

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 1**

**MEETING CALLED TO ORDER: P.M.  
MEETING ADJOURNED: P.M.**

**CALL MEETING TO ORDER: FLAG SALUTE**

**ROLL CALL OF ATTENDANCE:**

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D’ALESSANDRO					
BAKER					
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ALVAREZ					
MCAVADDY					

**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, THE DAILY JOURNAL AND THE ATLANTIC COUNTY RECORD ON NOVEMBER 13, 2019, 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:**  
ANYONE WISHING TO ADDRESS MAYOR AND COUNCIL ONLY, PLEASE STEP FORWARD AND GIVE YOUR NAME AND ADDRESS FOR THE RECORD.

**RECOGNITION:** EMERGENCY MEDICAL TECHNICIANS-  
JESSICA FARSIDE  
MIQUEL HERNANDEZ

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

**ORDNANCE NO.686            CALENDAR YEAR 2020  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATIONLIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)  
M \_\_\_\_\_ S \_\_\_\_\_**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 2**

**WHEREAS**, the Borough Council of the Borough of Buena in the County of Atlantic finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$25,712.97 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Buena, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Buena shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$89,995.40, and that the CY 2020 municipal budget for the Borough of Buena be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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**RESOLUTION 39A-20      RESERVE FOR UNCOLLECTED TAXES**  
**M \_\_\_\_\_ S \_\_\_\_\_**

**WHEREAS**, the Borough of Buena, County of Atlantic, realized 96.36% of Current Tax Collections for the year 2019; and

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 3**

**WHEREAS**, without the cancellations of 2019 taxes by the Tax Court of the State of New Jersey and the Atlantic County Board of Taxation and appeals by major taxpayers for 2019 taxes in the sum of \$60,801.89 the Borough would have collected approximately 96.99%; and

**WHEREAS**, Chapter 56 of P.L. 2010 allows the governing body to elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from tax judgments of the Tax Court of the State of New Jersey and the Atlantic County Board of Taxation;

**WHEREAS**, the Borough Council of the Borough of Buena believe the tax collections for the year 2020 will improve over the year 2019 because the properties which had abnormal cancellations and appeals in 2019 will not recur since the respective assessments have been corrected and appeals negotiated for the year 2019;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Buena in the County of Atlantic that election be made to calculate the reserve for uncollected taxes by reducing the certified tax levy for the above mentioned appeals and by using a maximum collection rate of 96.99% in the calculation of the 2020 reserve for uncollected taxes.

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**RESOLUTION 39B                    APPROVING THE 2020 MUNICIPAL BUDGET**  
**M \_\_\_\_\_ S \_\_\_\_\_**

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BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 4

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

**ORDINANCE NO. 685      ORDINANCE AMENDING CHAPTER 115 FEES, ARTICLE II FEES  
FOR EMERGENCY SERVICES  
M \_\_\_\_\_ S \_\_\_\_\_**

**WHEREAS**, the Borough of Buena, County of Atlantic, State of New Jersey needs to update its Schedule of Fees for Emergency Services in order to adequately charge for the services of the Emergency Management Services; and

**WHEREAS**, the Schedule of Fees was last updated in 2015; and

**WHEREAS**, the Schedule of Fees must reflect appropriate increases in service costs;  
and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that Chapter 115 Fees, Article II Fees for Emergency Services is amended as follows:

§115-2. Emergency medical services provided is amended as follows:

The Borough of Buena provides emergency medical services through the Division of Emergency Medical Services, to citizens and visitors of the Borough of Buena on a 24 hour basis throughout the year to the extent that such resources are available.

§115-5. Billings to insurance companies and/or persons served emergency medical services is amended as follows:

The Borough of Buena shall contract with a third-party billing agent for the collection of payment for services rendered by the Division of EMS. Said bill shall be issued to the insurance company for the person served, if any, or directly to the person served if insurance coverage is not available. Fees to be charged for the EMS services shall be as follows:

- A. Ambulance transportation: \$950.00
- B. Basic Life Support mileage: \$18.00 per loaded mile.
- C. Oxygen administration. \$75.00.
- D. Automatic external defibrillator. (AED) pads: \$75.00.
- E. Cervical collars: \$25.00
- F. Treatment but Transport Refusal: \$150.00
- G. Naloxone (Narcan) administration: \$75.00.
- H. Epinephrine administration: \$140.00
- I. Glucose administration: \$5.00.
- J. Aspirin administration: \$5.00.
- K. Continuous Positive Airway Pressure (CPAP) administration: \$75.00.
- L. Albuterol administration: \$10.00

§115-6. Payment for emergency medical services is amended as follows:

Persons receiving a bill for the EMS services shall make payment to the Borough of Buena third-party billing agent within 30 days; or provide proof that they have submitted a claim to their insurance carrier for payment within 30 days of receipt of a bill. These provisions shall be subject to the following:

