

**BOROUGH OF BUENA COUNCIL
REGULAR MEETING AGENDA
MONDAY, APRIL 14, 2025 6:30 p.m.
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MEETING CALLED TO ORDER: P.M.
MEETING ADJOURNED: P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

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

SUNSHINE LAW: This meeting of April 14, 2025 is 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 9, 2024 as well as having been posted on the municipal bulletin board and website at www.buenaboro.org

MAYOR’S REPORT: FIRST ORDER OF BUSINESS.

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

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.

PUBLIC PORTION OF THE MEETING:

MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING:

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

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

MOTION TO CLOSE PUBLIC PORTION:

	<u>Council Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
MOTION: _____	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
RCV	ANDALORO					
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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 766 CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

MOTION: _____	Council Member	Aye	Nay	Abstain	Absent	Recuse
	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

MOTION: _____	Council Member	Aye	Nay	Abstain	Absent	Recuse
	GIOVINAZZI					
	ALVAREZ					
	ADAMS					
SECOND: _____	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

NEED MOTION TO ADOPT ORDINANCE NO. 766:

MOTION: _____	Council Member	Aye	Nay	Abstain	Absent	Recuse
	GIOVINAZZI					
	ALVAREZ					
	ADAMS					
SECOND: _____	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Buena in the County of Atlantic finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$30,502.01 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Buena, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Borough of Buena shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$106,757.03, and that the CY 2025 municipal budget for the Borough of Buena be approved and adopted in accordance with this ordinance; and,

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BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 768 ORDINANCE AMENDING CHAPTER 115 FEES, ARTICLE II FEES FOR EMERGENCY SERVICES

Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____ GIOVINAZZI					
ALVAREZ					
ADAMS					
SECOND: _____ BARSUGLIA					
ANDALORO					
RCV DESTEFANO					

WHEREAS, the Borough of Buena, County of Atlantic, State of New Jersey needs to update its Schedule of Fees for Emergency Services in order to adequately charge for the services of the Emergency Management Services; and

WHEREAS, the Schedule of Fees was last updated in 2020; and

WHEREAS, the Schedule of Fees must reflect appropriate increases in service costs; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that Chapter 115 Fees, Article II Fees for Emergency Services is amended as follows:

§115-2. Emergency medical services provided is amended as follows:

The Borough of Buena provides emergency medical services through the Division of Emergency Medical Services, to citizens and visitors of the Borough of Buena on a 24-hour basis throughout the year to the extent that such resources are available.

§115-5. Billings to insurance companies and/or persons served emergency medical services is amended as follows:

The Borough of Buena shall contract with a third-party billing agent for the collection of payment for services rendered by the Division of EMS. Said bill shall be issued to the insurance company for the person served, if any, or directly to the person served if insurance coverage is not available. Fees to be charged for the EMS services shall be as follows:

- A. Ambulance transportation: \$1,150.00
- B. Basic Life Support mileage: \$24.00 per loaded mile.
- C. Oxygen administration. \$75.00.
- D. Automatic external defibrillator. (AED) pads: \$75.00.
- E. Cervical collars: \$25.00
- F. Treatment but Transport Refusal: \$150.00
- G. Naloxone (Narcan) administration: \$75.00.
- H. Epinephrine administration: \$140.00
- I. Glucose administration: \$5.00.
- J. Aspirin administration: \$5.00.
- K. Continuous Positive Airway Pressure (CPAP) administration: \$75.00.
- L. Albuterol administration: \$10.00

§115-6. Payment for emergency medical services is amended as follows:

Persons receiving a bill for the EMS services shall make payment to the Borough of Buena third-party billing agent within 30 days; or provide proof that they have submitted a claim to their insurance carrier for payment within 30 days of receipt of a bill. These provisions shall be subject to the following:

- A. Persons receiving the EMS service who have health insurance to cover ambulance and emergency medical services are expected to cooperate with the Borough of Buena’s third-party billing agent to secure full payment for services rendered.

