

BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
SEPTEMBER 25, 2023
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MEETING CALLED TO ORDER: 7:01 P.M.
MEETING ADJOURNED: 8:01P.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: Acting Clerk Johnston, Solicitor Tonetta, Road Supervisor Nimohay, Clerk 1 Koch

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, September 25, 2023 commencing at 7:01 p.m. at the Borough Hall with Council President Adams presiding. Council President Adams 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 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 OPENED:

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

John Petyon, Landisville, referenced leased land communities and expressed concern regarding land fees noting that the payment is so low that it provides no benefit to the borough and added that he would like to see more frequent rental inspections possibly on an annual basis. councilman Adams stated that it would be addressed.

Jeff Johnston, Landisville, expressed concerns regarding the lack of maintenance at Blackwater Pond Park. Discussion ensued with Solicitor and Council and it was decided that the matter would be further looked into.

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PUBLIC PORTION CLOSED:

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

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO.726 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY DISSOLVING THE BUENA BOROUGH FIRE DISTRICT NO. 2 AND FIRE COMMISSIONERS IN ACCORDANCE WITH N.J.S.A. 40A:14-91, REQUIRING AN ACCOUNTING OF ALL ASSETS AND DEBTS OF THE FIRE DISTRICT AND COMMISSIONERS AND AUTHORIZING THE ACCEPTANCE OF AN ASSIGNMENT OF ANY AND ALL AGREEMENTS FOR FIRE SUPPRESSION WITH THE MINOTOLA FIRE COMPANY IN ACCORDANCE WITH N.J.S.A. 40A:14-68

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

DISCUSSION WITH COUNCIL:

Councilman Merighi stated that he is looking forward to the change and thanked everyone for their participation.

Councilwoman Andaloro expressed her happiness to be able to vote in favor of the fire department and is looking forward to working together.

Councilman Fabrizio requested verification regarding the previous action of the ordinance and it was determined that it had been passed on the first reading.

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ORDINANCE NO. 726 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 July 29, 2021, the Council of the Borough of Buena adopted Ordinance 701 dissolving Buena Borough Fire District No. 1 and expanding Buena Borough Fire District No. 2 to include all of the Borough of Buena which was done in accordance with N.J.S.A. 40A:5A-20 and not N.J.S.A. 40A:14-91 which is specific to the dissolution of Fire Districts: and

WHEREAS, on or about October 24, 2022 Borough Council received and filed a petition signed by not less than 5% of the voters to establish a new Fire District as required by N.J.S.A. 40A:14-70 and thereafter received and filed a petition signed by not less than 5% of the voters to dissolve Buena Borough Fire District No. 2 thereby having the Borough Council undertake the oversight of fire suppression and prevention instead of a fire commission in accordance with N.J.S.A. 40A:14-68; and

WHEREAS, Borough Council adopted Ordinance No. 714 staying the transfer of any further assets that inured to the Borough upon dissolution of Fire District No. 1 pending further consideration by the Borough; and

WHEREAS, Borough Council finds it to best determine whether to dissolve Fire District No. 2 before considering whether to create a new Fire District; and

WHEREAS, after considering the costs incurred in litigation by the Buena Borough Fire Commissioners for Fire District No. 2 inclusive of issues unrelated to the duties of fire commissioners to assure the health and safety of the Borough residents are protected from the hazards of fires as outlined in N.J.S.A. 40A:14-70 and having heard the testimony of residents and officials including the Borough’s auditor related to savings realized from the dissolution of the fire district; and

WHEREAS, the Minotola Fire Company has provided fire suppression and prevention services for the Borough of Buena through the Board of Fire Commissioners of Fire District No. 2 as authorized by N.J.S.A. 40A: 14-70.1 and should the Borough Council favorably consider the dissolution of Board of Fire Commissioners of Fire District No. 2 and the Fire District, the governing body would welcome the continued services of the Minotola Fire Company as authorized by State Statutes so as to continue to protect the health and welfare of the Borough; and

