

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
MAY 8, 2023
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**MEETING CALLED TO ORDER: P.M. 7:00
MEETING ADJOURNED: P.M. 7:30**

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
MERIGHI	X	
ALVAREZ	X	
ADAMS	X	
BARSUGLIA	X	
ANDALORO	X	
FABRIZIO	X	

Also in attendance: SOLICITOR TONETTA, ADMINISTRATOR CORALUZZO

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, May 8, 2023 commencing at 7:00 p.m. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello led the flag salute 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 November 18, 2023 as well as having been posted on the bulletin board at Borough Hall.

MAYOR'S REPORT: FIRST ORDER OF BUSINESS.

PUBLIC PORTION OF THE MEETING:

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

PUBLIC PORTION OPENED:

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

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Joan Apostle, Minotola, shared her concern of New Jersey Animal Control, LLC on recent animal situations and their time of response. Mayor asked Ms. Apostle to meet after the meeting to gather more information.

Mark Panzeras, Minotola, expressed his concern of the neighborhood cats. Councilman Adams questioned if he had contacted Animal Control, Adams asked him to meet after the meeting for further discussion

Jackie Rodriquez, Landisville, had concerns of Animal Control Response with calls concerning a neighbor's dog.

CLOSE PUBLIC PORTION:

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

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INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE NO. 730 ORIDNANCE PROHIBITING THE SALE AND DISPENSING OF GASOLINE OR OTHER TYPE OF FUEL INTO THE FUEL TANK OF AN ALL-TERRAIN VEHICLE OR DIRT BIKE WHICH IS IN VIOLATION OF N.J.S.A. 39:3C-17 AND DRIVEN TO SUCH FUELING STATION UNDER ITS OWN POWER

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

WHEREAS, Borough Council of the Borough of Buena has declared all-terrain vehicles or dirt bikes operated on a public street, public parks, highway or right of way in violation of N.J.S.A. 39:3C-17 an immediate threat to the public health, safety or welfare of the citizens of the Borough, those operating vehicles and pedestrians and has designated such vehicles as contraband and subject to forfeiture in accordance with N.J.S.A. 2C:64-1 et seq.; and

WHEREAS, illegally operated vehicles need fuel to function and many times are illegally operated to public fueling stations where fuel is purchased and dispensed; and

WHEREAS, it is incumbent upon gas stations to refuse the sale and dispensing of gasoline or other types of fuel to illegal and illegally operated vehicles contrary to N.J.S.A. 39:3C-17 as the same are deemed to be contraband and to knowingly assist in the operation of such vehicles by providing fuel therefore is to be implicit in such violation and

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WHEREAS, Borough Council finds it to be in the best interest of the Borough to prohibit the sale and dispensing of fuel into the fuel tank of an all-terrain vehicle or dirt bike which is in violation of N.J.S.A. 39:3C-17 and driven to such fueling station under its own power, which will assist in reducing the illegal operation of all-terrain vehicles and dirt bikes upon public streets, parks, roads and rights-of- way.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Buena that public gas stations shall be prohibited from selling and dispensing gasoline or other type of fuel into the fuel tank of an all-terrain vehicle or dirt bike which is violation of N.J.S.A. 39:3C-17 and driven to such fueling station under its own power and shall be subject to such penalties as set forth in Chapter 1, Article III of the Code of the Borough of Buena.

BE IT FURTHER ORDAINED that it shall be a rebuttable presumption that an all-terrain vehicle or dirt bike driven to a fueling station and is untagged is in violation of N.J.S.A 39:3C-17 and therefore should be refused fuel.

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.

This Ordinance shall take effect upon adoption and publication according to law.

INTRODUCED AND PASSED ON FIRST READING:

**ORDINANCE NO. 731 AN ORDINANCE AMENDING CHAPTER 150, LAND USE, OF THE
CODE OF THE BOROUGH of BUENA, COUNTY OF Atlantic AND
STATE OF NEW JERSEY**

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

<http://buenaboro.org/pdfs/731%20Pinelands%20Stormwater%20Ordinance%202023.pdf>

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INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE NO. 732 ORDINANCE DECLARING AN ALL-TERRAIN VEHICLE OR DIRT BIKE OPERATED ON A PUBLIC STREET, HIGHWAY OR RIGHT OF WAY IN VIOLATION OF N.J.S.A. 39:3C-17 AN IMMEDIATE THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE AND DESIGNATING SUCH VEHICLES AS CONTRABAND SUBJECT TO FORFEITURE

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

WHEREAS, N.J.S.A. 39:3C-35 states that a snowmobile, all-terrain vehicle or dirt bike is prohibited from operating on a public street, highway or right of way unless properly registered, operated and insured in accordance with N.J.S.A. 39:3C-17 and allows the vehicle to be impounded until proof is provided of registration and insurance; and

WHEREAS, despite the legislation, the Borough of Buena, as well as many other municipalities in the State and other States have experienced an increase in illegally operated all-terrain vehicles and dirt bikes upon the public streets, public parks, highways and rights of way, causing a threat to the public welfare by interfering with pedestrian and vehicle traffic, and resulting in traffic accidents and further eluding the Franklin Township Police Department causing further dangerous conditions and