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- B. In the event the health insurance company of a taxpayer or domiciled resident does not pay the bill in full, the Borough of Buena will accept such partial payment to the extent of the insured’s policy limits, including deductible and co-insurance requirements, as payment in full.
- C. Due to the time requirements for the preparation and processing of insurance claims, interest shall not be charged on Borough of Buena’s billings.
- D. After providing emergency medical services, the Borough of Buena shall transmit all pertinent billing information to the Borough of Buena’s third-party billing agent for collection as set forth in Subsection E below. The third-party billing agent shall be responsible for receipt of payment and proper record keeping of its collections as provided in its contract with the Borough of Buena. Payments received by third-party billing agent shall, thereafter, be transmitted electronically to a designated account of the Borough of Buena to be administrated by the Borough Chief Financial Officer (CFO). In addition, the third-party billing agent shall transmit monthly, a Deposit Report to the Chairperson of the Safety Committee for review and approval and a copy of the Deposit Report to the Borough CFO and the EMS Chief. The third-party billing agent shall prepare a reconciliation report for monthly review by the EMS Chief. The EMS Chief shall monitor the operations of the third-party billing agent, including billing activities and receipt of funds.
- E. The third-party billing agent shall be responsible for the initial billing and at least two follow-up billings. Costs associated with the third-party reimbursement requests shall be based solely on a percent of reimbursement collections as provided in its contract with the Borough of Buena. After at least three attempts to collect said claim, any delinquent accounts will be reviewed with the Borough of Buena and those accounts approved by the Borough of Buena will be sent to a third-party collection agency by the billing company. Collection fees will be paid by the Borough of Buena. The billing company will track and report all payments received by the collections service and will be paid its percentage of the net proceeds from collections. The Borough of Buena reserves the right to determine that a bill is uncollectible and should be written off.

NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 769 AN ORDINANCE AMENDING ARTICLE I GENERAL PROVISIONS CHAPTER 150- LAND USE, ARTICLE I APPLICATION FEES AND REQUIRED ESCROW DEPOSITS OF THE CODE OF THE BOROUGH OF BUENA

Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: _____ GIOVINAZZI					
ALVAREZ					
ADAMS					
SECOND: _____ BARSUGLIA					
ANDALORO					
RCV DESTEFANO					

BE IT ORDAINED by the Council of the Borough of Buena that Chapter 150 of the municipal Code entitled “Land Use” shall be amended as follows:

SECTION 1: §150-7. Application Fees of the Borough of Buena Municipal Code shall be amended as follows:

Fees shall be as follows: Fee

A. Redivision (not creating a new lot): \$300.

H. Major site plan, preliminary.

Proposed Development Area (square feet)	Fee
5,000 to 25,000	\$2,000
25,000 to 50,000	\$2,400
50,000 to 100,000	\$3,000
100,000 to 250,000	\$4,000
250,000 to 500,000	\$6,000
500,000	\$8,000

I. Major site plan, final.

Proposed Development Area (square feet)	Fee
5,000 to 25,000	\$800
25,000 to 50,000	\$1,000
50,000 to 100,000	\$1,600
100,000 to 250,000	\$2,000
250,000 to 500,000	\$3,000
500,000	\$4,000

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- K. Conditional use: \$300.
- M. Extension of granted variance: \$200.
- N. Special meetings requested by and/or charged to applicant, Land Use Board: \$1,500.
- P. Preparation of transcripts: \$4 per page.
- Q. Certificates of approval: \$6.
- R. Housing fee (single-family development): \$1,000.

SECTION 2: §150-8.1 Required Escrow Deposits of the Borough of Buena Municipal Code shall be amended as follows:

Fees shall be as follows:

