

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
FEBRUARY 27, 2023  
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**MEETING CALLED TO ORDER: P.M.**

**MEETING ADJOURNED: P.M.**

**CALL MEETING TO ORDER: FLAG SALUTE**

**ROLL CALL OF ATTENDANCE:**

Council Member	Present	Absent
ALVAREZ		
ADAMS		
BARSUGLIA		
ANDALORO		
FABRIZIO		

**ALSO IN ATTENDANCE:**

**SUNSHINE LAW:** This meeting 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 18, 2022 as well as having been posted on the municipal bulletin board and website at [www.buenaboro.org](http://www.buenaboro.org)

**MAYOR'S REPORT:** FIRST ORDER OF BUSINESS.

**RESOLUTION 45B-23 A RESOLUTION APPOINTING \_\_\_\_\_ TO THE POSITION OF COUNCILPERSON OF BUENA BOROUGH TO FILL THE UNEXPIRED TERM OF GINA ANDALORO, UNTIL THE CERTIFICATION OF THE 2023 GENERAL ELECTION RESULTS.**

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

**WHEREAS**, On January 12, 2023, Councilwoman Gina Andaloro tendered her resignation from the position of Councilperson of the Borough of Buena effective January 13, 2023, which term commenced January 1, 2022 and was to expire on December 31, 2024; and

**WHEREAS**, Councilwoman Andaloro's resignation was received on January 12, 2023 and

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**WHEREAS**, because of the resignation, a vacancy exists on the Borough Council; and

**WHEREAS**, on February 8, 2023, Borough Council received a list of three names provided by the Atlantic County Democratic Committee from which Council shall nominate an individual to fill the unexpired term of Councilwoman Andaloro, at which time the seat will be filled until the Certification of the 2023 General Election Results; and

**WHEREAS**, Borough Council opened the nomination for consideration and having received one nomination, to wit, \_\_\_\_\_ and therefore receiving no further nominations, the nominations were duly closed.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that \_\_\_\_\_ shall, upon taking the oath of office, immediately fill the vacant seat of Council for the Borough of Buena commencing February 27, 2023 until the Certification of the 2023 General Election Results, at which time the seat shall be filled by an election in accordance with the laws of the State of New Jersey.

PUBLIC COMMENT PROVIDES AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO INFORM THE MAYOR AND GOVERNING BODY ABOUT THEIR VIEWS. THE MAYOR AND GOVERNING BODY PRESCRIBES TO COUNCIL'S BY-LAWS AND THE NEW JERSEY STATUTES ON OPEN PUBLIC MEETINGS WHEN ENGAGING DURING PUBLIC COMMENT. AS SUCH, EACH INDIVIDUAL SHALL HAVE A 5 MINUTE LIMIT TO COMMENT; HE/SHE CANNOT YIELD TIME TO ANOTHER INDIVIDUAL; HE/SHE MAY ONLY APPROACH THE PODIUM ONCE DURING PUBLIC COMMENT FOR ANY ONE TOPIC; VULGAR OR OFFENSIVE LANGUAGE IS PROHIBITED AND MAYOR AND COUNCIL WILL NOT ENGAGE IN DIALOGUE WITH THE PUBLIC DURING THIS TIME. THE GOVERNING BODY MAINTAINS MODEL COURTESY AND RESPECT AND REQUIRES MEMBERS OF THE PUBLIC TO DO THE SAME.

**PUBLIC PORTION OF THE MEETING:**

**MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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

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**MOTION TO CLOSE PUBLIC PORTION:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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**NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**ORDINANCE NO. 720      CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL  
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP  
BANK (N.J.S.A. 40A:4-45.14)**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**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 2023 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 \$26,944.27 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.

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**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 2023 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 \$94,304.95, and that the CY 2023 municipal budget for the Borough of Buena be approved and adopted in accordance with this ordinance; and,

**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.

**DISCUSSION:**

**PUBLIC HEARING CLOSED:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**ORDINANCE NO. 720 ADOPTED:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 721     AN ORDINANCE AMENDING ORDINANCE 718 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2023

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**BE IT ORDAINED** by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following salary and wage ranges are hereby established for municipal officials and employees in the Borough of Buena.

Mayor	\$ 8,112.00 – \$ 9,000.00
Council	\$ 4,161.00 – \$ 5,000.00
Administrator	\$10,000.00 – \$40,000.00
Municipal Clerk Part Time	\$25,000.00 – \$35,000.00
Tax Collector Part Time	\$23,000.00 – \$35,000.00
Municipal Clerk Full Time	\$40,000.00 – \$60,000.00
Tax Collector Full Time	\$40,000.00 – \$60,000.00
Deputy Municipal Clerk	\$27,000.00 – \$39,000.00
Chief Financial Officer	\$40,000.00 – \$60,000.00
Qualified Purchasing Agent	\$ 2,000.00 – \$ 6,000.00
Tax Assessor	\$10,000.00 – \$25,000.00
Zoning Officer	\$ 4,500.00 – \$ 7,210.00
Enforcement Officer	\$ 6,500.00 – \$ 9,200.00
Construction Code	\$ 1,800.00 – \$ 3,500.00
Building Sub-Code Official	\$ 9,000.00 – \$11,000.00