WHEREAS, Borough Council recognizes the equities in dissolving all of the fire districts and allowing the governing body to oversee fire suppression and prevention with the Minotola Fire Company or such other fire company that may be created for the purposes of providing fire suppression services to the Borough residents as authorized in accordance with N.J.S.A. 40A:14-68; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, any municipal governing body which has established a Fire District is empowered to dissolve the Fire District providing said ordinance is approved by the Local Finance Board within the Department of Community Affairs prior to adoption, which application has or shall be

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made prior to the final adoption of this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Buena as follows:

1. **Dissolution.** Borough of Buena Fire District No. 2 is hereby dissolved and abolished subject to the terms and conditions hereof and the terms of the offices of the members of the Board of Commissioners of the Borough of Buena Fire District No. 2 are hereby terminated.
2. **Transfer of Title of All Facilities.** All real and personal property owned or titled in the name of Borough of Buena Fire District No. 2 or the Commissioners thereof, including all cash assets shall become the assets of the Borough of Buena.
3. **Payment of All Creditors and Obligees.** Borough of Buena shall be responsible for the payment of lawful debts and obligations of the Borough of Buena Fire District No. 2 including therewith the continuation of all agreements with Minotola Fire Company to provide fire suppression and prevention services for the Borough of Buena as has been provided through the Commissioners of the Buena Fire District No. 2.
4. **Contract with Volunteer Fire Companies.** Minotola Fire Company shall be recognized as such fire company assigned to the duty of extinguishing fires within the Borough of Buena under such terms and conditions as shall be deemed proper, including financing by the Borough of Buena for such equipment and training necessary to adequately provide for fire suppression and prevention within the Borough of Buena and for such other related obligations including mutual aid to adjacent municipalities. In the event Minotola Fire Company is unable or unwilling to continue providing such services, the Borough shall continue to utilize mutual aide with the assistance of the State of New Jersey, Department of Community Affairs, Fire Safety, Shore Region Fire Coordinator, pending an agreement with an existing or new fire company in accordance with N.J.S.A. 40A:14-68.
5. **Borough Authority.** Upon the effective date of this Ordinance, the Borough of Buena Fire District No. 2 shall cease all operations and activities and all operations and activities shall be transferred to the Governing Body automatically and without further action either by the Borough of Buena or Buena Fire District No. 2.
6. **Approval of Local Finance Board.** Pursuant to the provisions of N.J.S.A. 40A:5A-20, a copy of this Ordinance must be forwarded to the Local Finance Board of the State of New Jersey (Board) for review and approval. Final adoption of this Ordinance shall be subject to the Board's approval. A copy of this Ordinance as adopted shall be filed immediately with the Board and with the Secretary of State of New Jersey.
7. **Effective Date of Dissolution.** The dissolution of the Borough of Buena Fire District No. 2 shall be effective upon adoption of this Ordinance and the automatic transfer of all assets and liabilities from Borough of Buena Fire District No. 2 to the Borough of Buena and the assumption of all duties by Fire District No. 2 and the Commissioners thereof shall be effective upon adoption of this Ordinance.
8. **Severability.** Should any section, subsection or phrase of this Ordinance is held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
9. **Repeal of All Inconsistent Ordinances.** All Ordinances or portions thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
10. **Effective Date.** This Ordinance shall take effect upon passage and publication as required by law and upon approval by the Local Finance Board.

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MOTIONED TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 735 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AMENDING ORDINANCE 705, AS AMENDED, CHAPTER 202 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED CANNABIS

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

DISCUSSION: None

MOTIONED TO CLOSE PUBLIC PORTION:

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

ORDINANCE NO. 735 ADOPTED:

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

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. 24:61-31, 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. 24:61-45 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. 24:61-

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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.

