

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 1**

**MEETING CALLED TO ORDER: P.M. \_\_\_\_\_**

**MEETING ADJOURNED: P.M. \_\_\_\_\_**

**CALL MEETING TO ORDER: FLAG SALUTE**

**ROLL CALL OF ATTENDANCE:**

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

**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 27, 2023 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.

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

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

**PUBLIC PORTION OF THE MEETING:**

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

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

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

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 2**

**NEED 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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

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

**ORDINANCE NO. 744      AN ORDINANCE REQUIRING THE REIMBURSEMENT OF EXPENSES INCURRED BY THE BOROUGH OF BUENA FOR TRAINING, MEDICAL EVALUATIONS, UNIFORMS AND OTHER EQUIPMENT AND EXPENSES FOR NEW EMPLOYEES IN THE EVENT OF SEPARATION FROM SERVICE WITHIN THREE YEARS OF EMPLOYMENT AND AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE AN EMPLOYEE REIMBURSEMENT AGREEMENT**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**DISCUSSION:**

**NEED MOTION TO CLOSE THE PUBLIC HEARING:**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**ORDINANCE 744 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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, the Borough of Buena expends a great deal of money in the physical and medical evaluations, training, education and uniforms for new employees to assure the Borough has the best trained and physically fit employees possible, which training and education makes the employees more valuable to the

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 3**

Borough and other agencies; and

**WHEREAS** many times new hires leave the Borough employ after receiving costly training and education as well as physical and medical evaluations and obtain employment with other agencies both public and private utilizing the training and education garnered at the taxpayers' expense; and

**WHEREAS**, while the Borough Council finds it understandable for new employees to take positions elsewhere within the first three years of employment in what the employee determines to be in his/her best interest, it is unfair to allow the employee to do so without reimbursing the Borough for costs and expenses incurred to better train and educate said employee which is done so the employee can provide the Borough with an exceptional employment future; and

**WHEREAS**, it is the intent of the Borough Council to establish a policy setting forth those circumstances that shall require the applicant for employment to reimburse the Borough for such expenses hereinbefore described.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Buena that all applicants for employment positions with the Borough shall execute an Applicant Reimbursement Agreement which states as follows:

A.For all municipal employees resigning their position less than two years after appointment or hire and are appointed or hired to a similar position in either the public or private employment which requires said employee to utilize the skills and/or certifications obtained through the Borough of Buena shall reimburse and is liable to the Borough for the total certified costs incurred by the Borough in the examination, hiring and training of the person as well as costs for uniforms and other equipment which cannot be used by other Borough employees or readily sold to recoup the cost.

B.For all municipal employees resigning their position less than three years but more than two years after appointment or hire and are appointed or hired to a similar position in either the public or private employment which requires said employee to utilize the skills and/or certifications obtained through the Borough of Buena shall reimburse and is liable to the Borough for fifty (50%) percent of the total certified costs incurred by the Borough in the examination, hiring and training of the person as well as costs for uniforms and other equipment which cannot be used by other Borough employees or readily sold to recoup the cost.

C.Should it become necessary for the Borough, their agents, assigns and/or employees to incur costs and expenses to retain the services of an attorney to enforce the Agreement, the Applicant agrees to pay those reasonable costs and attorney's fees expended to enforce the terms of the Agreement.

**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.

**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.

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

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

**ORDINANCE NO. 745      AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE BOROUGH OF BUENA § 82-1 CREATING THE POSITIONS OF HOUSING INSPECTOR AND HOUSING INSPECTOR TRAINEE, CONSISTENT WITH CIVIL SERVICE CLASSIFICATIONS**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 4**

**WHEREAS**, the Municipal Code of the Borough of Buena § 82-1 created the position of Occupancy Inspector to be appointed by the Council of the Borough of Buena and to hold office for a term of one year;

**WHEREAS**, the duties of the Occupancy Inspector included enforcing the property maintenance code and of issuing occupancy permits for all dwellings in the Borough of Buena, including but not limited to dwelling units, rooming units, dormitory units, rooming houses, single- and two-family dwellings and all other dwellings as defined in the property maintenance code which are subject to the jurisdiction of the Occupancy Inspector;

**WHEREAS**, Civil Service Classifications do not include a position known as Occupancy Inspector, instead the duties of the Occupancy Inspector fall under the Civil Service Title of Housing Inspector, which include specific training, experience and licensing:

**WHEREAS**, consistent with the Civil Service Classification, pursuant to Ordinance No. 743-23 the duties of the Occupancy Director were transferred to the Borough’s Housing Inspector a Classified position which has not yet been created by Ordinance.

