CALLED TO ORDER: 7:00 P.M.

MEETING ADJOURNED: 8:35 P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
WALKER	x	
D'ALESSANDRO	x	
BAKER	x	
MANCUSO		ж
ALVAREZ	х	

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, November 22, 2021 commencing at 7:00 p.m. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello called for a moment of silence for those affected by covid-19 and announced that this meeting was being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided, via email, to the Press of Atlantic City, the Daily Journal and the Atlantic County Record on December 1, 2020 as well as being posted on the bulletin board in Borough hall.

MAYOR'S REPORT:

Solicitor Costigan stood before council and suggested that Resolution NO 102-20 RESOLUTION TO FILL THE VACANCY ON COUNCIL, be tabled at this time. Costigan reported that a review of the election laws and with consultation concluded that this resolution to be tabled at this time.

MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING:

10 01211 1112 1	02220 2010				•		
Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D'ALESSANDRO			X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ		X	X				

PUBLIC PORTION OF THE MEETING:

Susan Romeo, Landisville, expressed her concern of the vacant council seat of Aldo Palmieri and of the discussion from prior council meetings and with Ms. Costigan's answers. Ms. Romeo gave her review for the process to appoint a vacant seat.

Jenna Baruffi-Talarico, Minotola, stated that she had a copy of Aldo Palmieri's letter of resignation and laws concerning the vacant council seat. Solicitor Costigan clarified and reviewed Ms. Baruffi-Talarico statements. Ms. Baruffi-Talarico continued on a different matter concerning the duties of the Public Safety Director. Councilman D'Alessandro responded his role of the Public Safety Director as a supervisory role. Solicitor Costigan clarified on the district's liabilities. The discussion ensued at length with Baruffi-Talarico, Councilman D'Alessandro and Solicitor Costigan concerning the matter of the Fire Districts.

Dave Romeo, Landisville, stated his concern of a meeting with Minotola that there was talk of Inspira renting the Landisville Fire Company building and the possibility of selling of all the equipment and the building.

Pat Andaloro questioned what would be the upcoming Christmas activities. Mayor Zappariello responded that plans are being discussed. Mrs. Andaloro brought to everyone's attention that having worked for this Borough as borough clerk and that she had served previously on council, had concerns over the vacant council seat as it remained vacant.

Sandy Hickerson, Absecon, stated she represented the Garden State Second Amendment Grass Roots Organization and thanked Mayor and Council for having her concern on the agenda and asked to consider passing it this evening. Ms. Hickerson wanted council to know that there have been over 11 municipalities in Atlantic County that passed the resolution for the second amendment in their towns.

Greg McAvaddy, Forest Grove Rd., questioned what negotiations were in the works for the upcoming expiration of the Franklin Township Police Department's contract. McAvaddy then inquired of the old Infinity Fence Company and the fence that had been placed on the property. Mayor Zappariello stated the property had been sold and new development are in the plans.

Jean Meeker, Egg Harbor Township, stated she was here in support of council passing Resolution 101-21 regarding the 2^{nd} amendment.

MOTION TO CLOSE PUBLIC PORTION:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D'ALESSANDRO			X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ		X	X				

RESOLUTION NO. 97-21 A RESOLUTION OF THE BOROUGH OF BUENA

ACCEPTING THE RESIGNATION OF PAUL WILLIAMS JR.

AS EMERGENCY MEDICAL TECHNICIAN FOR THE

BOROUGH OF BUENA, WITH REGRETS.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D'ALESSANDRO		X	X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ			X				

WHEREAS, Paul Williams Jr has served the Borough of Buena in the capacity of Emergency Medical Technician; and

WHEREAS, during his tenure, Paul Williams Jr has provided effective and compassionate representation to the Borough while serving as Emergency Medical Technician; and

WHEREAS, Paul Williams Jr has resigned his position, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the resignation of Paul Williams Jr be regretfully accepted effective immediately.