WHEREAS, on March 28, 2022 Borough Council adopted Ordinance No. 705, Chapter 202 of the Code of the Borough of Buena setting forth certain enabling legislation regarding the issuance of cannabis licenses for the Borough and thereafter Borough Council adopted ordinance No. amending Ordinance 705 setting forth the number of specific class of cannabis licenses permitted in the Borough and criterion to obtain a cannabis license; and

WHEREAS, Borough Council has determined that it is in the best interest of the Borough to amend the members of the Cannabis Advisory Committee to remove the Borough Engineer as a member and replace that position with the Zoning Officer or his/her designee.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 705, Chapter 202 of the Code of the Borough of Buena be and is hereby amended as follows:

Section 202.12 Definitions shall be amended with the following definition:

Cannabis Advisory Committee (CAC) shall mean a committee created for the purpose of reviewing and grading all applicants and proposals for the receipt of any cannabis business within the Borough and consisting of the following;

- a. Mayor or Designee
- b. Two members of the governing body appointed by the governing body.
- c. Borough Zoning Officer
- d. Business Administrator
- e. Director of Public Safety
- f. One Business Owner operating a business and residing within the Borough.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof inconsistent herewith shall be repealed and void to the extent of such inconsistency.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, the balance hereof shall remain in full force and effect.

11. **Effective Date.** This Ordinance shall take effect upon passage and publication as required by law.

MOTIONED TO INTRODUCE AND PASS ON FIRST READING;

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				
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;

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 as 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.

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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 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.

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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.

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 133-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE ISSUANCE OF A CLASS I ANNUAL CANNABIS CULTIVATION LICENSE TO GREEN THUMB GROWING COMPANY LLC, BLOOMFIELD, MICHIGAN CONDITIONED UPON THE ISSUANCE OF AN ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT
- RESOLUTION 134-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE ISSUANCE OF A CLASS II ANNUAL CANNABIS MANUFACTURER LICENSE TO GREEN THUMB GROWING COMPANY LLC, BLOOMFIELD, MICHIGAN CONDITIONED UPON THE ISSUANCE OF AN ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT
- RESOLUTION 140-23 A RESOLUTION AUTHORIZING 2023 ELECTRONIC TAX SALE
- RESOLUTION 141-23 RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH REA AUCTION.COM, LLC FOR THE PURPOSE OF CONDUCTING MUNICIPAL TAX LIEN SALES FOR 2023 PURSUANT TO N.J.S.A. 54:5-19.1
- RESOLUTION 142-23 BOROUGH OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING THE ASSESSMENT OF A \$25.00 FEE PER TAX SALE NOTICE FOR THE CREATION, PRINTING, AND MAILING OF SAID NOTICE.
- RESOLUTION 143- 23 EMERGENCY APPROPRIATION
- RESOLUTION NO 144-23 A RESOLUTION OF THE BOROUGH OF BUENA AMENDING RESOLUTION NO. 136-23 PLACING A LIEN ON BLOCK 135, LOT 11, 306 NORTH WEST BOULEVARD, IN ACCORDANCE WITH ORDINANCE 642
- RESOLUTION NO. 145-23 A RESOLUTION OF THE BOROUGH OF BUENA COUNTY OF ATLANTIC REGARDING FINANCIAL APPROPRIATIONS FOR ADA RENOVATIONS OF BATHROOMS AND ACCESS.
- BILLS PAID AS LISTED

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- CLERK'S REPORT
MINUTES OF THE WORKSHOP MEETING OF SEPTEMBER 11, 2023
MINUTES OF THE REGULAR MEETING OF SEPTEMBER 11, 2023

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

COMMITTEE REPORTS:

PERMITS/INSPECTIONS/TAX OFFICES: (CHAIRMAN, DOUGLAS ADAMS)

Councilman Doug Adams discussed the Code Enforcement summons issued on several properties including Arbor Avenue and reminded everyone to notify any Borough employee of outage street lights and the importance that they are to be in working order.

PUBLIC SAFETY/STREET LIGHTS/ANIMAL CONTROL:(CHAIRMAN, DOUGLAS ADAMS)

Councilman Doug Adams provided his report on the police department to include number of calls, tickets, disputes, and EMS calls for the month.