**NOW THEREFORE, BE IT ORDAINED**, the Council of the Borough of Buena, New Jersey, the governing body of the Borough of Buena that the Municipal Code § 82-1 be, and is hereby replaced with the following:

**§ 82-1 Creation of position of Housing Inspector, and Housing Inspector Trainee:**

There is hereby created within the Borough of Buena one or more positions known as "Housing Inspector," to replace the position of Occupancy Inspector. The Housing Inspector(s) shall be appointed by the Council of the Borough of Buena in accordance with the rules and regulations of the New Jersey Civil Service Commission. Such Housing Inspector(s) shall have the duty of enforcing the property maintenance code which was adopted by the Council of the Borough of Buena pursuant to **Ordinance No. 446**, as amended by **Ordinance No. 743-23**, and of issuing occupancy permits for all dwellings in the Borough of Buena, including but not limited to dwelling units, rooming units, dormitory units, rooming houses, single and two-family dwellings and all other dwellings as defined in the property maintenance code which are subject to the jurisdiction of the Housing Inspector(s). The salary of the Housing Inspector(s) shall be as provided in the Salary Ordinance of the Borough of Buena.

There is hereby created within the Borough of Buena the position known as "Housing Inspector Trainee." The Housing Inspector Trainee shall be appointed by the Council of the Borough of Buena in accordance with the rules and regulations of the New Jersey Civil Service Commission. The Housing Inspector Trainee shall work under and take direction from the Housing Inspector(s). The Housing Inspector Trainee will receive training and experience by assisting the Housing Inspector(s) with the performance of his or her duties, and otherwise have the duties set forth in the rules and regulations of the Civil Service Commission. The salary of the Housing Inspector Trainee shall be as provided in the Salary Ordinance of the Borough of Buena.

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**RESOLUTION 28-24      A RESOLUTION AUTHORIZING THE ACTING CLERK OF THE  
BOROUGH OF BUENA TO ADVERTISE FOR PROPOSALS TO BE  
RECEIVED FOR THE ISSUANCE OF ONE (1) CANNABIS CLASS 1  
CULTIVATION LICENSE IN THE BOROUGH OF BUENA**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
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ANDALORO							
DESTEFANO							

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 5**

**WHEREAS**, in November 2020, a State Referendum was voted upon by the residents of the State of New Jersey to ascertain public opinion on adult use cannabis which reflected that 67% of the voting population is in favor of the legalization of adult use cannabis in the State and as a result, the State Legislation adopted the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Act (CREAMM) N.J.S.A. 24:6I-31, et seq; which establishes the authority by which municipalities may regulate the sale and use of adult use cannabis; and

**WHEREAS**, N.J.S.A. 24:6I-45 authorizes municipalities to adopt legislation governing the number and types of cannabis businesses as established under CREAMM and further required municipalities not wishing to accept cannabis businesses to adopt such legislation on or before August 2021 or such municipalities shall be required to allow all types of licenses; and

**WHEREAS**, Buena Borough did not adopt such legislation within the time set forth in N.J.S.A. 24:6I-45 and therefore all classes of cannabis businesses are permitted within the Borough, however the Borough Council wishes to establish the number of each type of license, the manner of operation, location thereof, among other permitted restrictions.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Buena that the Acting Clerk is hereby authorized to advertise for Proposals to be received for the issuance of one Cannabis Class 1 Cultivation License in the Borough of Buena.

**RESOLUTION 29-24**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE ISSUANCE OF A CLASS V ANNUAL CANNABIS RETAIL LICENSE TO TASTE OF EARTH LLC, MILLVILLE, NEW JERSEY, CONDITIONED UPON THE ISSUANCE OF AN ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, the Borough of Buena has one Class V Cannabis Retail licenses (License) available for issuance to qualified Cannabis Businesses wishing to locate within the Borough; and

**WHEREAS**, the Borough has requested proposals be submitted to the Buena Borough Cannabis Advisory Committee (CAC) for review to make recommendations to the Governing Body regarding the issuance of a Buena Borough license in accordance with Chapter 202 of the Code of the Borough of Buena; and

**WHEREAS**, Taste of Earth LLC (Taste of Earth) has heretofore received a Conditional License from the State of New Jersey Cannabis Regulatory Commission indicating they qualify to operate a cannabis business within the State and has submitted a proposal for the one Class V license available; and

