

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
OCTOBER 10, 2023
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**MEETING CALLED TO ORDER: 7:00 P.M.
MEETING ADJOURNED: 7:25 P.M.**

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, Road Supervisor Nimohay, Clerk 1 Koch, Borough Engineer Joe Mohnack

The regular meeting of Mayor and Council of the Borough of Buena was held October 10, 2023 commencing at 7:00 P.M. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello 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 and the Daily Journal on November 18, 2022 as well as being posted on the bulletin board in borough hall

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 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 prescribe 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				
ANDALORO	X		X				
FABRIZIO			X				

Leo Haggerty, Trustee of the Edgerton Christian Academy, referenced the cannabis zoning map and expressed concerns regarding adjacent properties and asked if discussion occurred regarding re-zoning the map. Discussion ensued with Solicitor Tonetta and he explained that the re-regulations and zoning restrictions were in compliance with federal regulations.

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Joanne Rosemont, Landisville, thanked councilmembers for the seasonal town decorations.

PUBLIC PORTION CLOSED:

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

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**ORDINANCE NO. 736 ORDINANCE AMENDING ORDINANCE NO. 492, AS AMENDED,
CHAPTER 181 OF THE CODE OF THE BOROUGH OF BUENA
ENTITLED PROPERTY MAINTENANCE**

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

DISCUSSION: None

MOTIONED TO CLOSE PUBLIC PORTION:

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

ORDINANCE NO. 736 ADOPTED:

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

WHEREAS, on 5-6-2002 the Council of the Borough of Buena adopted Ordinance No. 492, Chapter 181 of the Code of the Borough of Buena, entitled Property Maintenance;

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WHEREAS, the Council of the Borough of Buena recognizes that properties which are unfit for human habitation, occupancy or that are otherwise vacant, abandoned, or a nuisance create a greater risk of blight and create a wide range of problems for the communities in which they are located;

WHEREAS, to provide municipal enforcement officers and public officials more tools to address properties in the Borough of Buena which are unfit for human habitation, occupancy, or use, and to prevent properties from becoming a blight or a nuisance due to dilapidation, defects, neglect, abandonment, fire or other causes, Council of the Borough of Buena has determined that that it is in the public interest to amend Chapter 181 of the Code of the Borough of Buena to take full advantage of the police powers granted to municipalities by N.J.S.A. 40:48-1 et seq.

NOW, THEREFOR, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance No. 492, as amended, Chapter 181 of the Code of the Borough of Buena entitled Property Maintenance be amended a follows:

I. Section 181-1 (Reserved), is replaced with the following:

Section 181-1 Unfit Buildings In Municipalities.

Council of the Borough of Buena finds that there exists in the Borough buildings which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or part thereof, unsafe or insanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the Borough.

II. Section 181-2 (Reserved), is replaced with the following:

Section 181-2 Appointment of Public Officer.

The President of Borough Council and the members of Buildings, Grounds, and Improvements Committee of the Council are hereby appointed as the Public officer to exercise all powers granted to the Public Officer under the provisions of this Ordinance, or P.L.1942, c. 112 (C.40:48-2.3 et seq.). Notwithstanding the foregoing, any two or more members of the Committee or the President of Borough Council and any one or more members of the Committee, shall have the authority, on a case by case basis, to exercise the powers granted to the Public Officer by this Ordinance or P.L.1942, c.112, provided that the number of persons exercising the powers of the Public Officer does not exceed three (3) for any single hearing conducted by, or decision made by, the Public Officer. The persons exercising the power of the Public Officer shall be determined, on a case by case basis, by those persons eligible under this Ordinance to otherwise exercise the powers of the Public Officer.

III. Section 181-3 (Reserved), is replaced with the following:

Section 181-3 Standards - Determination that dwelling is unfit for human habitation.

For the purpose of this chapter, the Public Officer may determine that a dwelling, structure or building is unfit for human habitation, use or occupancy, if the Public Officer finds that conditions exist in such dwelling, structure or building which are dangerous or injurious to the health or safety of the occupants of such dwelling, structure or building, the occupants of neighboring dwellings, structures or buildings, or other residents of the Borough of Buena. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or other sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness; and failure to comply with the requirements of the building code or the certificate of occupancy.

