLE LICENSES**

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

DISCUSSION: None

NEED MOTION TO CLOSE THE PUBLIC HEARING:

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

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ORDINANCE NO.734 ADOPTED:

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

WHEREAS, in accordance with N.J.A.C. 13:47-1.1, the Borough Council is the issuing authority for licenses to perform certain games of chance entitled raffle and bingo licenses; and

WHEREAS, in as much as Borough Council regularly meets bi-weekly, formal action of the Borough Council is limited to those meetings and therefore requests for raffle and bingo licenses which are typically time-sensitive may not be considered and granted prior to the date set for the event; and

WHEREAS, N.J.A.C. 13: 47-1.1 authorizes the Borough Council to designate another individual as the issuing authority to approve and grant raffle and bingo licenses; and

WHEREAS, the Council of the Borough of Buena finds it to be in the best interest of the Borough to allow an individual to issue said licenses, thereby avoiding the necessity of special sessions of Borough Council to accommodate applicants and to consider the issuance of licenses in a timely manner.

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

- Games of chance may be conducted in the Borough of Buena on the first day of the week commonly known and designated as “Sunday,” in accordance with the provisions of N.J.S.A. 5:8-31 and N.J.S.A. 5:8-58, as may be permitted by N.J.S.A. 5:8-24 et seq. and N.J.S.A. 5:8-50 et seq., provided that the applicant for the license to conduct such game otherwise qualifies under the provisions of the aforementioned statutes of the State of New Jersey and the rules and regulations of the Legalized Games of Chance Control Commission and, specifically, provided that the organization conducting the games is a charitable, religious or other organization specifically qualifying under the provisions of the aforementioned statutes.
- The Clerk of the Borough of Buena is hereby designated as the issuing authority to approve and grant raffle and bingo licenses subject to compliance with N.J.A.C. 13:47-1 et seq.

All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are and the same are hereby repealed.

- This Ordinance shall take effect immediately upon final passage and publication as provided by law.

- RESOLUTION NO. 129-23 A RESOLUTION ACCEPTING THE RESIGNATION OF KENNEDY SANTIAGO-JIMENEZ AS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS.**

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

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignation be regrettably accepted effective immediately:

Kennedy Santiago-Jimenez

- **RESOLUTION NO. 130-23 A RESOLUTION ACCEPTING THE RESIGNATION OF ALLEN REMLEY AS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS.**

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignation be regrettably accepted effective immediately:

Allen Remley

- **RESOLUTION NO. 131-23 A RESOLUTION OF THE BOROUGH OF BUENA REJECTING BIDS RECEIVED FOR NJDOT MUNICIPAL AID PROGRAM FY2022- RECONSTRUCTION OF E. FLOWER STREET AND FY2023- RECONSTRUCTION OF SOUTH BOULEVARD**

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

WHEREAS, bids were received for the N.J.D.O.T. Municipal Aid Program FY2022- Reconstruction of E. Flower Street and FY2023- Reconstruction of South Boulevard on August 2, 2023; and

WHEREAS, the sole bid received exceeds funding received and the Engineer's estimate.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Buena that the sole bid received for the N.J.D.O.T. Municipal Aid Program FY2022- Reconstruction of E. Flower Street and FY2023- Reconstruction of South Boulevard on August 2, 2023 is hereby rejected.

BE IT FURTHER RESOLVED, that the Engineer is hereby authorized to rebid the N.J.D.O.T. Municipal Aid Program FY2022- Reconstruction of E. Flower Street and FY2023- Reconstruction of South Boulevard projects.

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- **RESOLUTION NO 132-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, APPROVING THE EMPLOYMENT OF NICOLE KOCH AS CLERK I, PART TIME**

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

WHEREAS, the Borough of Buena Clerk’s Office is short staffed and it is recommended that the position of Clerk I, Part Time, providing services for 25 hours per week be filled to assist that office; and

WHEREAS, interviews were conducted for a Clerk I Part Time position and it is recommended by the Business Administrator that the position be filled by Nicole Koch.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Nichole Koch be employed as a Clerk I, Part Time, serving 25 hours per week or for such additional hours permitted as a Part Time employee as are needed at the hourly rate of \$17.00 Commencing September 12, 2023.

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- **TABLED - RESOLUTION NO. 133-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE ISSUANCE OF A CLASS I ANNUAL CANNABIS CULTIVATION LICENSE TO GREEN THUMB GROWING COMPANY LLC, BLOOMFIELD, MICHIGAN CONDITIONED UPON THE ISSUANCE OF AN ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT**
 - **TABLED - RESOLUTION NO. 134-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE ISSUANCE OF A CLASS II ANNUAL CANNABIS MANUFACTURER LICENSE TO GREEN THUMB GROWING COMPANY LLC, BLOOMFIELD, MICHIGAN CONDITIONED UPON THE ISSUEANCE OF AN ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT**
 - **TABLED - 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**

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- **RESOLUTION NO. 136-23 A RESOLUTION OF THE BOROUGH OF BUENA PLACING A LIEN ON PROPERTY FOR IN ACCORDANCE WITH ORDINANCE 642**

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

WHEREAS, the Borough of Buena established legal right to clear and lien properties in accordance with Ordinance 642; and

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WHEREAS, the property located at 306 North West Boulevard sustained damage due to an explosion; and

WHEREAS, the property has been cleared by the Borough of Buena and charges established for time and equipment per Ordinance 642;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that 306 North West Boulevard shall have a lien for lot clearance and the placement of a fence in the amount of \$18,196.40 placed upon it upon passage of this resolution.