**WHEREAS**, the CAC has reviewed the submission, has graded the proposal and has determined that Taste of Earth wishes to operate a Cannabis Class V license at property located at 108 Wheat Road, Buena, is properly zoned for such a business and has further scored high enough to qualify for a Buena Borough Class V license; and

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 6**

**WHEREAS**, the Proposal submitted by Taste of Earth is incorporated herewith as if set forth at length and the recommendation by the CAC is accepted and approved subject to the issuance of a State license, the execution of a Host Community Agreement containing all of the terms contained in the proposal submitted by Taste of Earth, site plan approval and the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) for the Class V licensed premises; and

**WHEREAS**, the Council of the Borough of Buena finds it to be in the best interest of the Borough to issue a license to operate a Class V Retail license to Taste of Earth conditioned upon the issuance of an annual license by the State of New Jersey, the execution of a Host Community Agreement containing all of the terms contained in the proposal submitted by Taste of Earth, site plan approval and the issuance of a CO or TCO.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that upon the issuance of an annual license by the State of New Jersey, the execution of a Host Community Agreement containing all of the terms contained in the proposal submitted by Taste of Earth, site plan approval and the issuance of a CO or TCO the Mayor and Borough Acting Clerk are authorized to issue an annual license to Taste of Earth, LLC, Millville New Jersey, for a Class V Retail Cannabis business at 108 Wheat Road, Buena New Jersey.

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**RESOLUTION 33-24                    A RESOLUTION AUTHORIZING THE ENGINEER TO PERFORM A TRAFFIC CALMING STUDY ALONG FOREST GROVE ROAD FROM CENTRAL AVENUE TO HARDING HIGHWAY IN THE BOROUGH OF BUENA.**

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

**WHEREAS**, speed calming measures may be needed on Forest Grove Road from Central Avenue to protect the health, welfare and safety of our residents; and

**WHEREAS**, DeBlasio & Associates have submitted a scope of services and cost proposal to perform a traffic calming study along Forest Grove Road from Central Avenue to Harding Highway.

**NOW THEREFORE BE IT RESOLVED** that DeBlasio & Associates are hereby authorized to perform a traffic calming study along Forest Grove Road from Central Avenue to Harding Highway, as outlined in the proposal dated December 18, 2023 annexed hereto, for a cost not to exceed \$2,800.00.

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

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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 7**

**RESOLUTION 34-24      A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT TO DEBLASIO & ASSOCIATES, ENGINEERS, FOR ENGINEERING AND CONSTRUCTION SERVICES FOR FY2023 NJDOT LOCAL TRANSPORTATION PROJECTS FUND- RECONSTRUCTION OF PLYMOUTH STREET, FRIENDSHIP ROAD AND SOUTHWEST BOULEVARD**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, the Borough of Buena was awarded a grant of \$400,000 by the New Jersey Department of Transportation (NJDOT) for FY2023 Reconstruction of Plymouth Street, Friendship Road and Southwest Boulevard; and

**WHEREAS**, certain engineering services need be provided for the Engineering and Construction Phases; and

**WHEREAS**, the Borough Engineer’s, DeBlasio & Associates, have presented a proposal to complete said services in the amount of \$60,000.00 and \$30,000.00 respectively.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that DeBlasio & Associates is hereby retained for Engineering and Construction Phase Services for the NJDOT Municipal Aid FY2023 Reconstruction of Plymouth Street, Friendship Road and Southwest Boulevard in the amount of \$60,000.00 and \$30,000.00 respectively.

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



**RESOLUTION 35-24      A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT TO DEBLASIO & ASSOCIATES, ENGINEERS, FOR ENGINEERING AND CONSTRUCTION SERVICES FOR FY2024 NJDOT MUNICIPAL AID- RECONSTRUCTION OF EAST SUMMER ROAD**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, the Borough of Buena was awarded a grant of \$269,995 by the New Jersey Department of Transportation (NJDOT) for FY2024 Reconstruction of East Summer Road; and

**WHEREAS**, certain engineering services need be provided for the Engineering and Construction Phases; and

**WHEREAS**, the Borough Engineer’s, DeBlasio & Associates, have presented a proposal to complete said

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 8**

services in the amount of \$30,000.00 and \$15,000.00 respectively.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that DeBlasio & Associates is hereby retained for Engineering and Construction Phase Services for the NJDOT Municipal Aid FY2024 Reconstruction of East Summer Road in the amount of \$30,000.00 and \$15,000.00 respectively.