RESOLUTION NO. 98-21 A RESOLUTION AUTHORIZING AND DIRECTING THE

COUNCIL OF THE BOROUGH OF BUENA TO POST AND

FILE A SCHEDULE OF ALL MEETINGS OF THE COUNCIL

AS REQUIRED BY THE OPEN PUBLIC MEETINGS ACT OF

1975; AND DESIGNATING CERTAIN NEWSPAPERS TO

RECEIVE SAID NOTICES AS REQUIRED UNDER THE

OPEN PUBLIC MEETINGS ACT FOR THE YEAR 2022.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER		X	X				
D'ALESSANDRO			X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ			X				

whereas, the Open Public Meetings Act of 1975 requires that a schedule of regular meetings of the Council of the Borough of Buena be annually posted and maintained in one public place reserved for public announcements, and requires that the annual notice be filed and maintained by the Clerk of the Borough of Buena; and

whereas, Section III of the Open Public Meetings Act of 1975 requires certain notices of meetings to be submitted to at least two newspapers, one of which shall be the official newspaper, and the second a newspaper which has the greatest likelihood of informing the citizens of the Borough of Buena; and

whereas, the Open Public Meetings Act of 1975 requires that notice of any meetings of the Borough of Buena not provided for in the annual schedule must be (1) posted in at least one public place reserved for public announcements; (2) mailed, telephoned, telegrammed or hand delivered to at least two newspapers designated by the public body; and (3) filed with the Clerk of the municipality.

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

- 1. The Clerk of the Borough of Buena is hereby authorized and directed to post and maintain posted on the official bulletin board located in the Municipal Building, Borough of Buena, New Jersey, a copy of the attached schedule of regular meetings of the Council of the Borough of Buena for the year 2020 and to file a copy of said notice in the Office of the Borough Clerk.
- 2. Written notice of the date, time, place and agenda of any special meeting, rescheduling meeting, hearing or any other meeting of the Borough Council not provided for in the attached schedule as required by the Open Public Meeting Act of 1975, shall be posted by the Borough of Buena on the official bulletin board and filed; and maintained in the Office of the Borough Clerk.
- 3. The Atlantic County Record is hereby designated as the official newspaper of the Borough of Buena and said newspaper, together with the Press and Daily Journal are hereby designated to receive all notices of meetings required

under the Open Meetings Act of 1975. The Clerk of the Borough of Buena is hereby authorized and directed to mail the attached schedule to the offices of the Atlantic County Record, the Press and the Daily Journal and to provide notices of all other meetings of the Borough of Buena to said newspapers in accordance with the provisions of the Open Meetings Act.

4. It is the opinion of this body that the Atlantic County Record, the Press and the Daily Journal have the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

THE REGULAR AND REGULAR MEETINGS OF THE COUNCIL OF THE BOROUGH OF BUENA SHALL BE HELD ON THE FOLLOWING DATES AT 7:00 P.M., AT THE BOROUGH HALL, CENTRAL AVENUE, MINOTOLA, NEW JERSEY, OR REMOTELY, EXCEPT FOR THE REORGANIZATIONAL MEETING WHICH WILL BE HELD AT 6:00 P.M. AT THE BOROUGH HALL, CENTRAL AVENUE, MINOTOLA, NEW JERSEY, OR REMOTELY.

MEETING	DATE	TIME
Council -Regular	January 18, 2022 (Tuesday)	7:00 P.M.
Council -Regular	February 14, 2022	7:00 P.M.
Council -Regular	February 28, 2022	7:00 P.M.
Council -Regular	March 14,2022	7:00 P.M.
Council -Regular	March 28, 2022	7:00 P.M.
Council -Regular	April 11, 2022	7:00 P.M.
Council -Regular	April 25, 2022	7:00 P.M.
Council -Regular	May 9, 2022	7:00 P.M.
Council -Regular	May 23, 2022	7:00 P.M.
Council -Regular	June 13, 2022	7:00 P.M.
Council -Regular	June 27, 2022	7:00 P.M.
Council -Regular	July 11, 2022	7:00 P.M.
Council -Regular	August 8, 2022	7:00 P.M.
Council -Regular	September 12, 2022	7:00 P.M.
Council -Regular	September 26, 2022	7:00 P.M.
Council -Regular	October 11, 2022 (Tuesday)	7:00 P.M.
Council -Regular	October 24, 2022	7:00 P.M.
Council -Regular	November 14, 2022	7:00 P.M.
Council -Regular	November 28, 2022	7:00 P.M.