**BOROUGH OF BUENA**  
**REGULAR COUNCIL MEETING**  
**AGENDA**  
**MARCH 9, 2020**  
**PAGE 5**

- A. Persons receiving the EMS service who have health insurance to cover ambulance and emergency medical services are expected to cooperate with the Borough of Buena's third-party billing agent to secure full payment for services rendered.
- B. In the event the health insurance company of a taxpayer or domiciled resident does not pay the bill in full, the Borough of Buena will accept such partial payment to the extent of the insured's policy limits, including deductible and co-insurance requirements, as payment in full.
- C. Due to the time requirements for the preparation and processing of insurance claims, interest shall not be charged on Borough of Buena's billings.
- D. After providing emergency medical services, the Borough of Buena shall transmit all pertinent billing information to the Borough of Buena's third-party billing agent for collection as set forth in Subsection E below. The third-party billing agent shall be responsible for receipt of payment and proper record keeping of its collections as provided in its contract with the Borough of Buena. Payments received by third-party billing agent shall, thereafter, be transmitted electronically to a designated account of the Borough of Buena to be administrated by the Borough Chief Financial Officer (CFO). In addition, the third-party billing agent shall transmit monthly, a Deposit Report to the Chairperson of the Safety Committee for review and approval and a copy of the Deposit Report to the Borough CFO and the EMS Chief. The third-party billing agent shall prepare a reconciliation report for monthly review by the EMS Chief. The EMS Chief shall monitor the operations of the third-party billing agent, including billing activities and receipt of funds.
- E. The third-party billing agent shall be responsible for the initial billing and at least two follow-up billings. Costs associated with the third-party reimbursement requests shall be based solely on a percent of reimbursement collections as provided in its contract with the Borough of Buena. After at least three attempts to collect said claim, any delinquent accounts will be reviewed with the Borough of Buena and those accounts approved by the Borough of Buena will be sent to a third-party collection agency by the billing company. Collection fees will be paid by the Borough of Buena. The billing company will track and report all payments received by the collections service and will be paid its percentage of the net proceeds from collections. The Borough of Buena reserves the right to determine that a bill is uncollectible and should be written off.

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BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 6

**DISCUSSION:**

**PUBLIC HEARING CLOSED:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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**ORDINANCE NO. 685 ADOPTED:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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

**ORDINANCE NO. 687     AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 99 TO ADD ARTICLE VI-REGISTRATION AND VACCINATION OF CATS OF THE GENERAL CODE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY.**  
**M \_\_\_\_\_ S \_\_\_\_\_**

**WHEREAS**, the Mayor and Council of the Borough of Buena want to regulate the cat population in the Borough; and

**WHEREAS**, the Borough has had a significant growth in its cat population; and

**WHEREAS**, cat population control is necessary to protect the health, welfare and safety of the residents of the Borough of Buena; and

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 7**

**NOW, THEREFORE, BE IT RESOLVED** that Part II, General Legislation, Chapter 99 is amended to add Article VI, registration and vaccination of cats as follows:

**ARTICLE VI-Registration and Vaccination of Cats**

99-11. **Registration of cats; rabies vaccination, spray/neuter.**

Any person owning, feeding or caring for any cat within the confines of the Borough of Buena will be required to have the cat sprayed or neutered, vaccinated for rabies and to register such cat with the Borough Clerk’s office, providing proof of such vaccination, name, address and phone number of owner, description of cat and the location of where the cat resides. (A cat by definition is considered owned after 7 days of feeding or care by a resident.)

99-12. **Identification tag to prove rabies vaccination required.**

All such cats shall be required to have the appropriate tag or other form of identification suitable to indicate or provide information to ensure a valid rabies vaccination.

99-13. **Enforcement.**

The Borough Code Enforcement Official and the Animal Control Officer are hereby authorized to enforce the provisions of this article.

99-14. **Violations and penalties.**

Any person found guilty of violating the provisions of this article shall, upon conviction, be subject to a fine for the first offense of \$25.00, \$50.00 for second offense and \$100.00 for the third and each subsequent offense.

**BE IT FURTHER ORDAINED**, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication.

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**BOROUGH OF BUENA**  
**REGULAR COUNCIL MEETING**  
**AGENDA**  
**MARCH 9, 2020**  
**PAGE 8**

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

**ORDINANCE NO. 688     AN ORDINANCE AMENDING ORDINANCE 685 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2020.**  
**M \_\_\_\_\_ S \_\_\_\_\_**

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

EMS – Part Time Senior Officer	\$     20.00 - \$     23.00
EMS – Part Time	\$     17.00 – \$     21.00

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**RESOLUTION 39-20     A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2019 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING AND TO DESIGNATE WILLIAM NIMOHAY TO ENSURE THAT THE SAID APPLICATION IS PROPERLY FILED.**  
**M \_\_\_\_\_ S \_\_\_\_\_**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgating



**BOROUGH OF BUENA**  
**REGULAR COUNCIL MEETING**  
**AGENDA**  
**MARCH 9, 2020**  
**PAGE 9**

recycling regulations to implement the Mandatory Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Council of the Borough of Buena to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Borough of Buena hereby endorses the submission of a 2019 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office and Recycling and designates William Nimohay to ensure that the said application is properly filed.