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Plumbing Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Electrical Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Fire Sub-Code Official	\$ 1,500.00 – \$ 5,000.00
Fire Official	\$ 4,000.00 – \$ 6,000.00
Occupancy Inspector	\$ 3,000.00 – \$ 4,300.00
Road Supervisor	\$75,000.00 – \$82,000.00
EMS Chief	\$40,000.00 – \$80,000.00
EMS – Full Time	\$30,000.00 – \$60,000.00
Director Emergency Management	\$ 550.00 – \$ 5,000.00
Clerk 1- Full Time	\$20,000.00 – \$29,999.00
Clerk 2 - Full Time	\$30,000.00 – \$39,999.00
Clerk 3 - Full Time	\$40,000.00 – \$52,000.00
Clerk 1 - Part Time	\$ 13.00 – \$ 20.00
Clerk 1 (Per Meeting)	\$ 100.00 – \$ 125.00
Land Use Secretary (Per Meeting)	\$ 100.00 – \$ 125.00
Land Use Board Chairman	\$ 30.00 – \$ 33.00
Land Use Board Members	\$ 25.00 – \$ 28.00
EMS – Part Time	\$ 17.00 – \$ 25.00
UCC Substitute Inspector	\$ 25.00 – \$ 35.00
Streets & Roads Laborer 1	\$ 16.00 – \$ 19.00
Streets & Roads Laborer 2	\$ 19.01 – \$ 25.00
Streets & Roads Laborer 3	\$ 25.01 - \$ 35.00
Part-Time Road Laborers & Seasonal	\$ 12.00 – \$ 15.50

**DISCUSSION:**

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**PUBLIC HEARING CLOSED:**

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

**ORDINANCE NO. 721 ADOPTED:**

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

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**NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**ORDINANCE NO. 722      BOND ORDINANCE APPROPRIATING SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000) AND AUTHORIZING THE ISSUANCE OF UP TO FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) IN BONDS AND NOTES OF THE BOROUGH OF BUENA FOR THE PURCHASE OF ONE (1) NEW AMBULANCE AND ONE (1) REFURBISHED AMBULANCE AND RELATED ADDITIONAL EQUIPMENT BY THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, NEW JERSEY**

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

**THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES**

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HEREBY ORDAIN AS FOLLOWS:

**Section 1. Appropriation for Project-Down Payment.**

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the Borough of Buena, in the County of Atlantic, New Jersey (the “**Borough**”). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000), including the aggregate sum of THIRTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$31,250), which is hereby appropriated from the Capital Improvement Fund of the Borough as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the Borough for capital improvements and down payments, or by an emergency appropriation, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

**Section 2. Authorization of Bonds.**

For the financing of said improvements or purposes and to meet the to SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000) appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the maximum principal amount of FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) pursuant to the Local Bond Law of New Jersey (the “**Local Bond Law**”) and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the Borough in the maximum principal amount of FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3. Description of Projects.**

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

<b>IMPROVEMENT OR <u>PURPOSE</u></b>	<b>APPROPRIAT ION AND ESTIMATED <u>COST</u></b>	<b>AMOUNT OF BONDS OR NOTES</b>
Purchase of a New Ambulance and additional related equipment, and all other necessary or desirable appurtenances, work or materials.	\$410,000	\$389,500
Purchase of a Refurbished Ambulance and additional related equipment, and all other necessary or desirable appurtenances, work or materials.	<u>\$215,000</u>	<u>\$204,250</u>

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**TOTAL** **\$625,000**    **\$593,750**

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

**Section 4. Authorization of Notes.**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Borough in a principal amount not exceeding FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the Borough at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

**Section 5. Capital Budget.**

The current capital budget of the Borough of Buena conforms with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board, including the current capital budget, is on the file with the Clerk and is available there for public inspection.

**Section 6. Additional Matters.**

The following additional matters are hereby determined, declared and recited and stated:

(a) **Capital Expenditures.** The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) **Average Period of Usefulness.** The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **5 years**.

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(c) **Supplemental Debt Statement.** The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) **Soft Costs.** Amounts not exceeding THIRTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$31,250) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the acquisition of such improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

**Section 7. Ratification of Prior Actions.**

Any action taken by any officials of the Borough in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

**Section 8. Application of Grants.**

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 9. Full Faith and Credit.**

The full faith and credit of the Borough are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 10. Official Intent to Reimburse Expenditures.**

The Borough reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section

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1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

**Section 11. Effective Date.**

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**DISCUSSION:**

**PUBLIC HEARING CLOSED**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**ORDINANCE NO. 722 ADOPTED:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**ORDINANCE NO. 723      AN ORDINANCE AMENDING ORDINANCE NO. 306, AS AMENDED,  
CHAPTER 173 OF THE CODE OF THE BOROUGH OF BUENA  
ENTITLED PARKS AND RECREATION**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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**WHEREAS**, on April 22, 1985, the Council of the Borough of Buena adopted Ordinance 306 setting forth certain restrictions for the use of public parks and creating the Board of Recreation Commissioners; and

**WHEREAS**, the Borough Council finds that it is important to provide for the safety of those engaged in youth activities in the Borough of Buena and to provide reasonable assurance that those entrusted with the care and custody of our youth during extra-curricular activities such as sporting events and practices and other youth activities are not a potential threat to the youth partaking in said events; and

**WHEREAS**, N.J.S.A. §15A:3A-1 et seq., permits non-profit youth-serving organizations to request the State Police to perform a criminal background on current and prospective employees and volunteers, in order to check the criminal histories of those employees and volunteers who have direct contact with minor children, in order to eliminate those persons with convictions for certain crimes and disqualify prospective employees and volunteers who have been convicted of certain offenses; and

**WHEREAS**, Borough Council considers it in the best interest of the Borough to amend Ordinance 306, as amended, Chapter 173 of the Code of the Borough of Buena entitled "Parks and Recreation" to require all persons affiliated with youth programs within the Borough to have a background check.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that Ordinance On. 306, Chapter 173 be amended with the addition of the following:

Section 173-5 G. Background Checks

1. Definitions:

As used in this article, the following terms shall have the meanings indicated:

**CRIMINAL HISTORY RECORD BACKGROUND CHECK** - A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the NJ State Bureau of Identification in the Division of State Police.

**NON-SPONSORED YOUTH PROGRAMS** – Any youth program not sponsored by the Borough of Buena, but utilizes municipal facilities or has an affiliation with a Buena Borough-Sponsored Youth Program and having contact with persons under the age of 18 years.

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BOROUGH-SPONSORED YOUTH PROGRAMS - Any program sponsored by the Borough of Buena, including any and all leagues, boards or commissions, falling within the purview of or acting for or on behalf of, the Borough of Buena and having contact with persons under the age of 18 years.