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

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**RESOLUTION 36-24            A RESOLUTION AWARDED AN EMERGENCY CONTRACT TO PERFORM EMERGENCY ROAD REPAIR ON SOUTH WEST AVENUE**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-6 permits a contracting unit to declare an emergency to permit imminent acquisition of goods or performance of services; and

**WHEREAS**, the Borough of Buena was notified of an emergency road issue on South West Avenue; and

**WHEREAS**, the Borough Engineer, DeBlasio & Associates and the Road Department Supervisor requested immediate repairs be made that are beyond the capabilities of in-house staff; and

**WHEREAS**, N.J.S.A. 40A:11-6 provides that in the case of emergencies, advertising for bids on work to be done and materials to be furnished and provided shall not be necessary when the safety and protection of property of the public convenience is in jeopardy and will not allow the ordinary delay in advertising for proposals for bids; and

**WHEREAS**, Arawak Paving Company, Inc., has agreed to perform the necessary emergent repairs to South West Avenue in an amount not to exceed \$9,500.00; and

**WHEREAS**, the Council of the Borough of Buena finds it to be in the best interest of the Borough and its citizens to award an emergency contract to Arawak Paving Company, Inc.

**WHEREAS**, a Certificate of Availability of Funds will be certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Buena that an emergency contract for road repair and other related emergent work with Arawak Paving Company, Inc. and is hereby awarded.

**BE IT FURTHER RESOLVED** that the Mayor, Acting Clerk, are hereby authorized to execute a written agreement and purchase order with Arawak Paving Company, Inc., memorializing the aforementioned emergency agreement.

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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 9**

**RESOLUTION 37-24      RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THOMAS J. CULLENY, JR. FOR TECHNICAL CONSULTING REGARDING THE OPERATION OF ONE OR MORE FIRE SUPPRESSION/PREVENTION COMPANIES TO SERVICE THE BOROUGH ON AN IMMEDIATE BASIS**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, there exists a need for technical consultant for services to be rendered to the Borough of Buena in connection with the fire suppression/prevention companies; and

**WHEREAS**, the Borough wishes to retain Thomas J. Culleney, Jr. to perform such services;  
and

**WHEREAS**, the maximum amount of for services under this contract shall not exceed a total of \$8,500;  
and

**WHEREAS**, the award is contingent upon a Certificate of Availably of Funds from the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena, in the County of Atlantic, and State of New Jersey, authorizing the Mayor and Acting Clerk to execute a contract with Thomas J. Culleney, Jr, in an amount not to exceed \$8,500.00 for technical consulting regarding the operation of one or more fire suppression/prevention companies to service the borough on an immediate basis for a term of one year.



**RESOLUTION 38-24      TEMPORARY APPROPRIATION AMENDMENT**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, additional fund are required with respect to the temporary budget lines for “Improvements to Streets and Roads” and “Fire Protection Services” and no adequate provision was made in the 2024 temporary budget for the aforesaid purpose, and N.J.S.A. 40A;4-20 provides for the creation of a temporary appropriations for the purpose above mentioned; and

**WHEREAS**, the total amount of temporary appropriations created including the appropriation to be created by this resolution is \$525,000.00,

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 10**

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Buena in the County of Atlantic (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20 that:

1. Temporary appropriations be and the same is hereby made for:

Improvements to Streets and Roads - \$450,000

Fire Protection Services - \$75,000

2. That said temporary appropriation shall be provided in full in the year 2024 budget under the title of “Fire Protection Services” and by “Capital Ordinance”

**BE IT FURTHER RESOLVED**, that one certified copy of this resolution be filed with the Director of Local Government Services.

**RESOLUTION 39-24      A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE BOROUGH OF BUENA AND THE LANDISVILLE FIRE COMPANY, INC. FOR FIRE SUPPRESSION AND PREVENTION SERVICES**

<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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**WHEREAS**, on July 29, 2021, the Council of the Borough of Buena adopted Ordinance 701 dissolving the Landisville Fire District No. 1 in accordance with N.J.S.A. 40:14-91 and the Minotola Fire District No. 2 was expanded to include all of the Borough of Buena, including the Landisville section and thereafter the Minotola Fire Commissioners terminated the agreement with the Landisville Fire Company for the provision of fire suppression and fire prevention services for the Borough in accordance with N.J.S.A. 40A:14-70.1 ; and

**WHEREAS**, on September 25, 2023, the Council of the Borough of Buena adopted Ordinance 726 dissolving the Minotola Fire District No. 2 pursuant to said statute thereby transferring the duties of the Fire Commissioners to the Governing Body; and