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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**RESOLUTION 40-20      A RESOLUTION AWARDED A CONTRACT FOR SAMPLING AND ANALYSIS OF MONITORING WELLS AT THE BOROUGH OF BUENA SANITARY LANDFILL TO EUROFINS QC, IN THE AMOUNT OF \$12,170.00.**  
**M \_\_\_\_\_ S \_\_\_\_\_**

**WHEREAS**, the Road Supervisor has solicited proposals for sampling and analysis of monitoring wells at the Borough of Buena Sanitary Landfill; and

**WHEREAS**, the lowest responsible proposal received was submitted by Eurofins QC, in the amount of \$12,170.00.

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

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 10**

contract for laboratory analysis be and the same is hereby awarded to Eurofins QC, in the amount of \$12,170.00.

**BE IT FURTHER RESOLVED,** that the Mayor and the Clerk be and they are hereby authorized to execute a purchase order for the laboratory analysis in the amount of \$12,170.00 upon receipt of certification of funds from the Chief Financial Officer of the Borough of Buena, which shall be attached to this Resolution.

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**RESOLUTION 41-20      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING A CONTINUING DISCLOSURE AGENT SERVICES AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR OF RECORD WITH PHOENIX ADVISORS, LLC.**  
**M\_\_\_\_\_S\_\_\_\_\_**

**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; and

**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”); and

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

**BOROUGH OF BUENA**  
**REGULAR COUNCIL MEETING**  
**AGENDA**  
**MARCH 9, 2020**  
**PAGE 11**

**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 \$1050.00 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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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 12**

**RESOLUTION 42-20      A RESOLUTION ACCEPTING THE RESIGNATION OF AN EMERGENCY  
MEDICAL TECHNICIAN, EFFECTIVE IMMEDIATELY.  
M \_\_\_\_\_ S \_\_\_\_\_**

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

Ja Toya T. Conaway  
John Miletta

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**RESOLUTION 43-20      A RESOLUTION AUTHORIZING THE ENGINEER TO APPLY FOR THE  
NJDEP 5G3 CONSTRUCTION ACTIVITY STORMWATER GENERAL  
PERMIT FOR THE FY2019 MUNICIPAL AID PROJECT-  
RECONSTRUCTION OF SOUTH BOULEVARD.  
M \_\_\_\_\_ S \_\_\_\_\_**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that the Engineer is hereby authorized to apply for the NJDEP 5G3 Construction Activity Stormwater General Permit for the FY2019 Municipal Aid Project-Reconstruction of South Boulevard.

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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 13**

**RESOLUTION 44-20      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE RECREATION COMMISSION TO HOST EVENTS.**  
**M       S**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena authorizing the Recreation Commission to host the following events in the Borough of Buena:

*Buena Day- Saturday, September 19, 2020*

*Buena Bounty Farmers and Artisans Market-  
Every First and Third Sunday Beginning in May, 2020 and Ending September, 2020.*

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**ENGINEER’ S   REPORT :**

- **Replacement of the Plymouth Street Culverts**  
Our office is awaiting County authorization to prepare the as-builts.
- **FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street**  
Our office will be submitting the NJDOT reimbursement package shortly.
- **FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road**  
The contractor is finalizing the punchlist items.
- **FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road**  
Our office met with the contractor to review the preliminary punchlist. The contractor is going to have the road surveyed to evaluate the grades and develop a plan of action.
- **FY2019 NJDOT Municipal Aid Project – Reconstruction of South Boulevard**  
The executed contract was sent to the contractor. Our office is coordinating a pre-construction meeting. Construction will begin once the weather is suitable.
- **FY2020 NJDOT Municipal Aid Project – Reconstruction of South Boulevard**  
The field survey work is scheduled for the week of March 23<sup>rd</sup>.

BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 14

- **Buena Borough Landfill**

We have been informed by The Pinelands Commission that a review letter will be coming out within the next week.

- **Liberty Village**

The entrance circle has been base paved and the South Boulevard pavement has been restored.

- **Expansion of the Commerce Center Redevelopment Area**

The report has been re-scheduled to have a public hearing at the March 24, 2020 Land Use Board meeting.

- **Madison Estates Major Subdivision – Lauren Court**

A pre-bid meeting is taking place on March 5, 2020 at 10:00 am.

**SOLICITOR’S REPORT: No Report**

**CLERK'S REPORT:**

**MINUTES OF THE REGULAR MEETING OF FEBRUARY 24, 2020. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2020  
PAGE 15**

**CLERK'S REPORT:**

MINUTES OF THE EXECUTIVE SESSION OF FEBRUARY 24, 2020. IF NO CORRECTIONS OR ADDITIONS,  
ENTERTAIN A MOTION TO APPROVE:

M \_\_\_\_\_ S \_\_\_\_\_

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**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**BILLS PAID AS LISTED: M \_\_\_\_\_ S \_\_\_\_\_**

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**NEXT MEETING: MARCH 23, 2020**

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