YOUTH PROGRAMS - Any programs that allow for participation in activities by those persons less than 18 years of age. Activities may include, but are not limited to, sporting activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of the Borough of Buena other than a parent or care giver.

2. Non-Sponsored Youth Programs - Criminal Background Checks.

Prior to any club or organization, not defined as a Borough of Buena-Sponsored Youth Program, being authorized to use Borough of Buena-owned or operated facilities for functions participated in by minor children, any person 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the Borough of Buena Recreation Commission with findings of a criminal background check obtained from the State Bureau of Identification in the New Jersey State Police. The submission of background check findings must be based upon a check performed within two years of the start of use of the Borough of Buena-owned or operated facility. In the case of coaches performing duties as employees of the Buena Regional School District, the policy of background checks adopted by the Board of Education will be used to establish eligibility for use of Borough of Buena owned or operated facilities. In all cases the background check must comply with the provisions of any applicable laws regarding the same, but not less detailed than those performed by the Borough of Buena for individuals involved in administering Borough of Buena-Sponsored Youth Programs. The cost of background checks for individuals not administering a Borough of Buena-Sponsored Program shall be borne by the individual or program with which they are participating.

3. Borough of Buena-Sponsored Youth Programs - Background Checks.

A. Any person 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Borough of Buena-Sponsored Youth Program function participated in by minor children, shall submit sufficient information on forms supplied by the Borough of Buena Recreation Commission from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. Applications for background checks shall be processed by the Borough of Buena Recreation Commission. The individual applying for the background check shall authorize the Borough of Buena Recreation Commission to be the

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recipient of the affirmative or negative response from the State Police based upon the findings of the background check. The cost of background checks for individuals administering a Borough of Buena-Sponsored Youth Program shall be borne by the individual or program with which they are participating.

B. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The President or Director of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this chapter. The roster shall be on forms supplied by the Borough of Buena and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this chapter and laws regarding false swearing.

4. Qualification.

A. Individuals engaged in providing recreation opportunities for, or on behalf of, the Borough of Buena shall be issued identification cards with appropriate expirations based upon the date of their individual background check. Individuals issued identification cards are requiring to display their card while in performance of their duty involving youth programs.

5. Disqualification.

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Recreation Commission shall notify the applicant and the President or Director of the recreation program of affirmative or negative results. Details in the background check that result in a negative determination by the State Police are not afforded to the Recreation Commission and are only available to the applicant upon making a formal request to the State Bureau of Investigation.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety or welfare of children, the said person shall not be qualified to participate in any official capacity in any function for persons under the age of 18 years held at any Borough of Buena-owned or operated facilities. Such offenses shall include, but not be limited to:

1. In New Jersey, any crime or disorderly persons offense:

(i) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. §2C:11-1 et seq. (i.e., criminal homicide; murder;

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manslaughter; death by vehicular homicide; aiding suicide; leaving the scene of a motor vehicle accident); N.J.S.A. §2C:12-1 et seq. (assault; endangering an injured victim; recklessly endangering another person; terroristic threats; stalking; disarming law enforcement or corrections officer); N.J.S.A.

§2C:13-1 et seq. (i.e., kidnaping; criminal restraint; interference with custody; criminal coercion; enticing a child into a motor vehicle, structure or isolated area); N.J.S.A. §2C:14-1 et seq. (i.e., sexual assault; criminal sexual contact; lewdness; juveniles in need of supervision); N.J.S.A.

§2C:15-1 et seq. (i.e., robbery; carjacking).

(ii) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. §2C:24-1 et seq. (i.e., bigamy; endangering the welfare of children, incompetent persons, the elderly or disabled persons; willful nonsupport; unlawful adoptions; employing a juvenile in the commission of a crime).

(iii) Involving theft as set forth in chapter 20 of 2C of the New Jersey Statutes (i.e., including theft of real or personal property in excess of \$200; receiving stolen property; fencing; theft of services; shoplifting; computer related theft).

(iv) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except Paragraph (4) of Subsection a. of N.J.S.A. §2C:35-10.

(v) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Section 5 B(1) of this section.

2. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

3. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any Borough of Buena-Sponsored Programs requiring background checks. In addition, refusal to comply with this chapter by any individual falling within the scope of requirements for Non-Sponsored Youth Programs will forfeit that individual's ability to participate with the respective program. Refusal of a non-Borough-sponsored Youth Program to subscribe to the requirements of this chapter shall forfeit that programs ability to use municipal facilities.

6. Frequency of Background Checks.

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A. All Non-Sponsored Youth Programs that have individuals subject to this chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at a Borough of Buena-owned or operated facility to the extent covered by this chapter. Thereafter, a new background check shall be submitted to the Recreation Commission every three (3) years.

B. 1. All Borough of Buena-sponsored Youth Programs that have individuals subject to this chapter shall direct those individuals to the Recreation Commission for background checks prior to the individual being able to participate at any function sponsored by the Borough of Buena. Thereafter, every three years a new background check shall be submitted to the Recreation Superintendent.

2. Individuals involved in Borough of Buena-Sponsored Youth Programs who are required to undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. One (1) interim approval may be granted per individual.

7. Privacy.

All criminal background checks supplied to the Recreation Commission shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public for inspection. The Recreation Commission shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law New Jersey Open Public Records Act. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose.

**BE IT FURTHER ORDAINED** that the Board of Recreation Commissioners shall promulgate rules and regulations consistent herewith.

**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 ON FIRST READING:**

**ORDINANCE NO. 724      AN ORDINANCE CREATING THE OFFICE OF EMERGENCY  
MANAGEMENT WITHIN THE BOROUGH OF BUENA, COUNTY OF  
ATLANTIC, STATE OF NEW JERSEY.**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**BE IT ORDAINED** by the Mayor and Council of the Borough of Buena in the County of Atlantic and State of New Jersey as follows:

**TITLE:**

This ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Borough of Buena."