Development Application- Required Escrow	Fee
(1) Minor subdivision	\$1,800
(2) Major subdivision, preliminary approval	
Up to 30 lots (including any reserved parcel)	\$5,000 plus \$250 per lot
In excess of 30 lots (including any reserved parcel)	\$10,000 plus \$250 per lot
(4) Site plan review	
(a) Minor site plan	\$1,800
[1] Development plan on a vacant tract of land which proposes construction of 1,000 square feet of floor area or less; or has provision for 10 parking spaces or fewer	\$2,400
[3] Accessory building located within a designated flood zone	\$600
(b) Site plan, preliminary approval	
[1] Commercial or industrial site plan	
1,001 to 5,000 square feet of floor area	\$5,000 escrow deposit
5,001 to 10,000 square feet of floor area	\$6,000 escrow deposit
10,001 to 50,000 square feet of floor area	\$8,000 escrow deposit
50,001 to 100,000 square feet of floor area	\$10,000 escrow deposit
Over 100,000 square feet of floor area	\$13,000 escrow deposit
Development Application Required Escrow	
[2] Residential multifamily housing site plan	
3 to 5 dwelling units	\$3,000 escrow deposit
6 to 15 dwelling units	\$5,000 escrow deposit
16 or more dwelling units	\$7,000 escrow deposit
[3] Building alteration, new construction	
For the first 1,000 square feet of additional gross floor area	\$1,000, plus \$500 for each additional 1,000 square feet of floor area up to 3,000 square feet
3,001 to 5,000 square feet of additional gross floor area	\$5,000
5,001 to 10,000 square feet of additional gross floor area	\$6,000
10,001 to 50,000 square feet of additional gross floor area	\$8,000
50,001 to 100,000 square feet of additional gross floor area	\$10,000

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Over 100,000 square feet of additional gross floor area	\$13,000
[4] Change of use to a new permitted use (c) Major plan, final approval	\$1,500
[1] Commercial or industrial site plan	
1,001 to 5,000 square feet of floor area	\$5,000 escrow deposit
5,001 to 10,000 square feet of floor area	\$6,000 escrow deposit
10,001 to 50,000 square feet of floor area	\$8,000 escrow deposit
50,001 to 100,000 square feet of floor area	\$10,000 escrow deposit
Over 100,000 square feet of floor area	\$13,000 escrow deposit
[2] Residential multifamily housing site plan 3 to 5 dwelling units	\$3,000 escrow deposit
Development Application- Required Escrow	
6 to 15 dwelling units	\$5,000 escrow deposit
16 or more dwelling units	\$7,000 escrow deposit
[3] Building alteration, new construction	
For the first 1,000 square feet of additional gross floor area	\$1,000 plus \$500 for each additional 1,000 square feet of floor area up to 3,000 square feet
3,001 to 5,000 square feet of additional gross floor area	\$5,000
5,001 to 10,000 square feet of additional gross floor area	\$6,000
10,001 to 50,000 square feet of additional gross floor area	\$8,000
50,001 to 100,000 square feet of additional gross floor area	\$10,000
Over 100,000 square feet of additional gross floor area	\$13,000
[4] Change of use to a new permitted use	\$1,500

SECTION 3: Except as expressly amended by this ordinance, all other provisions of Ordinance No. 457 of the Borough of Buena, Minotola, New Jersey, shall remain in full force and effect.

SECTION 4:

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

SECTION 5:

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 6:

This ordinance shall take effect immediately upon final publication as provided by law.

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**RESOLUTION NO. 73-25 A RESOLUTION AUTHORIZING A PERSON-TO-PERSON TRANSFER OF PLENARY
RETAIL CONSUMPTION LICENSE NO. 0104-33-001-004**

MOTION: _____	Council Member	Aye	Nay	Abstain	Absent	Recuse
	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

WHEREAS, there exists in the Borough of Buena, a certain Plenary Retail Consumption License, being license No.: **0104-33-001-004** known as Ellewoodsoto’s Hospitality LLC 408 Wheat Road, Vineland, NJ 08340 (Buena Borough) 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
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 Governing Body of the Borough of Buena that the Plenary Retail Consumption License No.: **0104-33-001-004** is hereby transferred to **Jeffrey Roagers**, 408 Wheat Road, Vineland, NJ 08360 (Buena Borough)

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**RESOLUTION NO. 74-25 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC,
AMENDING RESOLUTIONS 133-24 AND 139-24 AUTHORIZING THE ISSUANCE OF A
CLASS I ANNUAL CANNABIS CULTIVATION LICENSE AND CLASS II ANNUAL
CANNABIS MANUFACTURE LICENSE TO SOCIAL ROOTZ, LLC, TO CORRECT
THE PROPER NAME OF THE COMPANY TO BE THE SOCIAL LEAF, LLC, SOUTH
TOMS RIVER, NEW JERSEY CONDITIONED UPON THE ISSUANCE OF THE
ANNUAL LICENSES BY THE NEW JERSEY CANNABIS REGULATORY
COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT**

MOTION: _____	Council Member	Aye	Nay	Abstain	Absent	Recuse
	GIOVINAZZI					
	ALVAREZ					
SECOND: _____	ADAMS					
	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