Council -Regular	December 12, 2022	7:00 P.M.
Reorganization	January 2, 2023	6:00 P.M.

RESOLUTION 99-21 A RESOLUTION AUTHORIZING THE CFO TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$866.74 TO CENTURY SAVINGS BANK.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER		X	X				
D'ALESSANDRO			X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ			X				

WHEREAS, Century Savings Bank erroneously remitted a duplicate property tax payment in the amount of \$866.74 to the Borough of Buena for payment of property taxes on Block 191, Lot 17; and

WHEREAS, Century Savings Bank has requested the duplicate payment be refunded.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Chief Financial Officer is hereby authorized to refund the amount of \$866.74 to:

Century Savings Bank 1376 W. Sherman Avenue Vineland, NJ 08360

9:44A-20, et seq, and Ordinance No. 543 of the Borough of Buena.

RESOLUTION 100-21

A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK, STAFF, AND BOROUGH SOLICITOR CONCERNING MATTERS REGARDING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER		X	X				
D'ALESSANDRO			X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ			X				

public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Borough Solicitor concerning potential litigation.

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

- 1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on November 22, 2021 in the Council Chambers during a recess of the regular session of Borough Council.
- 2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.
 - 3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and Borough Solicitor shall be made public following a final decision and determination of said matter exception information which must remain private.
 - 4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 180 days, however, any personal confidential information may not be released.

RESOLUTION 101-21 A RESOLUTION OF THE BOROUGH OF BUENA DECLARING BUENA BOROUGH A SECOND AMENDMENT BOROUGH.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER		X	X				
D'ALESSANDRO			X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ			X				

WHEREAS, the Constitution of the United States of America is the supreme law of our nation, and

WHEREAS, the Second Amendment to the Constitution states, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

WHEREAS, the U.S. Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed that the Second Amendment right to keep and bear arms is not connected in any way to the service of the militia; and

WHEREAS, the U.S. Supreme court in United States v. Miller, 307 U.S. 174 (1939) stated firearms that are part of ordinary military use (Weapons of common use) that can contribute to the common defense and are protected by the Second Amendment; and

WHEREAS, Certain legislation introduced into the state of New Jerseys legislature could have the effect of infringing on law abiding citizens right to keep and bear arms, as guaranteed by the Second amendment of the United States. And

whereas, Section 1 of the fourteenth amendment states, no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life liberty, or property, without due process of the law. Nor deny any person within its jurisdiction equal protection under the law. And

WHEREAS, New Jersey's Gun Control Law is highly purposed and conscientiously designed toward preventing criminal and other unfit elements from acquiring firearms while enabling the fit elements of society to obtain them with minimal burdens and inconveniences." [Burton v Sills 53 N.J. 86 (1968) 248 A.2d 521 at 105.and

WHEREAS, A law abiding citizen of the State of New Jersey who possess a N.J. Firearms Purchaser Identification card has met the burden of proof to be a law-abiding citizen and is immune from further legislation and laws that violate the constitution of the United States of America.

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

The Mayor and Council declares Buena Borough to be a 2nd Amendment/ Lawful Gun Owner Borough as defined herein:

- a. The Borough of Buena supports the rights of lawful gun owners to lawfully use firearms; to defend themselves, their loved ones and other innocents; to lawfully hunt to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic sports.
- b. The Borough of Buena opposes further interference through state legislation or abridging of, the rights of lawful gun owners.
- c. The Borough Mayor and Council of Buena Borough, hereby declare its intent to oppose unconstitutional restrictions of the right to keep and bear arms through such legal means as expedient, including adjoining as plaintiffs and or filing of supporting amicus briefs to pending or future litigation concerning second amendment cases against the state of New Jersey.
- d. The County of Atlantic Recognizes said Borough is not immune from past present or future laws and or legislation passed by the N.J. legislature

regarding state and local firearms laws or statutes. Therefore, all residents of Buena Borough can be prosecuted for ignoring or breaking present state laws in force.