**INTENT AND PURPOSE:**

It is the intent and purpose of this ordinance to establish an Emergency Management Office that will ensure the complete and efficient utilization of all of the Borough's facilities to combat disaster resulting from emergencies, natural or man-made or nuclear disasters or enemy attack.

**ORGANIZATION:**

The Office of Emergency Management shall be a Division of the Department of Public Safety as provided by the Buena Borough Administrative Code.

**OFFICE OF EMERGENCY MANAGEMENT TO BE COORDINATING AGENT:**

The Buena Borough Office of Emergency Management will be the coordinating agency for all activity in connection with emergency management; it will be the instrument through which Mayor and Council may exercise the authority and discharge the responsibilities vested in them in the New Jersey Civil Defense Act of 1942, P.L. 1942, c.251, as amended and supplemented and by authority of this Ordinance, and in conjunction with Directives issued by the New Jersey Office of Emergency Management.

**EFFECT ON EXISTING DEPARTMENTS AND AGENCIES:**

This ordinance will not relieve any Borough department of any of the responsibilities or authority given to it by any law, Administrative Code or local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

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**DEFINITIONS:**

The following definitions shall apply in the interpretation of this ordinance.

**COORDINATOR** - The coordinator of the Buena Borough Office of Emergency Management, appointed as prescribed in this ordinance.

**DEPUTY EMERGENCY MANAGEMENT COORDINATOR-** There shall be up to six Deputy Emergency Management Coordinators who shall be appointed as prescribed in this chapter. All Deputy Emergency Management Coordinators shall be required to have all of the training, certificates and credentials that are required of the coordinator.

**DISASTER** - An unusual incident or the imminence thereof, resulting from natural or unnatural causes which endangers the health, safety, or resources of the residents of this Borough and which is or may become too large in scope or unusual in type to be handled in its entirety by regular Borough operating services.

**WAR EMERGENCY** - shall mean and include any disaster occurring in this jurisdiction as a result of enemy attack or the imminent danger thereof.

**EMERGENCY** - shall mean and include "disaster" and "war emergency" as defined in this ordinance.

**EMERGENCY MANAGEMENT FORCES** -The employees, equipment and Borough facilities of all departments, boards, institutions, and commissions; and in addition, it shall include all volunteer persons or agencies.

**EMERGENCY MANAGEMENT VOLUNTEER** - Any person duly registered, identified, and appointed by the Coordinator of the Office of Emergency Management and assigned to participate in the emergency management activity.

**LOCAL DISASTER EMERGENCY** - Includes any disaster, or the imminence thereof, resulting from natural or unnatural causes other than enemy attack and limited to the extent that action by the Governor under the New Jersey Emergency Management-Disaster Control Act is not required.

**REGULATIONS** - Includes plans, programs, and other emergency procedures promulgated by the Emergency Management Coordinator.

**VOLUNTEER** - Contributing of services, equipment or facilities to the emergency management organization without remuneration.

**ORGANIZATION AND APPOINTMENTS:**

The Council of the Borough of Buena shall appoint an Emergency Management Coordinator

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who shall be a person well versed and trained in the operation involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from emergencies as defined in this ordinance. Said person must have completed any and all necessary courses.

The Coordinator must comply with all Federal, State, County, or Municipal training guidelines. The term of appointment will be three (3) years.

The Coordinator is hereby authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within this Borough. The coordinator, as executive head of the Buena Borough Office of Emergency Management, shall be responsible for its organization, administration, and operations.

The organization shall consist of the following:

An Office of Emergency Management will be designated by the Council of the Borough of Buena and shall appoint an executive head of the Office of Emergency Management who shall be known as the "Coordinator of the Office of Emergency Management," and such volunteer assistants and other employees necessary for the proper functioning of the organization. The employees, equipment, and facilities of all Borough departments, boards, institutions, authorities and commissions will participate in emergency management activity when requested, if able.

Volunteer persons and agencies offering service to and accepted by the Borough.

The Coordinator shall designate and appoint, with the approval of the Director of Public Safety, a Deputy Coordinator or Coordinators to assume the emergency duties of the Coordinator in the event of his absence or inability to act, the intent being that there will always and at all times be a Coordinator in charge of emergency management operations.

**POWER AND DUTIES OF COORDINATORS:**

The Coordinator of the Office of Emergency Management shall be responsible to the Borough Council in regard to all phases of the emergency management activity. Under the supervision of the Director of Public Safety, the Coordinator shall be responsible for the planning, activation, coordination and operation of the emergency management activity in the Borough, and shall maintain liaison with the county, state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the emergency management plan. The Coordinator's duties shall include, but are not be limited to, the following:

**Personnel.** Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Borough for emergency management purposes. The Coordinator may require emergency services of any Borough officer or employee. If regular forces are determined to be inadequate, the Coordinator may require the services of such other personnel as he can obtain that are available, including citizen volunteers.

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All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the ordinances for regular Borough employees and other registered and identified emergency management workers.

The Coordinator may, under critical emergency situation, obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the Borough for the value thereof.

Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes.

The Coordinator will cause to be prepared the Buena Borough Emergency Operations Plan herein referred to as the "Buena Borough Emergency Operations Plan." Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Borough for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness the governmental services and public health, safety and welfare.

Through public information programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of emergency as defined herein, either impending or present.

To conduct yearly exercises of the Buena Borough Emergency Operations Plan to ensure the efficient operation of the emergency management forces and to familiarize residents with regulations, procedures and operations.

The Coordinator, with the approval of the Director of Public Safety, shall order emergency management forces to the aid of other communities when required only in accordance with the statutes of the state, and he may request the state, county (or a political subdivision of the state) to send aid to the Borough of Buena in case of disaster when conditions in the Borough are beyond the control of the local emergency management organization and/or resources.

Assuming such authority and conducting such activity as the Coordinator and Director of Public Safety may direct to promote and execute the Buena Borough Emergency Operations Plan.