WHEREAS, the Borough of Buena adopted Resolutions 133-24 and 139-24 awarding Class I Annual Cannabis Cultivation and Class II Cannabis Manufacture licenses (Licenses) to The Social Rootz, LLC subject to and conditioned upon the issuance of an annual license by the Cannabis Regulatory Commission and the execution of a Host Community Agreement; and

WHEREAS, the Borough has been advised that the proper name for the issuance of the Class I and Class II licenses is The Social Leaf, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Resolutions 133-24 and 139-24 shall be amended so as to reflect the proper name of the company receiving the conditional Class I and Class II licenses from the Borough to be The Social Leaf, LLC.

BE IT FURTHER RESOLVED that the balance of Resolutions 133-24 and 139-24 not amended hereby shall remain in full force and effect.

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RESOLUTION NO. 75-25

A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING AN EXTENSION OF THE ISSUANCE OF A CONDITIONAL MUNICIPAL CLASS I ANNUAL CANNABIS CULTIVATION LICENSE AND A CLASS II ANNUAL CANNABIS MANUFACTURER LICENSE TO THE SOCIAL LEAF, LLC, NEW JERSEY TO COMPLY WITH THE REQUIREMENTS CONTAINED IN RESOLUTIONS 133-24 AND 139-24

MOTION: _____

SECOND: _____

RCV

Council Member	Aye	Nay	Abstain	Absent	Recuse
GIOVINAZZI					
ALVAREZ					
ADAMS					
BARSUGLIA					
ANDALORO					
DESTEFANO					

WHEREAS, on July 15, 2024, the Council of the Borough of Buena adopted Resolutions 133-24 and 139-24 authorizing a conditional Class I Cannabis Cultivation License and a conditional Class II Cannabis Manufacturer License to Social Leaf, LLC, New Jersey (Social Leaf) subject to certain conditions including site plan approval from the Land Use Board, the execution of a Host Community Agreement and the issuance of a Certificate of Occupancy for said facility; and

WHEREAS, Social Leaf was given 180 days to complete all of the requirements as stated in Resolutions 133-24 and 139-24 which time expired on October 13, 2024; and

WHEREAS, Social Leaf has taken reasonable steps to comply with the requirements of Resolutions 133-24 and 139-24, and has made considerable progress in readying the premises for full operation. Social Leaf, LLC, has submitted all necessary site plans to the Borough, and are actively involved in the pre-construction phase and the internal fit-out of our facilities.; and

WHEREAS, The Social Leaf, LLC has been working closely with the property owner to finalize the lease agreement and is currently in the process of finalizing its internal corporate structure to meet regulatory and operational requirements. Additionally, they are coordinating with state authorities regarding the use of a common entity structure, which is necessary to begin vertical operations in accordance with state regulations; and

WHEREAS, the Code of the Borough of Buena, Section 202-15(C)(4) authorizes Borough Council to extend the time within which an entity having conditional municipal licenses to complete all requirements of the conditional licenses upon the showing of good cause; and

WHEREAS, Borough Council finds that Social Leaf is taking all reasonable steps to comply with Resolutions 133-24 and 139-24 but needs an additional period of time for compliance; and

NOW THEREFORE, BE IT RESOLVED that the conditional municipal Class I Cultivation and Class II Cannabis Manufacturing Licenses issued in accordance with Resolutions 133-24 and 139-24 are hereby extended so as to provide Social Leaf, LLC, New Jersey with an additional 6 months from the adoption of this Resolution to comply with the requirements of Resolutions 133-24 and 139-24.