**WHEREAS**, on December 11, 2023, the Council adopted Ordinance 741 establishing the Department of Fire within the Borough setting forth the requirements for any fire company to become one or more of the appointed fire companies to provide fire suppression, fire prevention and related services on behalf of the businesses and residents of the Borough; and

**WHEREAS**, on December 18, 2023, the Minotola Fire Company which was servicing the Borough determined it was in their best interest to discontinue the provision of fire services for the residents and businesses of Buena Borough and the Director of Public Safety sought proposals from existing fire companies for the provision of fire services; and

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 11**

**WHEREAS**, none of the fire companies from adjacent municipalities expressed an interest in providing such services on a paid or volunteer basis and Minotola Fire Company has yet to determine whether it will reconsider to provision of fire services and Landisville Fire Company has expressed an interest and desire to become reactivated as one or more of the Borough's fire service providers; and

**WHEREAS**, while Landisville Fire Company is willing to enter into an agreement, they may not yet meet all of the requirements as set forth in Ordinance No. 741 but will take all necessary steps to meet those requirements.

**WHEREAS**, the Public Safety Director and newly appointed Fire Services Consultant has recommended that Landisville Fire Department be appointed as one or more of the Borough's fire suppression/prevention service providers subject to and conditioned upon the completion of all necessary training and certifications and the execution of a Memorandum of Agreement in the form and substance as attached hereto as provided by N.J.S.A. 40A:14-68, subject to non-material modifications as approved by the Borough Solicitor.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Mayor and Clerk are hereby authorized to execute a Memorandum of Agreement by and between the Landisville Fire Company, Inc. and the Borough of Buena for the provision of volunteer fire suppression, fire prevention and related firematic services for the Borough of Buena in the form and substance as attached hereto and made a part hereof, subject to non-material changes as recommended by the Borough Solicitor in accordance with Ordinance 741, as amended.

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**CONSENT AGENDA:**

**Consent Agenda includes items of business which are not controversial and do not require individual discussion. A Motion approving the Consent Agenda is moved, seconded and voted upon as one item by the Borough Council. If any discussion is requested on a Consent Agenda item, it is removed from the Consent Agenda to the Regular Agenda**

- **RESOLUTION NO. 22-24 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$962.26 TO JUDY SHAFFER, OWNER OF BLOCK 201, LOT 62**
- **RESOLUTION NO.23-24 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$1,575.74 TO CORELOGIC, FOR BLOCK 204, LOT 5**
- **RESOLUTION NO. 24-24 RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN – NATHAN SAUNDERS**
- **RESOLUTION NO. 25-24 A RESOLUTION ACCEPTING THE RESIGNATION OF CHRYL LEEDS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS**
- **RESOLUTION NO. 26-24 A RESOLUTION ACCEPTING THE RESIGNATION OF DENNIS BASSETTI AS ALTERNATE III MEMBER OF THE BOROUGH OF BUENA LAND USE BOARD, EFFECTIVE JANUARY 3, 2024**
- **RESOLUTION NO. 27-24 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING A CONTINUING DISCLOSURE AGENT SERVICES AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR OF RECORD WITH PHOENIX ADVISORS, LLC.**
- **RESOLUTION NO. 30-24 RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES TRANSFER RESOLUTION**
- **RESOLUTION NO. 31-24 A RESOLUTION APPOINTING SUSTAINABLE JERSEY GREEN TEAM AND ADVISORY COMMITTEE INITIAL MEMBERS**
- **RESOLUTION NO. 32-24 A RESOLUTION DESIGNATING JOSEPH BARUFFI AND MARYANN CORALUZZO AS CONTACT PERSONS FOR THE EMPLOYMENT PRACTICES LIABILITY ATTORNEY CONSULTATION SERVICE WITH THE ATLANTIC**

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 12**

**COUNTY MUNICIPAL JOINT INSURANCE FUND**

- **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>
GIOVINAZZI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
DESTEFANO							

**MAYOR:** I appoint Jerry Marinacci as Alternate III member of the Land Use Board to fill the unexpired term of Dennis Bassetti.