The Coordinator shall act as "911" coordinator, plot and maintain all address changes with the Borough of Buena, assign all new structures with proper addresses.

The Coordinator may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in this ordinance. The judgment of the Coordinator shall be the sole criteria necessary to invoke emergency powers indicated in this ordinance, and other appropriate authorities.

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Nothing in this ordinance shall be construed as abridging or curtailing the powers of the Mayor and Council.

**PROMULGATION AND IMPLEMENTATIONS OF REGULATIONS:**

During any period when disaster threatens or when the Borough has been struck by disaster, within the definition of this ordinance, the Coordinator shall promulgate such regulations as they deem necessary to protect life and property and preserve critical resources.

The Coordinator shall assist in implementing such regulation, including:

Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces or to facilitate the mass movement of persons from critical areas within or without the Borough.

Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

Such other regulations necessary to preserve public peace, health and safety.

Regulations promulgated in accordance with the authority above, will be given widespread circulation by proclamations the Emergency Operations Plan shall be responsible for carrying all duties and functions assigned therein.

Duties will include the organization and training of assigned Borough employees and volunteers. Each department head and/or annex deputy shall formulate an operation plan for his service which, when approved, shall be annexed to and a part of the Emergency Operations Plan.

When a required competency or skill for a disaster function is not available within the Borough government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during and after the occurrences of a disaster. Such services from persons outside of government, may be accepted by the Borough on a volunteer basis.

Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of departments affected.

**VIOLATIONS AND PENALTIES:**

It shall be unlawful for any person to violate any of the provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein

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defined in the enforcement of the published and uttered either by advertising, posting, newspaper, or radio. These regulations will have force of an ordinance when duly filed with the Clerk and violations will be subject to the penalties provided in this ordinance.

**BASIC PLAN:**

A comprehensive Emergency Operations Plan shall be maintained by the Coordinator. In the preparation of this plan as it pertains to Borough organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies, including volunteer fire companies and first aid squads (said department agencies and companies hereinafter referred to as departments), shall be utilized to the fullest extent to protect the peace, health and safety of citizens. When approved, it shall be the duty of all municipal departments to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The Emergency Operations Plan shall be considered supplementary to this ordinance and have the effect of law whenever a disaster, as defined in this ordinance, has been proclaimed. The plan shall be compatible with county and state plans.

The Coordinator shall prescribe in the Emergency Operations Plan those positions within the disaster organization, in addition to his/her own, for which liens of succession are necessary.

Each Department and/or annex deputy assigned responsibility in provisions of this ordinance or any regulation or plan issued thereunto.

Any person, firm or corporation violating any provisions of this ordinance, or any rule or regulation promulgated thereunto, upon conviction thereof, shall be punished by a fine of not more than ONE THOUSAND DOLLARS (\$1,000) and costs of prosecution or imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

**SEVERABILITY:**

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this ordinance, as a whole, it being the legislative intent that the provisions of this ordinance shall be severable.

This ordinance shall take effect twenty days after passage and publication in accordance with the law.

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**NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**ORDINANCE NO. 725      AN ORDINANCE TO AMEND CHAPTER 150, ARTICLE XV OF THE  
GENERAL ORDINANCES OF THE BOROUGH OF BUENA SO AS TO  
SET SPECIFIC STANDARDS FOR THE SALE OF ADULT USE  
CANNABIS**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**WHEREAS**, on February 13, 2023, Borough Council passed a motion requesting the Buena Borough Land Use Board consider review and recommend amendment to the Municipal Land Use Laws of the Borough regarding certain conditions related to Class 1, 2, 3, 4, 5 and 6 licensed cannabis establishments; and

**WHEREAS**, on February 21, 2023, the Buena Borough Land Use Board adopted a Resolution of findings and conclusions and made certain recommendations related to said motion, which Borough Council adopts as if set forth herein at length; and

**WHEREAS**, Borough Council finds it to be in the best interest of the borough of Buena to amend Chapter 150, Article XV consistent with the Land Use Board Resolution.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that Chapter 150 Article XV of the General Ordinances of the Borough of Buena be amended as follows:

**SECTION I**

A new Section 150-118.2 is added which states as follows:

**§150-118.2. Cannabis**

- A. Definitions. For purposes of this §150-118.2 the Definitions set forth in §202-12 are hereby incorporated herein.
- B. Permitted Use. In accordance with N.J.S.A. 24:6I-45(b) of the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (“CREAMM”), all classes of cannabis establishments, cannabis distributors or cannabis delivery services referred to as Class 1, Class 2, Class 3, Class 4, Class 5 and Class 6 licensed

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cannabis establishments shall be permitted uses in the following Zoning Districts, subject to the standards applicable to permitted uses in those Zones:

1. I-1 – Industrial Zone (§150-137, et. seq.);
2. I-2 \ OC – Light Industry \ Office Campus (Overlay) Zone (§150-137.1, et. seq.);  
and
3. P-I – Pinelands Town Industrial District (§150-201, et. seq.).

C. Conditional Use. In accordance with N.J.S.A. 24:6I-45(b) of CREAMM, Class 5 cannabis retail establishment (“Cannabis Retailer”) shall be a conditional use, provided the standards set forth in §150-118.2(D) are met, in the following Zoning Districts:

1. B-1 – Central Business Zone (§150-138, et. seq.);
2. B-2 – Highway Business Zone (§150-139, et. seq.);
3. B-3 – Shopping Center Zone (§150-140, et. seq.); and
4. P-B2 – Pinelands Town Highway Business District (New Jersey Route 40) Zone (§150-200, et. seq.).