RESOLUTION NO. 76-25

A RESOLUTION ACCEPTING THE GENEROUS DONATION OF COMMEMORATIVE PLAQUES FROM WILLIAM NIMOHA

MOTION: _____

SECOND: _____

RCV

Council Member	Aye	Nay	Abstain	Absent	Recuse
GIOVINAZZI					
ALVAREZ					
ADAMS					
BARSUGLIA					
ANDALORO					
DESTEFANO					

WHEREAS, the Borough of Buena was officially incorporated on October 10, 1949; and

WHEREAS, the Mayor and Council of the Borough of Buena sought to honor the service of each mayor who has served the community; and

WHEREAS, on January 27, 2025, the Mayor and Council of the Borough of Buena invited former mayors and/or their families to participate in the dedication of a wall within the municipal building to honor their contributions; and

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WHEREAS, former mayors’ portraits were displayed, and the wall was formally named “Buena Mayors,” with the inscription, “They Led with Vision, Integrity, and a Heart for the People”; and

WHEREAS, William Nimohay, a person with a true Heart for the People, graciously designed, purchased, and donated the commemorative plaques to serve as historical markers for the Buena Mayor’s Wall; and

WHEREAS, the Mayor and Council of the Borough of Buena recognize the significance of this generous gesture and wish to formally acknowledge it.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Buena, County of Atlantic, State of New Jersey, that the Borough gratefully accepts and acknowledges the donation of William Nimohay and will ensure the plaques are displayed on the Buena Mayors’ Wall, in accordance with the Mr. Nimohay’s wishes.

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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 77-25** A RESOLUTION AMENDING RESOLUTION 32-25, APPOINTING LARRY PETRILLO AS A PART-TIME STREETS AND ROADS LABORER 1 IN THE BOROUGH OF BUENA ROAD DEPARTMENT
- **RESOLUTION 78-25** A RESOLUTION APPOINTING ANGEL CALIXTO-GOMEZ TO THE PERMANENT POSITION OF SENIOR EMERGENCY MEDICAL TECHNICIAN FOR THE BOROUGH OF BUENA EFFECTIVE APRIL 14, 2025
- **RESOLUTION 79-25** A RESOLUTION APPOINTING NICHOLAS SCIARRONE TO THE BUENA BOROUGH FIRE DEPARTMENT EFFECTIVE APRIL 14, 2025
- **RESOLUTION 80-25** A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON APRIL 19, 2025, FROM 9:00 A.M. TO 10:00 A.M. AND DIRECTING BUENA BASEBALL SOFTBALL ASSOCIATION TO SUBMIT AN APPLICATION TO THE ATLANTIC COUNTY ENGINEER FOR A PERMIT APPROVING SAID TEMPORARY CLOSURE
- **RESOLUTION 81-25** A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND A TAX PAYMENT TO PRO CAP 8 LLC IN THE AMOUNT OF \$1,033.72
- **RESOLUTION 82-25** A RESOLUTION ACCEPTING A TONNAGE GRANT FROM THE ATLANTIC COUNTY UTILITIES AUTHORITY IN THE AMOUNT \$5,540.97
- **RESOLUTION 83-25** A RESOLUTION TO AMEND ADOPTED BUDGET (CHAPTER 159) SPECIAL ITEMS OF REVENUE AND APPROPRIATIONS (N.J.S.A. 40A: 4-87)

- **BILLS PAID AS LISTED**

- **CLERK’S REPORT**
MINUTES OF THE CLOSED SESSION MEETING OF MARCH 24, 2025
MINUTES OF THE REGULAR MEETING OF MARCH 24, 2025

MOTION: _____	Council Member	Aye	Nay	Abstain	Absent	Recuse
	GIOVINAZZI					
	ALVAREZ					
	ADAMS					
SECOND: _____	BARSUGLIA					
	ANDALORO					
RCV	DESTEFANO					

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SOLICITOR’S REPORT:

Richard Tonetta, Borough Solicitor

RESOLUTION NO. 84-25 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE WITHDRAWAL OF BID SUBMITTED BY THINK PAVERS HARDSCAPING, MT. ROYAL, NEW JERSEY FOR RESURFACING OF TENNIS COURTS AT BRUNO MELINI PARK IN ACCORDANCE WITH N.J.S.A. 40A:11-23.3

MOTION: _____

SECOND: _____

RCV

Council Member	Aye	Nay	Abstain	Absent	Recuse
GIOVINAZZI					
ALVAREZ					
ADAMS					
BARSUGLIA					
ANDALORO					
DESTEFANO					

WHEREAS, on March 20, 2025 the Borough of Buena opened and read aloud bids received for resurfacing of tennis courts at Bruno Melini Park; and

WHEREAS, upon opening said bids, Think Pavers Hardscaping was the lowest bidder with a base bid of \$85,000.00, well below the next lowest bidder: and