**SOLICITOR’S REPORT:**

RICHARD TONETTA, BOROUGH SOLICITOR

**ENGINEER’S REPORT:**

MARC DEBLASIO, BOROUGH ENGINEER

GRANT APPLICATIONS

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

CAPITAL PROJECTS

1. **FY2022 AND FY2023 NJDOT MUNICIPAL AID - RECONSTRUCTION OF E. FLOWER STREET AND SOUTH BOULEVARD**
  - THE BOROUGH HAS BEEN NOTIFIED BY THE NJDOT THAT \$285,000.00 IN FY2022 GRANT FUNDS HAVE BEEN AWARDED FOR THE RECONSTRUCTION OF E. FLOWER STREET, E. SUMMER ROAD AND SOUTH BOULEVARD.
  - THE BOROUGH HAS BEEN NOTIFIED BY THE NJDOT THAT \$261,640.00 IN FY2023 GRANT FUNDS HAVE BEEN AWARDED FOR THE RECONSTRUCTION OF E. FLOWER STREET, E. SUMMER ROAD AND SOUTH BOULEVARD.
  - DUE TO THE FACT THAT THE PROJECT COSTS EXCEED THE COMBINED GRANT AMOUNTS AND THERE APPEARS TO BE A POTENTIAL SANITARY SEWER PIPE COLLAPSE ON E. SUMMER ROAD, THE BOROUGH HAS DECIDED TO PROCEED WITH JUST SOUTH BOULEVARD AND E. FLOWER STREET.
  - THE BID OPENING OCCURRED ON AUGUST 1, 2023 AND THE APPARENT LOW BIDDER WAS ASPHALT PAVING SYSTEMS, INC. IN THE AMOUNT OF \$528,395.00.
  - THE BIDS EXCEEDED THE ENGINEER'S ESTIMATE AND WERE REJECTED. THE PROJECT WILL BE ADVERTISED FOR RE-BID.
  - THE PROJECT WAS REBID AND THE BID OPENING OCCURRED ON OCTOBER 4, 2023. THE APPARENT LOW BIDDER WAS ARAWAK PAVING COMPANY, INC. IN THE AMOUNT OF \$383,000.00.
  - WORK HAS BEGUN ON EAST FLOWER STREET WITH THE INSTALLATION OF STORMWATER INFRASTRUCTURE.
2. **CDBG ADA BUILDING IMPROVEMENTS**  
OUR OFFICE HAS SUBMITTED A PROPOSAL FOR THIS WORK THAT IS BEFORE COUNCIL FOR CONSIDERATION.

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 13**

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**COMMITTEE REPORTS:**

***PLANNING/ZONING/INSPECTIONS.....CHAIRMAN, RICHARD GIOVINAZZI,  
DOUGLAS ADAMS, JORGE ALVAREZ***

***FINANCE/TAX COLLECTOR/ASSESSOR.....CHAIRMAN, JORGE ALVAREZ,  
MARINA BARSUGLIA, PATRICIA ANDALORO***

***PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN, DOUGLAS ADAMS,  
RICHARD GIOVINAZZI, FRANK DESTEFANO***

***RECREATION.....CHAIRWOMAN MARINA BARSUGLIA,  
PATRICIA ANDALORO, RICHARD GIOVINAZZI***

***BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRWOMAN, PATRICIA ANDALORO,  
DOUGLAS ADAMS, MARINA BARSUGLIA***

***ROADS/RECYCLING.....CHAIRMAN, FRANK DESTEFANO,  
JORGE ALVAREZ, RICHARD GIOVINAZZI***

***PERSONNEL/ECONOMIC DEVELOPMENT.....MAYOR BARUFFI,  
COUNCIL PRESIDENT, RESPECTIVE DEPARTMENT HEAD***

**NEXT MEETING: 6:30 PM WORKSHOP AND 7:00 PM REGULAR FEBRUARY 12, 2024**

**MEETING ADJOURNED: M/ \_\_\_\_\_ S/ \_\_\_\_\_ RCV**

**Please refer to next page for Consent Agenda Resolutions**

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 14**

**RESOLUTION NO. 22-24**

**A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$962.26 to JUDY SHAFFER, OWNER OF BLOCK 201, LOT 62**

**WHEREAS**, Block 201 Lot 62 is owned by Cantoni Rev Liv TR L/E-J Shaffer, Judy Shaffer's mother and Judy Shaffer; and

**WHEREAS**, Ms. Shaffer has been granted exemption from property taxes effective as of September 11, 2023 by the tax assessor due to being a widow of a totally disabled veteran. A refund in the amount of \$962.26 should be issued back to Ms. Shaffer.

**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 \$962.26 to Ms. Shaffer.

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**RESOLUTION NO. 23-24**

**A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$1,575.74 TO CORELOGIC, FOR BLOCK 204, LOT 5.**

**WHEREAS**, Block 204 Lot 5 is owned by William Schulgen; and

**WHEREAS**, Corelogic inadvertently made an overpayment on the third quarter taxes in the amount of \$1,575.74; on August 24<sup>th</sup>,2022.