IV. Section 181-4 (Filing of Petition with Code Enforcement Officer; Notice of Hearing, is amended to provide:

Section 181-4 Filing Petition – Notice of Hearing.

Whenever a petition is filed with the Public Officer by a public authority, as defined in N.J.S.A. 40:48-2.4, or by at least five residents of the Borough charging that any building is unfit for human habitation or occupancy or use, as herein defined, or whenever it appears to the Public Officer that any building is unfit for human

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habitation or occupancy or use, as herein defined, the Public Officer shall, if their preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Public Officer, or their designated agent, at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the time and place fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Public Officer.

V. Section 181-6 (Reserved), is replaced with the following:

Section 181-6 Service of Complaints and Orders. Complaints or orders issued by the Public Officer pursuant to this Ordinance shall be served upon persons either personally or by certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Public Officer, or their designee, in the exercise of reasonable diligence, and the Public Officer, or their designee, shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for three successive weeks in a newspaper circulating in the Borough of Buena. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer.

VI. Section 181-7 (Reserved) is replaced with the following:

Section 181-7 Additional Powers of the Public Officer

The Public Officer is authorize to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Ordinance, and the enabling legislation, including the following powers in addition to others herein granted: (a) to investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation or occupancy or use; (b) to administer oaths, affirmations, examine witnesses and receive evidence; (c) to enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; (d) to appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this ordinances; and (e) to delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

Any action taken using revenues derived from the local property tax shall be taken only after advertisement for, and receipt of, bids therefor, pursuant to the provisions of the "Local Public Contracts Law," P.L.1971, c. 198 (C.40A:11-1 et seq.), unless the action is necessary to prevent imminent danger to life, limb or property.

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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. 146-23 A RESOLUTION TO CONSIDER AND GRANT THE ISSUANCE OF A NEW JERSEY LIQUOR LICENSE UPON FAILURE TO TIMELY REQUEST A RENEWAL FOR THE 2022-2023 LICENSE TERM
- RESOLUTION NO. 147-23 A RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSES FOR THE 2023-2024 TERM.
- RESOLUTION NO. 148-23 RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN – Noah Staashaught
- RESOLUTION NO. 149-23 A RESOLUTION AUTHORIZING AND APPROVING THE THREE (3) YEAR OPTION TO MUZZARELLI FARMS FOR PROPERTY KNOWN AS BLOCK 126, LOT 7.04, 147 PARK DRIVE, ON THE TAX MAP OF THE BOROUGH OF BUENA.
- RESOLUTION NO. 150-23 A RESOLUTION OF THE BOROUGH OF BUENA AWARDDING A

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CONTRACT FOR NJDOT MUNICIPAL AID PROGRAM F.Y.2022 RECONSTRUCITON OF E. FLOWER STREET & F.Y.2023 RECONSTRUCTION OF SOUTH BOULEVARD “RE-BID” TO ARAWAK PAVING COMPANY, INC. IN THE AMOUNT OF \$383,000.00

- BEST PRACTICES SURVEY
- BILLS PAID AS LISTED
- CLERK’S REPORT

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 25, 2023

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

SOLICITOR’S REPORT:

Richard Tonetta, Borough Solicitor

ENGINEER’S REPORT:

Joseph J. Mohnack, P.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.
- 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.

2. CDBG ADA Building Improvements

- Our office has requested a revised proposal from OSK Architects. Our office will send an updated proposal upon receipt.

UNFINISHED BUSINESS: None.

NEW BUSINESS: Council President Adams noted that Public Safety had approved the dissolution of FD-2. Councilwoman Andaloro added that Landisville Firehall received their C.O.