WHEREAS, on March 24, 2025 a letter was received from Think Pavers Hardscaping requesting their bid be withdrawn due to a mistake in accordance with N.J.S.A. 40A:11-23.3; and

WHEREAS, on April 7, 2025. Think Pavers Hardscaping provided evidence demonstrating that a mistake was made in their calculations and the Solicitor reviewed the request and indicated that enforcement of the contract, if actually made would be unconscionable: the mistake was a material feature of the bid: the mistake occurred by a subcontractor which therefore occurred notwithstanding the fact that the bidder exercised reasonable care in preparation of the bid and the granting of the withdrawal of the bid will not seriously prejudice the Borough except for loss of the bargain.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Think Pavers Hardscaping be permitted to withdraw their bid for resurfacing of tennis courts at Bruno Melini Park D&A file NO. BB-C-015 in accordance with N.J.S.A. 40A:11-23.3 and the Clerk is directed to return the bid guarantee to the bidder

BE IT FURTHER RESOLVED that Borough Council shall further consider the award of a bid for the project in accordance with the bid specifications and that Think Pavers Hardscaping shall be disqualified from future bidding on the same project, including whenever all bids are rejected.

ENGINEER’S REPORT:

Joseph Mohnack, Borough Engineer

GRANT APPLICATIONS

1. FY2025 NJDOT MUNICIPAL AID PROGRAM GRANT APPLICATION
➤ THE BOROUGH WAS AWARDED \$183,352.00 IN GRANT MONEY.

CAPITAL PROJECTS

1. CDBG ADA BUILDING IMPROVEMENTS – NEW AUTOMATIC ACCESS SLIDING DOORS
 . WORK IS COMPLETE, MOVING TO PROJECT CLOSEOUT.
2. RESURFACING OF THE TENNIS/PICKLEBALL COURTS
 . BIDS WILL BE OPENED MARCH 20, 2025.
3. FY2023 NJDOT LOCAL TRANSPORTATION PROJECTS FUND - RECONSTRUCTION OF PLYMOUTH ST AND FRIENDSHIP RD
 ➤ PAVING IS COMPLETE. PUNCHLIST WORK REMAINS.
4. NJDCA F.Y.2023 LOCAL RECREATION IMPROVEMENT GRANT FOR THE RESTROOM BUILDING AT BRUNO MELINI PARK
 . THE GRANT DEADLINE HAS BEEN EXTENDED INTO 2025. THE PROJECT WILL BE RE-ADVERTISED FOR BID.
5. FY2025 NJ WATER BANK SANITARY SEWER IMPROVEMENTS
 . THE PROJECT DESIGN DOCUMENTS HAVE BEEN SUBMITTED TO THE NJDEP FOR AUTHORIZATION TO ADVERTISE.

**BOROUGH OF BUENA COUNCIL
REGULAR MEETING AGENDA
MONDAY, APRIL 14, 2025 6:30 p.m.
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UNFINISHED BUSINESS:

NEW BUSINESS:

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NEXT MEETING: REGULAR COUNCIL MEETING APRIL 28, 2025 6:30 P.M.

MEETING ADJOURNED: M/ _____ S/ _____ ALL IN FAVOR? ANY OPPOSED?

**BOROUGH OF BUENA COUNCIL
REGULAR MEETING AGENDA
MONDAY, APRIL 14, 2025 6:30 p.m.
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RESOLUTION NO. 77-25

A RESOLUTION AMENDING RESOLUTION 32-25, APPOINTING LARRY PETRILLO AS A PART-TIME STREETS AND ROADS LABORER 1 IN THE BOROUGH OF BUENA ROAD DEPARTMENT

WHEREAS, the Streets and Roads Department has a vacancy for a part-time Laborer 1; and

WHEREAS, the Roads Committee has recommended Larry Petrillo be appointed to fill said vacancy.

WHEREAS, a subsequent vacancy occurred within the Streets/Roads department; and

WHEREAS, Larry Petrillo has agreed to devote additional hours to assist in fulfilling the duties created by this vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the hours of Larry Petrillo be increased to an average not to exceed 1,508 hours annually.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 35-25 remain unchanged.