RESOLUTION NO 102-20 RESOLUTION TO FILL THE VACANCY ON COUNCIL

THIS RESOLUTION WAS TABLED - NO ACTION TAKED

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER							
D'ALESSANDRO							
BAKER							
MANCUSO							
ALVAREZ							

WHEREAS, Councilman Aldo Palmieri resigned from the Council of the Borough of Buena effective on November 8, 2021 pursuant to N.J.S.A. 40A:16-1 et. seq.; and

WHEREAS	, his seat must	be filled pursuan	t to N.J.S.A.	40A:16-4 unti	l the next
general e	lection; and				

WHEREAS,	nas	been	nominat	ted an	a confirn	nea by	Council
to fill the seat.							

NOW THEREFORE BE IT RESOLVED THAT ______ will fill the vacancy left by the resignation of Aldo Palmieri until certification of the results of the next general election is made in November 2022 pursuant to N.J.S.A. 40A:16-21.

RESOLUTION 103-21 A RESOLUTION ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF VARIOUS PROFESSIONAL SERVICE AGREEMENTS.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER		X	X				
D'ALESSANDRO			X				
BAKER	X		X				
MANCUSO						X	
ALVAREZ			X				

WHEREAS, the Borough Council of the Borough of Buena acknowledges the

PAGE 10

need for Professional Services to be provided to the Borough of Buena; and

WHEREAS, the Borough Council of the Borough of Buena has adopted Ordinance No.543, an Ordinance Restricting and Controlling the Award of Professional Service Agreements in the Borough of Buena which prohibits the award of a Professional Service Agreement where such professional has made a political contribution to a city elected official; and

whereas, N.J.S.A. 19:44A-20.4 requires municipalities to adopt fair and open procedures for awarding professional service agreements which are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council of the Borough of Buena believes it is in the best interest of the Borough of Buena to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Buena; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

whereas, the Borough Council of the Borough of Buena has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining the services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the Borough Council and then published in accordance with N.J.S.A. 40A:11-5.

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

- 1) All appointments for Professional Services contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
- 2) The Borough Clerk shall cause all legal notices to be published on the website for the Borough of Buena stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of

BOROUGH OF BUENA WORKSHOP MEETING MINUTES

November 22, 2021

PAGE 11

qualification, will be posted at Borough Hall beginning no later than November 24, 2021

- 3) The criteria for each position contained on Schedule A follows immediately subsequent to the Listing on Schedule A. The criteria shall be disclosed, together with the posting of the listed positions at Borough Hall.
- 4) The website posting shall inform potential applicants that all submissions must be made to the Borough Clerk and received no later than 12:00 noon, December 14, 2021.
- Commencing 12:01 p.m. on December 14, 2021, or as soon thereafter 5) as may be available, the Borough Clerk of the Borough of Buena or her designee shall publicly open and announce all submissions in the Borough Council Chambers at Buena Borough Hall.
- 6) The appropriate department heads and the representatives from the appropriate boards shall thereafter review all submissions and report to the Mayor with recommendations.
- Appointments shall thereafter be made at a public meeting of the 7) Borough Council at a future meeting.
- 8) Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that those positions included on Schedule A are those positions which the Borough of Buena Council reasonably believes shall be subject to appointment for the year 2021. However, all such appointments are subject to the availability of funds and the continuing needs of the Borough of Buena. Accordingly, inclusion of a position on Schedule A is not a representation or warranty that such position will be filled, but that if filled, it will be subject to the terms and conditions contained herein.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Buena has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 1

SOLICITOR'S REPORT: NO REPORT

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT: (CHAIRMAN, JOSEPH MANCUSO)

NO REPORT

ROADS/RECYCLING, (CHAIRMAN, MATTHEW WALKER)

Councilman Walker reported that daily cleaning of the Boro Hall continues.