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NEXT MEETING: OCTOBER 23, 2023

MEETING ADJOURNED: M/ BARSUGLIA S/ ADAMS RCVU

Nicole Koch

Nicole Koch
Clerk1, Municipal Clerk's Office

Please refer to next page for Consent Agenda Resolutions

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RESOLUTION NO. 146-23

A RESOLUTION TO CONSIDER AND GRANT THE ISSUANCE OF A NEW JERSEY LIQUOR LICENSE UPON FAILURE TO TIMELY REQUEST A RENEWAL FOR THE 2022-2023 LICENSE TERM

WHEREAS, Jersey Pub 4 Inc., holds a liquor license located at 528 N. Harding Highway in the Borough of Buena which was not timely renewed for the 2022-2023 License term with the Borough Clerk; and

WHEREAS, License renewal applications must be filed prior to the commencement of a new license term, or not later than thirty days after the commencement thereof pursuant to N.J.S.A. 33:1-12.18; and

WHEREAS, in this matter, the licensee submitted the renewal application and paid the State fee on June 26, 2023, paid the municipal fee on April 11, 2023, and therefore requires relief pursuant to N.J.S.A. 33:1-12.18; and

WHEREAS, the Division of Alcoholic Beverage Control (hereinafter "ABC"), in its Special Ruling as to License No.0104-33-004-011, Docket No. 04-23-54, job no. 582662 and

WHEREAS, the application for the 2022-2023 license term is considered an application to file a 12-page application and advertise in accordance with **N.J.A.C. 13:2-2.5**; and

WHEREAS, the licensee has now accomplished such application and such advertising; and

WHEREAS, pursuant to the well-reasoned decision of the ABC, the Borough of Buena may consider the application for a new license for Jersey Pub 4 Inc, and grant or deny that application in the reasonable exercise of its discretion.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the club, distribution and retail consumption licenses be and they are hereby renewed for the 2022-2023 licensing year.

RESOLUTION NO. 147-23

A RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSES FOR THE 2023-2024 TERM.

WHEREAS, application for renewal of liquor licenses for the 2023-2024 year have been filed with the Borough Clerk; and

WHEREAS, all filing fees have been paid and all applications hereinafter identified are complete.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the club, distribution and retail consumption licenses be and they are hereby renewed for the 2023-2024 licensing year.

0104-33-004-011 Jersey Pub 4, Inc

BE IT FURTHER RESOLVED that the Municipal Clerk is instructed to issue said licenses.

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RESOLUTION NO. 148-23

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:

Noah Staashaught

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

RESOLUTION NO. 149-23

A RESOLUTION AUTHORIZING AND APPROVING THE THREE (3) YEAR OPTION TO MUZZARELLI FARMS FOR PROPERTY KNOWN AS BLOCK 126, LOT 7.04, 147 PARK DRIVE, ON THE TAX MAP OF THE BOROUGH OF BUENA.

WHEREAS, the Borough of Buena is the owner of certain property known as Block 126, Lot 7, 147 Park Drive; and

WHEREAS, this Council determined that this property was not necessary for public use and sealed bids were received June 14, 2018 for a five-year lease of land with a three-year option to extend; and

WHEREAS, pursuant to 72-18, Council approved Muzzarelli Farms as the successful bidder for a five (5) year term at \$85.00 per acre for seven acres, and an optional three (3) year term in the amount of \$85.00 per acre for seven acres; and

WHEREAS, in accordance with said Resolution, Muzzarelli Farms and the Borough of Buena find it beneficial to exercise the Lease Agreement option for an additional two (3) years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the lease agreement between the Borough of Buena and Muzzarelli Farms is hereby extended to June 30, 2026.

BE IT FURTHER RESOLVED that all terms and conditions of said Agreement remain in full force and effect.

RESOLUTION NO. 150-23

A RESOLUTION OF THE BOROUGH OF BUENA AWARDED A CONTRACT FOR NJDOT MUNICIPAL AID PROGRAM F.Y.2022 RECONSTRUCITON OF E. FLOWER STREET & F.Y.2023 RECONSTRUCTION OF SOUTH BOULEVARD "RE-BID" TO ARAWAK PAVING COMPANY, INC. IN THE AMOUNT OF \$383,000.00.

WHEREAS, East Flower Street and South Boulevard are in disrepair; and

WHEREAS, the Engineer has sought bids for said services and has recommended the contract be awarded to Arawak Paving Company, Inc. in the amount of \$383,000.00 for bid submitted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena provided the CFO has certified the availability of funds, that the Mayor and Clerk are authorized to execute an Agreement with Arawak Paving Company, Inc. in the amount of \$383,000.00.