D. Specific Standards. A Cannabis Retailer that is a conditional use shall be permitted in the Zoning Districts set forth in §150-118.2(C), subject to the standards applicable to permitted uses in those Zones, provided the following conditions are met:

1. No Cannabis Retailer shall be located within 1,000 feet of any property: (a) used for school purposes, including, but not limited to, universities, colleges, elementary school, charter school, secondary school, vocational school, kindergarten and preschool; or (b) which is owned by or leased to any university, college, elementary school, charter school, secondary school, vocational school, kindergarten, preschool, or school board (collectively 1(a) and 1(b) shall be referred to as “School Use”). For purposes of measuring the buffer distances mandated herein and in subsections (D)(2) and (D)(3) below, the measurement shall begin at the outer boundaries or lot lines of the respective School Use; residential zoning district [(D)(2)]; or church, public park or municipal building [(D)(3)].
2. No Cannabis Retailer shall be located within 300 feet of the R-1, R-2, R-3, R-4, R-5, P-R3, and P-R4 Residential Zoning Districts.
3. No Cannabis Retailer shall be located within 500 feet of any church, public park or municipal building. For purposes of this §150-118.2(D)(3), the terms church, public park and municipal building shall have the following meanings:
  - a. Church – shall have the meaning set forth in §150-5.
  - b. Public Park – a tract of land owned by the Borough of Buena, Atlantic County, State of New Jersey, or a branch of government and available to the general public for recreational purposes.

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- c. Municipal Building – means any building or structure owned, leased, controlled or used by the Borough of Buena.
  
- 4. The Cannabis Retailer has obtained and provided to the Planning/Zoning Board a Resolution of Support from Borough Council for the site that is the subject of the site plan application.
  
- 5. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12.
  
- 6. A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.
  
- 7. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the Cannabis Retailer placed within the interior of buildings shall be arranged or screened to prevent public viewing from outside such building.
  
- 8. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to the Cannabis Retailer, including, but not limited to prerecorded or live music or sounds, are prohibited.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

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**NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**ORDINANCE NO. 726      AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY DISSOLVING THE BUENA BOROUGH FIRE DISTRICT NO. 2 AND FIRE COMMISSIONERS IN ACCORDANCE WITH N.J.S.A. 40A:14-91, REQUIRING AN ACCOUNTING OF ALL ASSETS AND DEBTS OF THE FIRE DISTRICT AND COMMISSIONERS AND AUTHORIZING THE ACCEPTANCE OF AN ASSIGNMENT OF ANY AND ALL AGREEMENTS FOR FIRE SUPPRESSION WITH THE MINOTOLA FIRE COMPANY IN ACCORDANCE WITH N.J.S.A. 40A:14-68**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**WHEREAS**, on July 29, 2021, the Council of the Borough of Buena adopted Ordinance 701 dissolving Buena Borough Fire District No. 1 and expanding Buena Borough Fire District No. 2 to include all of the Borough of Buena which was done in accordance with N.J.S.A. 40A:5A-20 and not N.J.S.A. 40A:14-91 which is specific to the dissolution of Fire Districts: and

**WHEREAS**, on or about October 24, 2022 Borough Council received and filed a petition signed by not less than 5% of the voters to establish a new Fire District as required by N.J.S.A. 40A:14-70 and thereafter received and filed a petition signed by not less than 5% of the voters to dissolve Buena Borough Fire District No. 2 thereby having the Borough Council undertake the oversight of fire suppression and prevention instead of a fire commission in accordance with N.J.S.A. 40A:14-68; and

**WHEREAS**, Borough Council adopted Ordinance No. 714 staying the transfer of any further assets that inured to the Borough upon dissolution of Fire District No. 1 pending further consideration by the Borough; and

**WHEREAS**, Borough Council finds it to best determine whether to dissolve Fire District No. 2 before considering whether to create a new Fire District; and

**WHEREAS**, after considering the costs incurred in litigation by the Buena Borough Fire Commissioners for Fire District No. 2 inclusive of issues unrelated to the duties of fire commissioners to assure the health and safety of the Borough residents are protected from the hazards of fires as outlined in N.J.S.A. 40A:14-70 and having heard the testimony of

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residents and officials including the Borough's auditor related to savings realized from the dissolution of the fire district; and

**WHEREAS**, the Minotola Fire Company has provided fire suppression and prevention services for the Borough of Buena through the Board of Fire Commissioners of Fire District No. 2 as authorized by N.J.S.A. 40A:14-70.1 and should the Borough Council favorably consider the dissolution of Board of Fire Commissioners of Fire District No. 2 and the Fire District, the governing body would welcome the continued services of the Minotola Fire Company as authorized by State Statutes so as to continue to protect the health and welfare of the Borough; and

**WHEREAS**, Borough Council recognizes the equities in dissolving all of the fire districts and allowing the governing body to oversee fire suppression and prevention with the Minotola Fire Company or such other fire company that may be created for the purposes of providing fire suppression services to the Borough residents as authorized in accordance with N.J.S.A. 40A:14-68; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5A-20, any municipal governing body which has established a Fire District is empowered to dissolve the Fire District providing said ordinance is approved by the Local Finance Board within the Department of Community Affairs prior to adoption, which application has or shall be made prior to the final adoption of this Ordinance.

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

1. **Dissolution.** Borough of Buena Fire District No. 2 is hereby dissolved and abolished subject to the terms and conditions hereof and the terms of the offices of the members of the Board of Commissioners of the Borough of Buena Fire District No. 2 are hereby terminated.
2. **Transfer of Title of All Facilities.** All real and personal property owned or titled in the name of Borough of Buena Fire District No. 2 or the Commissioners thereof, including all cash assets shall become the assets of the Borough of Buena.
3. **Payment of All Creditors and Obligees.** Borough of Buena shall be responsible for the payment of lawful debts and obligations of the Borough of Buena Fire District No. 2 including therewith the continuation of all agreements with Minotola Fire Company to provide fire suppression and prevention services for the Borough of Buena as has been provided through the Commissioners of the Buena Fire District No. 2.
4. **Contract with Volunteer Fire Companies.** Minotola Fire Company shall be recognized as such fire company assigned to the duty of extinguishing fires within the Borough of Buena under such terms and conditions as shall be deemed proper, including financing by the Borough of Buena for such equipment and training necessary to adequately provide for fire suppression and prevention within the Borough of Buena

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and for such other related obligations including mutual aid to adjacent municipalities. In the event Minotola Fire Company is unable or unwilling to continue providing such services, the Borough shall continue to utilize mutual aid with the assistance of the State of New Jersey, Department of Community Affairs, Fire Safety, Shore Region Fire Coordinator, pending an agreement with an existing or new fire company in accordance with N.J.S.A. 40A:14-68.