**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 \$1,575.74 to Corelogic.

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**RESOLUTION NO. 24-24**

**RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN**

**WHEREAS**, the Borough of Buena Emergency Medical Services Department operates 24 hours a day, 365 days a year; and

**WHEREAS**, appropriate staffing is required for the department to operate effectively and efficiently; and

**WHEREAS**, the Emergency Medical Services Chief of the Borough of Buena requests the authorization from Council to approve the hiring of the following candidate to replace the Emergency Service Technicians who have left the department:

Nathan Saunders

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

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 15**

Atlantic, State of New Jersey, hereby approves the hiring of aforementioned candidate as a per-diem Emergency Service Technician based on qualifications with a start date as soon as possible and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

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**RESOLUTION NO. 25-24**

**A RESOLUTION ACCEPTING THE RESIGNATION OF CHRYL LEEDS  
EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS**

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

Chryl Leeds

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**RESOLUTION NO. 26-24**

**A RESOLUTION ACCEPTING THE RESIGNATION OF DENNIS BASSETTI AS  
ALTERNATE III MEMBER OF THE BOROUGH OF BUENA LAND USE BOARD,  
EFFECTIVE JANUARY 3, 2024**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that resignation of Dennis Bassetti be regrettfully accepted effective January 3, 2024.

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**RESOLUTION NO. 27-24**

**A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING A  
CONTINUING DISCLOSURE AGENT SERVICES AND INDEPENDENT  
REGISTERED MUNICIPAL ADVISOR OF RECORD WITH PHOENIX  
ADVISORS, LLC.**

**WHEREAS**, the Securities and Exchange Commission (“SEC”) implemented its Municipalities Continuing Disclosure Cooperation Initiative (the “MCDC Initiative”) on March 10, 2014 to address alleged widespread violations of federal securities laws by municipal and local authority issuers (the “Issuers”), and underwriters of an Issuer’s securities, in connection with certain representations about timely continuing disclosures in bond offering documents;

**WHEREAS**, the MCDC Initiative aims to correct past failures to timely post information required by the Municipal Securities Rulemaking Board (“MSRB”), which Issuers agree to post through the execution of a secondary market disclosure undertaking, on the Electronic Municipal Market Access system (“EMMA”);

**WHEREAS**, under the MCDC Initiative, the SEC will recommend favorable settlement terms to Issuers if they self-report to the SEC possible violations involving materially inaccurate statements relating to prior compliance with the continuing disclosure obligations specified in

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 16**

Rule 15c2-12 under the Securities Exchange Act of 1934; and

**WHEREAS**, the Borough of Buena, a municipal corporation of the State of New Jersey (the “Borough”) desires to determine if its participation in the MCDC Initiative is necessary and advisable; now therefore,

**BE IT RESOLVED** BY THE GOVERNING BODY OF THE BOROUGH OF BUENA as follows:

Section 1.The Borough hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to conduct an audit of the Borough’s continuing disclosure obligations and filings as related to the MCDC Initiative (the “Disclosure Audit”).

Section 2.The Borough hereby authorizes and directs the Chief Financial Officer to participate in the MCDC Initiative if, after reviewing the findings of the Disclosure Audit and consulting with the Borough’s Bond Counsel, the Chief Financial Officer determines that it is advisable for the Borough to participate in the MCDC.

Section 3.The Borough hereby authorizes payment to Phoenix Advisors in the amount of \$1600.00 for up to three outstanding issues, plus \$100.00 for each additional outstanding issue, if any, for which filings are required and \$200.00 for a one-time initial setup fee due at the time of a new issue.

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**RESOLUTION NO. 30-24  
RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES  
TRANSFER RESOLUTION**

**Whereas**, N.J.S. 40A:4-58 permitting the transfer to appropriate balances where needed for purposes specified in the budget in an amount in excess of the sum appropriated therefore from an appropriation balance deemed to be in excess of the amount necessary to fulfill the purpose of such appropriation.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers be made in the Borough of Buena Budget retroactive to January 16, 2024:

**TRANSFER FROM**

Clerk SW	\$ 1,480.00
Mayor & Council SW	\$ 1,621.00
Mayor & Council OE	\$ 1,522.00
Maintenance of Maps	\$ 1,510.00
Engineer OE	\$10,000.00
Land Use SW	\$ 2,170.00
Grp Health Ins	\$ 5,700.00
Streets & Roads OE	\$ 4,114.81