Walker's report continued:

- The Louis Basile Center's sewer clog under the main building has been corrected.
- Salt and Sand was ordered and has been received for this winter.
- Salt spreaders are being repaired and readied for the season
- ACUA recycling is behind, Road Supervisor Bill Nimohay was told materials will be picked up but help is limited.
- Salvation Armey items form the schools will be picked up on December 1,2021
- The Christmas Tree outside the Boro Hall will be decorated for the season.

RECREATION, (CHAIRWOMAN, ROSALIE M. BAKER)

Council President Baker conveyed her Thanks to Katrina D'Alessandro and her committee for the delicious Steak Dinners that had been prepared and delivered to Veterans and their spouses.

This was done in lieu all in person Veteran's Day Celebration on November 13, 2021. The meals were greatly appreciated. A booklet with various Veteran's biographies was likewise delivered.

${\it FINANCE}, \quad ({\it CHAIRMAN}, \quad {\it JORGE} \quad {\it ALVAREZ})$

Councilman Alvarez reported a meeting is scheduled to finish this years' budget and the next years' budget has begun to be finalized.

PUBLIC SAFETY/STREET LIGHTS: (CHAIRMAN, JOSEPH D'ALESSANDRO)
Councilman D'Alessandro report as follows:

- 1. As of: 11/22/2021 15:00
- 2. November 22, 2021
 - a. 6,158,795 residents are fully vaccinated.
 - b. 13,873,256 total doses administered
 - c. 1,093,654 have received 3rd dose booster
 - d. Borough of Buena 55% of residents fully vaccinated (97% of 65 and older have been)
 - i. 62% have received at least one dose
- 3. Borough of Buena Cases: 587

June 28	August 9	September 27	October 25	November 22
1	8	29	24	34

a. Borough of Buena Deaths: 11

b. Atlantic County Cases: 35,766

c. Atlantic County Deaths: 765

d. New Cases: PCR Test 1330 Probable Cases 232

e. NJ Transmission Rate: 1.23 f. NJ Cases Total: 1,071,383

g. NJ Confirmed Deaths Total: 25,442

h. United States: 47,803,194 (2,243,219 last 28 Days)
i. United States Deaths: 771,679 (33,297 last 28 days)
j. Global Cases: 257,940,222 (13,444,843 last 28 days)

k. Global Deaths: 5,155,664 (200,882 last 28 days)

- 4. NJ total hospitalizations are at 811 South: 267
- 5. Ventilators 78 South: 24
- 6. Intensive/Critical Care Beds 166 South: 61
- 7. Long-term Care Facilities Statewide:

a. Facilities with Active Outbreaks: 115

b. Active Resident Cases: 624c. Active Staff Cases: 530

d. Cumulative Resident Deaths: 8,673

e. Cumulative Staff Deaths: 145

- 8. Buena OEM continues to review Emergency Operations Plan to confirm compliance.
- 9. Buena OEM has been operating the Emergency Operations Center in Borough Hall both remotely.
- 10. Buena OEM has been updating Borough residents through social media outlets and website.

UNFINISH BUSINESS: NONE

NEW BUSINESS: NONE

BILLS PAID AS LISTED:

Council Member	Ву	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			Х				
D'ALESSANDRO			Х				
BAKER	х		Х				
MANCUSO						х	
ALVAREZ			Х				

8:07pm Mayor Zappariello announced Council would be in closed session and would reconvene in the meeting room at the end of this closed session.

8:35 returned to open session.

Mayor Zappariello announced that there is a correction for the next meeting and it is to be held December 20, 2021 at 7: p.m.

Mayor Zappariello wished all a Happy Thanksgiving!

NEXT MEETING: DECEMBER 20, 2021

MEETING ADJOURNED: M/BAKER S/WALKER RCUV