5. **Borough Authority.** Upon the effective date of this Ordinance, the Borough of Buena Fire District No. 2 shall cease all operations and activities and all operations and activities shall be transferred to the Governing Body automatically and without further action either by the Borough of Buena or Buena Fire District No. 2.
6. **Approval of Local Finance Board.** Pursuant to the provisions of N.J.S.A. 40A:5A-20, a copy of this Ordinance must be forwarded to the Local Finance Board of the State of New Jersey (Board) for review and approval. Final adoption of this Ordinance shall be subject to the Board's approval. A copy of this Ordinance as adopted shall be filed immediately with the Board and with the Secretary of State of New Jersey.
7. **Effective Date of Dissolution.** The dissolution of the Borough of Buena Fire District No. 2 shall be effective upon adoption of this Ordinance and the automatic transfer of all assets and liabilities from Borough of Buena Fire District No. 2 to the Borough of Buena and the assumption of all duties by Fire District No. 2 and the Commissioners thereof shall be effective upon adoption of this Ordinance.
8. **Severability.** Should any section, subsection or phrase of this Ordinance is held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
9. **Repeal of All Inconsistent Ordinances.** All Ordinances or portions thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
10. **Effective Date.** This Ordinance shall take effect upon passage and publication as required by law and upon approval by the Local Finance Board.

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**NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**ORDINANCE NO. 727      ORDINANCE SETTING FORTH THE REQUIREMENTS FOR THE  
INSTALLATION IN MUNICIPAL BUILDINGS AND TRAINING OF  
CERTAIN MUNICIPAL EMPLOYEES AND VOLUNTEERS FOR  
AUTOMATED EXTERNAL DEFIBRILLATORS (AED'S)**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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**WHEREAS**, more than 350,000 Americans die annually from out-of-hospital sudden cardiac arrest of which many die needlessly because life saving defibrillators are not immediately available; and

**WHEREAS**, the American Heart Association estimates that almost 100,000 deaths could be prevented each year if defibrillators were more widely available; and

**WHEREAS**, Mayor and Borough Council finds that there is a need to have automated external defibrillators (AED's) available in occupied municipal buildings and public venues for sporting events to prevent potential deaths from sudden cardiac arrest and wishes to comply with N.J.S.A. 2A:62A-23 et seq. in order to assure the proper deployment of the AED and to provide immunity from civil liability for a municipal employee utilizing an AED; and

**WHEREAS**, Mayor and Council find it necessary to set forth general requirements for the acquisition, installation and training for the use of AED's to promote the public health, safety and general welfare.

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

A. Location of AED Devices

1. All municipal buildings that are occupied by Borough employees and open to the general public as well as public recreation facilities with active recreational sporting events shall have installed therein or located thereon AED devices. This includes all ball fields, gymnasiums, swimming pools and swimming facilities, tennis and other similar sports courts and facilities. Passive activity parks are not required to maintain an AED device.

The EMS Division of the Borough of Buena, in conjunction with shall review and approve the number and installation locations for all AED devices required in accordance herewith as part of the policies and medical oversight program. The location and signage shall be in accordance with best practices; however, they shall be conspicuously building at the minimum. An audible alarm signaling the opening of a door to a cabinet housing the AED shall be installed. The cabinet shall have appropriate signage with the letters "AED" and the distance between AED devices shall be in accordance with appropriate standards and best practices.

B. Maintenance and Training

1. The EMS Division, in conjunction with the Borough Council shall promulgate policies and a medical oversight program regarding the anticipated users of all AED's, such as coaches, trainers, parents and others for sports facilities and supervisors, security, staff and employees for all municipal buildings requiring AED devices which shall be considered by the

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Business Administrator for implementation. Said policies shall be promulgated with the EMS physician or such other licensed physician appointed by the Borough for such purpose.in a protocol review capacity.

All anticipated users shall be CPR/AED trained prior to any AED use. Such training shall be from the American Red Cross, American Heart Association or other training program recognized by the Department of Health and Senior Services.

All coaches approved by the Recreation Commission shall be required to be CPR/AED trained.

2. All AED Devices shall

- (a) have received approval of its pre-market notification States Food and Drug Administration and
- (b) be capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention by an operator, whether defibrillation should be performed and
- (c) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

3. All AED devices shall be registered with the Borough of Buena Emergency Medical Services Division. All AED's shall be properly maintained and tested according to the manufacturer's guidelines and all records shall be kept with the EMS Division.

C. Penalties

1. It shall constitute a violation of the Borough Code, to intentionally or willfully:

- (a) Render an automated external defibrillator device inoperative except during such time as the device is being serviced, tested, repaired or recharged
- (b) Deface the serial number on an AED device for purposes of falsifying service records
- (c) Improperly service, recharge, repair, test or inspect an AED device.

**BE IT FURTHER ORDAINED** that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

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**BE IT FURTHER ORDAINED** that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

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**RESOLUTION 57-23      A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY  
BY PUBLIC AUCTION TO THE HIGHEST BIDDER.**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**WHEREAS**, the Borough of Buena owns a certain parcel of property situated at 328 Brewster Road known as Black Water Bond Recreational Area; and

**WHEREAS**, the grass grown on the property can be used for hay to feed farm animals; and

**WHEREAS**, this Council has determined that the grass crop is not needed for public use and that it is in the best interest of the citizens of the Borough of Buena that the grass be cut in order to make the property more functional for recreational purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that:

1. Pursuant to N.J.S.A. 40A:12-13.1, the sale of the grass crop on the property known as the Black Water Pond Recreational Area and located at 328 Brewster Road be in the same is hereby authorized and approved for a two-year term commencing 2023.
2. The sale of said personal property authorized herein shall be by public auction to be conducted by the Acting Clerk or her designee on March 30, 2023 at 2:00 p.m. at Borough Hall at 616 Central Avenue, Minotola, New Jersey.
3. The successful bidder shall be responsible to comply with the sale specifications on file with the Acting Borough Clerk which specifications are hereby authorized and approved.