**TOTAL TRANSFER \$28,117.81**

**TRANSFER TO**



**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 17**

Legal OE	\$ 8,000.00
Land Use OE	\$ 636.35
Grant Administrator	\$ 3,135.25
Trash OE	\$10,539.23
Gas & Heat	\$ 1,227.71
Street Lights	\$ 4,579.27

**TOTAL TRANSFER** **\$28,117.81**

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**RESOLUTION NO. 31-24**

**A RESOLUTION APPOINTING SUSTAINABLE JERSEY  
GREEN TEAM AND ADVISORY COMMITTEE INITIAL  
MEMBERS**

**WHEREAS**, the Borough Committee of the Borough of Buena strives to save tax dollars, assure clean air and water; improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which will thrive well in this and the next century; and

**WHEREAS**, the Borough Committee of the Borough of Buena wishes to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate, affordable to implement and improve quality of life; and

**WHEREAS**, in an attempt to focus attention on “Green” issues, the Borough Committee wishes to establish a Green Team Advisory Committee (GTA); and

**WHEREAS**, the Council of the Borough of Buena wants to begin the process of focusing on “Green” issues by starting with internal audits of municipal facilities and items to improve the standard of living in the Borough of Buena; and

**WHEREAS**, employee efficiency, maintenance and operation changes will all be considered as the Borough moves to do its share to lessen the environmental impact of its operations and improve the livability of the community.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Committee of the Borough of Buena that we do hereby establish a Green Team Advisory Committee consisting of seven members who shall be residents, business persons or employees of the Borough of Buena, appointed annually, but whose initial term shall be through December 31, 2024.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Council of the Borough of Buena that the Mission, goals and Objectives for GTA through December 31, 2024 are established as follows:

Mission

The Borough of Buena Green Team Advisory committee will advise the borough committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound through research and evaluation.

Goals

Submit a report and recommendation to the Borough Committee by November 1, 2024 to include:

1. An internal audit of municipal facilities
2. A report of suggested best practices for “greener” municipal operations
3. An evaluation to create a healthier community on borough grounds

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JANUARY 16, 2024  
PAGE 18**

Objectives

1. Collaborate with township employees, service providers and other governmental agencies to share resource information and ideas consistent with the Mission the GTA.
2. Encourage participation of all employees to solicit ideas on green initiative.
3. Research and analyze green initiatives which make practical environmental and financial sense.
4. Develop strategies for sustainable green initiatives in municipal operations.

**NOW THEREFORE BE IT FINALLY RESOLVED**, by the Borough Committee of the Borough of Buena that the following persons are hereby appointed to the GTA for the remainder of 2023 and are eligible to serve until replaced through an updated resolution or ordinance adopted at our annual reorganization meeting:

**FIRST NAME LAST NAME POSITION REPRESENTATIVE**

Maryann Coraluzzo, Regular Member Borough Administrator  
Pamela Johnston Regular Member BB Acting Boro Clerk  
Marina Barsuglia Regular Member BB Recreation/Special Events, Councilwoman  
Patricia Andaloro Regular Member BB Councilwoman Recreation & Buildings & Grounds  
Douglas Adams Regular Member BB Council President and Public Safety  
William Nimohay Regular Member BB Recreation Committee/Roads Supervisor  
Lauren Bertonazzi Regular Member Citizen Representative Recreation Committee  
Carly Adams Regular Member Citizen Representative & Recreation Committee  
Todd Anderson Regular Member Citizen Representative  
Mary Donato Regular Member Citizen Representative  
David Fiocchi Regular Member Citizen Representative

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**RESOLUTION NO. 32-24**

**A RESOLUTION DESIGNATING JOSEPH BARUFFI AND MARYANN CORALUZZO  
AS CONTACT PERSONS FOR THE EMPLOYMENT PRACTICES LIABILITY  
ATTORNEY CONSULTATION SERVICE WITH THE ATLANTIC COUNTY  
MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Governing Body of the Borough of Buena hereinafter referred to as “MUNICIPALITY”, is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as “FUND”; and

**WHEREAS**, the FUND has adopted a policy authorizing the Employment Practices Liability Attorney Consultation Service; and

**WHEREAS**, the FUND has budgeted an annual allowance per member for EPL consulting services in 2024; and

**WHEREAS**, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have telephone access to the EPL Hotline.

**NOW THEREFORE BE IT RESOLVED** that the council of the Borough of Buena does hereby appoint Joseph Baruffi and Maryann Coraluzzo as its Contact Persons.