RESOLUTION NO. 78-25

A RESOLUTION APPOINTING ANGEL CALIXTO-GOMEZ TO THE PERMANENT POSITION OF SENIOR EMERGENCY MEDICAL TECHNICIAN FOR THE BOROUGH OF BUENA EFFECTIVE APRIL 14, 2025

WHEREAS, Angel Calixto-Gomez currently serves as an emergency medical technician in the Borough of Buena; and

WHEREAS, Angel Calixto-Gomez is duly qualified and certified by the Department of Personnel; and

WHEREAS, Council has determined to appointed Angel Calixto-Gomez on a permanent basis to the position of senior emergency medical technician for the Borough of Buena, effective April 14, 2025, at a rate of pay as set forth in the current salary resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that angel Calixto-Gomez be and he is hereby appointed to the permanent position of Code Enforcement Officer, effective April 14, 2025 at the pay rate of \$29.00 hourly.

RESOLUTION NO. 79-25

A RESOLUTION APPOINTING NICHOLAS SCIARRONE TO THE BUENA BOROUGH FIRE DEPARTMENT EFFECTIVE APRIL 14, 2025

WHEREAS, the Council of the Borough of Buena wishes to appoint Nicholas Sciarrone to the Buena Borough Fire Department; and

WHEREAS, Fire Chief Kenneth Barbagli, unconditionally recommends the appointment.

NOW, THEREFORE, BE IT RESOLVED that Nicholas Sciarrone is hereby appointed to the Buena Borough Fire Department effective April 14, 2025.

RESOLUTION NO. 80-25

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF CENTRAL AVENUE (CR 627), TO THROUGH TRAFFIC ON APRIL 19, 2025, FROM 9:00 A.M. TO 10:00 A.M. AND DIRECTING BUENA BASEBALL SOFTBALL ASSOCIATION TO SUBMIT AN APPLICATION TO THE ATLANTIC COUNTY ENGINEER FOR A PERMIT APPROVING SAID TEMPORARY CLOSURE

WHEREAS, the Buena Baseball Softball Association of the Borough of Buena has rescheduled its annual Open Day Parade due to rain; and

WHEREAS, the Buena Baseball Softball Association of the Borough of Buena have requested a portion of Central Avenue (CR 627) 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.

**BOROUGH OF BUENA COUNCIL
REGULAR MEETING AGENDA
MONDAY, APRIL 14, 2025 6:30 p.m.
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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 April 19, 2025, from 9:00 A.M. To 10:00 A.M.

BE IT FURTHER RESOLVED that the temporary closure of the above street 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. 81-25

A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND A TAX PAYMENT TO PRO CAP 8 LLC IN THE AMOUNT OF \$1,033.72

WHEREAS, Taxes on Block 187 Lot 2 were paid in error; and

WHEREAS, the tax collector has determined that payment in the amount of \$1,033.72 should be returned to Pro Cap 8 LLC for Block 187, Lot 2 also known as 112 South Avenue.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to refund Pro Cap 8 LLC for taxes paid on Block 187, Lot 2 for a duplicate payment in the amount of \$1,033.72.

RESOLUTION NO. 82-25

A RESOLUTION ACCEPTING A TONNAGE GRANT FROM THE ATLANTIC COUNTY UTILITIES AUTHORITY IN THE AMOUNT \$5,540.97

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility {with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that Buena Borough hereby accepts the NJDEP Tonnage Grant from the Atlantic County Utilities Authority in the amount of \$5,540.97

RESOLUTION NO. 83-25

**TO AMEND ADOPTED BUDGET (CHAPTER 159)
SPECIAL ITEMS OF REVENUE AND APPROPRIATIONS
(N.J.S.A. 40A: 4-87)**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Buena, County of Atlantic, has been awarded \$5,540.97 from the NJDEP Recycling Tonnage Grant.

NOW, THEREFORE, BE IT RESOLVED that the council of the Borough of Buena, County of Atlantic, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2025 in the sum of \$5,540.97 which is now available as revenue as follows:

NJDEP Recycling Tonnage Grant: \$5,540.97

BE IT FURTHER RESOLVED that a like sum of \$5,540.97 and the same is hereby appropriated under the caption of:

NJDEP Recycling Tonnage Grant: \$5,540.97

BE IT FURTHER RESOLVED that the Chief Financial Officer will forward one copy of this resolution to the Director of the Local Government Services.