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**RESOLUTION 58-23      GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION'S "ENFORCEMENT GUIDANCE ON THE  
CONSIDERATION OF ARREST AND CONVICTION RECORDS IN  
EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL  
RIGHTS ACT OF 1964"**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Buena, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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**RESOLUTION 59-23      A RESOLUTION PROMOTING LEONARD COCO TO THE POSITION OF  
LABORER 3 FOR THE DEPARTMENT OF STREETS AND ROADS  
EFFECTIVE FEBRUARY 27, 2023.**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**WHEREAS**, Leonard Coco was hired as a Laborer for the Department of Streets and Roads on April 22, 2013; and

**WHEREAS**, during his tenure, Leornard Coco performed his duties and responsibilities in a professional and courteous manner; and

**WHEREAS**, the Council of the Borough of Buena desires to promote Leonard Coco to the position of Laborer 3 for the Department of Streets and Road at the rate of \$26.96 per hour.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Buena that, effective February 27, 2023, Leornard Coco is hereby promoted to the position of Laborer 3 for the Department of Streets and Roads, in accordance with the New Jersey Civil Service Commission’s Job Specification (06633), at the rate of \$26.96 per hour.

**BE IT FURTHER RESOLVED**, that this appointment is contingent upon a Certification of Availability of Funds from the Chief Financial Officer

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**RESOLUTION 60-23      A RESOLUTION ACCEPTING A CHANGE ORDER TO AMEND A  
CONTRACT WITH MATHIS CONSTRUCTION COMPANY, INC., FOR  
RECONSTRUCTION OF SOUTH BOULEVARD (DRAINAGE  
IMPROVEMENTS.)**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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**WHEREAS**, in accordance with the project, Reconstruction of South Boulevard (Drainage Improvements), Remington and Vernick, has prepared a change order recommending an increase in the contract price by \$26,486.02 for as-built quantities for various contract items and supplemental items as stated on the Change Order attached hereto, and made part of, this Resolution.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Buena that the change order submitted by Remington and Vernick, providing for an increase in the contract amount of \$26,486.02 is hereby accepted and approved by the Council of the Borough of Buena, as an amendment to said contract, contingent upon a Certification of Availability of Funds from the Chief Financial Officer.

**BE IT FURTHER RESOLVED** that David Zappariello, Mayor of the Borough of Buena, is authorized to execute the change order.

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**RESOLUTION 61-23      A RESOLUTION DETERMINING AND DIRECTING THE FORECLOSURE  
OF TAX SALE CERTIFICATE NO. 15-00011 PURSUANT TO  
N.J.S.A. 54:5-104.29 ET. SEQ.**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
RIZIO							

**BE IT RESOLVED**, by the Borough Committee of the Borough of Buena, New Jersey, the governing body of the Borough of Buena, that Tax Sale Certificate No. 15-00011, as shown on the attached Foreclosure List, which is held by the Borough of Buena be foreclosed by summary proceedings, IN REM, and as described by N.J.S.A. 54:5-104-29 et seq. as amended, and pursuant to the Rules of Civil Procedure of the Superior Court of New Jersey.

**BE IT FURTHER RESOLVED**, that all reasonable and necessary costs incurred in connection with the foreclosure of Tax Sale Certificate No. 15-00011 are hereby approved.

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**RESOLUTION 62-23      A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT TO BIANCO SECURITY SYSTEMS FOR THE INSTALLATION OF A BURGLAR ALARM SYSTEM AND MONITORING.**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**WHEREAS**, the Borough of Buena solicited quotes for the installation of a burglar alarm system and monitoring; and

**WHEREAS**, the Qualified Purchasing Agent reviewed the quotes and determined that Bianco Security Systems was the lowest responsible bidder.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that a contract for the installation of a burglar alarm system and monitoring be and is hereby awarded to Bianco Security Systems in an amount not to exceed \$2,200.00.

**BE IT FURTHER RESOLVED** that the award is contingent upon the receipt of a Certificate of Availability of Funds from the Chief Financial Officer.

**COMMITTEE REPORTS:**

**PERMITS/INSPECTIONS/TAX OFFICES.....CHAIRMAN, [REDACTED]**  
DOUGLAS ADAMS, MARINA BARSUGLIA

**FINANCE.....CHAIRMAN, JORGE ALVAREZ,**  
PATRICIA ANDALORO, DOUGLAS ADAMS

**PUBLIC SAFETY/STREET LIGHTS/ANIMAL CONTROL.....CHAIRMAN, DOUGLAS ADAMS,**  
JORGE AVAREZ, [REDACTED]

**RECREATION/SPECIAL EVENTS.....CHAIRWOMAN, MARINA BARSUGLIA,**  
PATRICIA ANDALORO, JOSEPH FABRIZIO

**PUBLIC BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRWOMAN PATRICIA ANDALORO,**  
JOSEPH FABRIZIO, MARINA BARSUGLIA

**ROADS/RECYCLING.....CHAIRMAN, JOSEPH FABRIZIO,**  
JORGE ALVAREZ, [REDACTED]

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**CLERK'S REPORT:**

**MINUTES OF THE WORKSHOP MEETING OF FEBRUARY 13, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**MINUTES OF THE REGULAR MEETING OF FEBRUARY 13, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**BILLS PAID AS LISTED:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

**NEXT MEETING: MARCH 13, 2023**

**MEETING ADJOURNED: M/ \_\_\_\_\_ S/ \_\_\_\_\_ ALL IN FAVOR? ANY OPPOSED?**