WHEREAS, Borough Council of the Borough of Buena declares that an all-terrain vehicle or dirt bike operated on any public street, public park, highway, or right of way in violation of N.J.S.A. 39:3C-17 poses an immediate threat to the public health, safety or welfare and hereby designates such all-terrain vehicles or dirt bikes so operated as contraband subject to forfeiture in accordance with the provisions of N.J.S.A. 2C:64-1 et seq. An all-terrain vehicle or dirt bike so forfeited pursuant to the provisions of N.J.S.A. 2c:64-1 et seq. as authorized hereby shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or at the discretion of the Borough Council or such other agency funding the prosecution, may be destroyed.

WHEREAS, Borough Council of the Borough of Buena finds that this will provide the Franklin Township Police Department and the residents with an avenue of removing illegal vehicles from the streets, parks, highways and rights of way and finds it to be in the best interest of the Borough.

NOW, THEREFORE, BE IT ORDAINED that the Borough Council of the Borough of Buena declares an all-terrain vehicle or dirt bike operated on any public street, public parks, highway, or right of way in violation of N.J.S.A. 39:3C-17 poses an immediate threat to the public health, safety or welfare and hereby designates such all-terrain vehicles or dirt bikes so operated as contraband subject to forfeiture in accordance with the provisions of N.J.S.A. 2C:64-1 et seq. An all-terrain vehicle or dirt bike so forfeited pursuant to the provisions of N.J.S.A. 2c:64-1 et seq. as authorized hereby shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or at the discretion of the Borough Council or such other agency funding the prosecution, may be destroyed.

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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.

This Ordinance shall take effect upon adoption and publication according to law.

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INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE 733 **ORDINANCE AMENDING ORDINANCE NO. 395, AS AMENDED, CHAPTER 150 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED LAND USE AS PART OF THE MASTER PLAN REVIEW CONSISTENT WITH RESOLUTION 2018-23 OF THE BUENA BOROUGH LAND USE BOARD FOR ZONING DISTRICT CHANGES AND ZONE MAP ADOPTION AS RECOMMENDED THEREIN**

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

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RESOLUTION 94-23 **A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE ENGINEER TO APPLY FOR THE 2023 NJDOT STATE AID PROGRAM: SAFE STREETS TO TRANSIT PROGRAM.**

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the Engineer is authorized to submit an electronic grant application to the New Jersey Department of Transportation for the 2023 NJDOT State Aid Program: Safe Streets to Transit Program in the Borough of Buena in an amount not to exceed \$2,000.00, and contingent upon a Certification of Availability of Funds from the Chief Financial Officer.

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RESOLUTION 95-23 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SOUTHWEST BOULEVARD SIDEWALK

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Acting Clerk are hereby authorized to submit an electronic grant application identified as Southwest Boulevard Sidewalk to the New Jersey Department of Transportation on behalf of the Borough of Buena.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Buena and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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RESOLUTION 96-23 RESOLUTION TO AMENDING RESOLUTION 15-23 BOROUGH OF BUENA OFFICIAL DEPOSITORY/AUTHORIZED SIGNTURES

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

WHEREAS, N.J.S.A 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies, a bank or trust company having its business in the State of New Jersey and organized under the laws of the United States or this State.

BE IT RESOLVED, by the Mayor and Council of the Borough of Buena that Newfield National Bank, TD Bank and Capital Bank be and the same are hereby designated the official Depositories of the Borough of Buena; and

NOW, THEREFORE, BE IT RESOLVED, that authorized signatures for depositories for the year 2022 are as follows:

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David Zappariello, Mayor, Douglas Adams, Council President, Maryann Coraluzzo, Administrator, Cynthia Holland, CFO, Diane Bassetti, Pamela Johnston, Joyce Thurlow, Patrick Hegarty and Valerie Jones are authorized for the following:

- | | |
|-----------------------|-------------------------|
| Animal Control | Donations EMS |
| Current Acct. | Developers Escrow |
| General Capital | Housing Trust |
| 40% Small Cities | Payroll Acct |
| UFS Penalty | UFS Acct |
| Recreation Comm. | Recycling Trust |
| Small Cities Block | Landfill Escrow Closure |
| Tax Collection | Tax Title Lien |
| Tax Title Lien Prem | Construction Code |
| Occupancy | Donations |
| Lead Hazard Asst Fund | |

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RESOLUTION 97-23 BOROUGH OF BUENA 2023 EMERGENCY TEMPORARY BUDGET

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

WHEREAS, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2023 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$4,562,039.27

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the attached list of line items.
2. That said emergency temporary appropriations will be provided for in 2023 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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NOW, THEREFORE, BE IT RESOLVED that the following appropriations shall constitute the Borough of Buena 2023 Temporary Budget:

General Government:

Municipal Clerk's Office

Codification 2,700.00

Computer Operations

Other Expenses 8,000.00

Auditors

Other Expenses 6,500.00

Engineering Services & Costs

Other Expenses 10,000.00

Land Use Board

Other Expenses 1,000.00

Codification 2,700.00

Zoning Officer

Salaries & Wages 1,000.00

Insurance

Health Insurance 58,104.00

Grant Administrator

Other Expenses 7,000.00

Street's & Roads:

Road Repair and Maintenance

Salaries & Wages 26,500.00

Other Expenses 10,000.00

Garbage and Trash Removal

Other Expenses 100,000.00

Landfill

Other Expenses 5,000.00

Public Buildings and Grounds

Other Expenses 14,100.00

Health and Welfare:

Dog Regulations

Other Expenses 5,000.00

Uniform Construction Code:

Construction Code Official

Salaries & Wages 20,000.00

Unclassified:

Gasoline 4,000.00

Statutory Expenditures:

DCRP 4,000.00

Inter Local Service Agreements:

Gloucester County 911 162,658.00

Franklin Twp. Court 40,000.00

Franklin Twp. Police 1,097,908.00

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RESOLUTION 98-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AWARDING A CONTRACT TO DEBLASIO & ASSOCIATES, FOR DESIGN SERVICES AND PUBLIC BIDDING FOR ADA IMPROVEMENTS FOR VARIOUS MUNICIPAL BUILDINGS.

TABLED

WHEREAS, the Borough of Buena desires to partially renovate three public buildings for ADA accessibility; and

WHEREAS, DeBlasio & Associates has submitted a proposal outlining the Scope of Services and providing an estimate in an amount not to exceed \$22,000.00; and

WHEREAS, the Borough of Buena received grant funding that will cover this cost; and

WHEREAS, the Chief Financial Officer has certified the funds against said grant only as evidenced by the attached Certificate of Availability of Funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that a contract for design services and public bidding for ADA compliance for the Municipal Building, Louise Basile Community Center, and building leased to the Buena Historical Society, be awarded to DeBlasio & Associates in an amount not to exceed \$22,000.00.

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ENGINEER’S REPORT:

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

Grant Applications

1. FY2023 NJDCA Local Recreation Improvement Grant (LRIG)
 - Our office completed and submitted the concept site plan and engineer’s estimate to the Aubrey Group on January 10th.
 - It is our understanding that the Aubrey Group has submitted the grant application to the NJDCA which is currently under review.

Capital Projects

1. FY2022 and FY2023 NJDOT Municipal Aid - Reconstruction of E. Flower Street and South Boulevard
 - The Borough has been notified by the NJDOT that \$285,000.00 in FY2022 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - The Borough has been notified by the NJDOT that \$261,640.00 in FY2023 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - Due to the fact that the project costs exceed the combined grant amounts and there appears to be a potential sanitary sewer pipe collapse on E. Summer Road, the Borough has decided to proceed with just South Boulevard and E. Flower Street.

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➤ The survey and base mapping are complete and we are currently in the design phase.

2. Cannabis Zoning Map

➤ The office has been authorized to proceed with the preparation of a Cannabis Zoning Map. The map has been finalized and has been presented to Council for review and comment.

3. ADA Accessibility of Borough Buildings

➤ The office solicited the services of McLees Architecture to provide a proposal for services relating to the replacement of ADA doors at three (3) municipal buildings; the Borough Hall, the Louise Basile Center and the Historical Society. ADA bathrooms and emergency hall lights were also explored at the Historical Society. Our office has provided the Borough with a proposal and we are awaiting direction.

4. Zoning Map

➤ The office is preparing a Zoning Map to be presented to Borough Council.

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SOLICITOR’S REPORT:

Solicitor Rick Tonetta stated that a new law required water bill for website and every communication from MUA. Tonetta is reviewing the process for the Blackwater Pond. Councilman Merighi stated he had received a complaint of unwanted political signs in neighbors’ yards and that they will need to call the police.

UNFINISHED BUSINESS:

NEW BUSINESS: Councilwoman Andaloro offered thanks to Leeway Electrical for their help of the flag pole at the Buena Historical Society, also the beautiful flowers around Buena Boro Hall have been donated by Formasano Farms, Mary Donato and Frank Donato and Marina, with thanks to them.

Councilman Adams requested a resolution for the RFP’s for property revaluation companies.

RESOLUTION 99-23 RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE CLERK TO ADVERTISE FOR BIDS TO BE RECEIVED FOR THE REVALUATION OF ALL REAL PROPERTY FOR ASSESSMENT PURPOSE IN BOROUGH OF BUENA.

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

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BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the Acting Clerk is hereby authorized to advertise for bids for revaluation of all real property for assessment purposes in Borough of Buena; values are to be as of October 1, 2024 for use in the tax year 2025.

BILLS PAID AS LISTED:

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

NEXT MEETING: MAY 22, 2023

MEETING ADJOURNED: M/ANDALORO s/MERIGHI RCVU

**Pamela Johnston
Acting Borough Clerk**