- **REMOVED: NO ACTION NEEDED - RESOLUTION NO. 137-23** A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK AND STAFF, BOROUGH SOLICITOR AND STAFF AND BUSINESS ADMINISTRATOR CONCERNING CONTRACT NEGOTIATIONS REGARDING FIRE SUPPRESSION SERVICES AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN
- **RESOLUTION NO. 138-23** A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON SEPTEMBER 17, 2023, FROM 12:00 P.M. TO 1:00 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

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

WHEREAS, the Borough of Buena Recreation Commission has scheduled a parade and picnic; 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 September 17, 2023, from 12:00 P.M. to 1:00 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.

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• **BILLS PAID AS LISTED**

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

• **CLERK’S REPORT
MINUTES OF THE WORKSHOP MEETING OF AUGUST 7, 2023**

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

MINUTES OF THE REGULAR MEETING OF AUGUST 7, 2023

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

RESOLUTION NO. 139-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, REJECTING ALL PROPOSALS RECEIVED FOR A CLASS V CANNABIS RETAIL LICENSE AND AUTHORIZING THE CLERK TO RE-ADVERTISE FOR PROPOSALS

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

SOLICITOR’S REPORT:

Richard Tonetta, Borough Solicitor

- No additional reporting

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ENGINEER'S REPORT:

Marc DeBlasio, P.E., P.P., C.M.E., Borough Engineer

GRANT APPLICATIONS

1. FY2023 NJDCA LOCAL RECREATION IMPROVEMENT GRANT (LRIG)
 - OUR OFFICE COMPLETED AND SUBMITTED THE CONCEPT SITE PLAN AND ENGINEER'S ESTIMATE TO THE AUBREY GROUP ON JANUARY 10TH.
 - IT IS OUR UNDERSTANDING THAT THE AUBREY GROUP HAS SUBMITTED THE GRANT APPLICATION TO THE NJDCA WHICH IS CURRENTLY UNDER REVIEW.

CAPITAL PROJECTS

1. FY2022 AND FY2023 NJDOT MUNICIPAL AID - RECONSTRUCTION OF E. FLOWER STREET AND SOUTH BOULEVARD
 - THE BOROUGH HAS BEEN NOTIFIED BY THE NJDOT THAT \$285,000.00 IN FY2022 GRANT FUNDS HAVE BEEN AWARDED FOR THE RECONSTRUCTION OF E. FLOWER STREET, E. SUMMER ROAD AND SOUTH BOULEVARD.
 - THE BOROUGH HAS BEEN NOTIFIED BY THE NJDOT THAT \$261,640.00 IN FY2023 GRANT FUNDS HAVE BEEN AWARDED FOR THE RECONSTRUCTION OF E. FLOWER STREET, E. SUMMER ROAD AND SOUTH BOULEVARD.
 - DUE TO THE FACT THAT THE PROJECT COSTS EXCEED THE COMBINED GRANT AMOUNTS AND THERE APPEARS TO BE A POTENTIAL SANITARY SEWER PIPE COLLAPSE ON E. SUMMER ROAD, THE BOROUGH HAS DECIDED TO PROCEED WITH JUST SOUTH BOULEVARD AND E. FLOWER STREET.
 - THE BID OPENING OCCURRED ON AUGUST 1, 2023 AND THE APPARENT LOW BIDDER WAS ASPHALT PAVING SYSTEMS, INC. IN THE AMOUNT OF \$528,395.00.
 - THE BIDS EXCEEDED THE ENGINEER'S ESTIMATE AND WERE REJECTED. THE PROJECT WILL BE ADVERTISED FOR RE-BID.

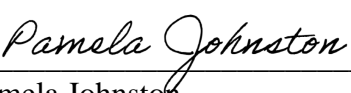
2. CDBG ADA BUILDING IMPROVEMENTS
 - OUR OFFICE HAS REQUESTED A REVISED PROPOSAL FROM OSK ARCHITECTS. OUR OFFICE WILL SEND AN UPDATED PROPOSAL UPON RECEIPT.

UNFINISHED BUSINESS:

NEW BUSINESS:

NEXT MEETING: SEPTEMBER 25, 2023

MEETING ADJOURNED: M/ MERIGHI S/ BARSUGLIA RCVU



Pamela Johnston
Acting Borough Clerk