FINANCE:(CHAIRMAN, JORGE ALVAREZ)

Councilman Alvarez reviewed the budget standings.

PUBLIC BLDGS/GROUNDS/IMPROVEMENTS:(CHAIRWOMAN PATRICIA ANDALORO)

Councilwoman Andaloro noted that she has been working closely with Councilwoman Barsuglia on all park projects and remarked that the Patriot Festival held on September 17th was a success and thanked all those involved for their hard work.

Also reported:

- The Senior Center Nutrition lease will expire on December 31, 2023 and a meeting has been scheduled for September 28th to discuss renewal plans.
- The Landisville Firehouse is waiting for a CO for the possibility of relocating the EMS to this location.
- Fall hours at the Louise Basile Building will resume on November 1st from 12 PM to 2 PM every Wednesday.

RECREATION/SPECIAL EVENTS:(CHAIRWOMAN, MARINA BARSUGLIA)

Councilwoman Barsuglia presented a video of the events that took place at Patriot Day and thanked everyone for their hard work. Ms. Barsuglia discussed the placement for No Hunting signs at Blackwater Pond Park. Also mentioned was the next event to be held on October 28th for Halloween activities.

ROADS/RECYCLING:(CHAIRMAN JOSEPH FABRIZIO)

Councilman Fabrizio explained his efforts to reach out to Atlantic County regarding the manhole covers on Central Avenue and noted that he will continue his efforts.

Also reported:

The drainage on Flower Street had improved since installing new pipes. Road Supervisor Nimohay provided a brief report on JIF. Mr. Nimohay noted that there have been requests by residents for a speed limit decrease and permanent signs on Central Avenue. Also requested was Children at Play signs on South Nixon. Discussion ensued with the Solicitor having to review legalities prior to making changes on said roadways.

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ECONOMIC DEVELOPMENT: (CHAIRMAN, ERNEST MERIGHI)

Councilman Merighi mentioned the Pavilion Pizzeria has reopened recently and was happy to see the business back in town.

UNFINISHED BUSINESS:

Discussion ensued with Solicitor and Council regarding Cannabis Committee Advisory members and their terms.

NEW BUSINESS:

None

NEXT MEETING: OCTOBER 10, 2023

MEETING ADJOURNED: M/ ANDALORO S/ BARSUGLIA RCVU



Pamela Johnston
Acting Borough Clerk

Please refer to next page for Consent Agenda Resolutions

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RESOLUTION NO. 133-23

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC,
AUTHORIZING THE ISSUANCE OF A CLASS I ANNUAL CANNABIS
CULTIVATION LICENSE TO GREEN THUMB GROWING COMPANY LLC,
BLOOMFIELD, MICHIGAN CONDITIONED UPON THE ISSUANCE OF AN
ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY
COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT**

WHEREAS, the Borough of Buena has two Class I Cannabis Cultivator 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, Green Thumb Growing Company LLC (Green Thumb) 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 one of the two available Class I licenses; and

WHEREAS, the CAC has reviewed the submission, has graded the proposal and has determined that Green Thumb wishes to operate a Cannabis Class II license at property located at 345 Weymouth Road, Buena, is properly zoned for such a business and has further scored high enough to qualify for a Buena Borough Class I license

WHEREAS, the Proposal submitted by Green Thumb 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 Green Thumb and the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) for the Class I 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 I Cultivation license to Green Thumb 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 Green Thumb 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 Green Thumb and the issuance of a CO or TCO the Mayor and Borough Acting Clerk are authorized to issue an annual license to Green Thumb Growing Company LLC, Bloomfield, Michigan for a Class I Cultivator business at 345 Weymouth Road, Buena New Jersey

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RESOLUTION NO. 134-23

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC,
AUTHORIZING THE ISSUANCE OF A CLASS II ANNUAL CANNABIS
MANUFACTUR LICENSE TO GREEN THUMB GROWING COMPANY LLC,
BLOOMFIELD, MICHIGAN CONDITIONED UPON THE ISSUEANCE OF AN
ANNUAL LICENSE BY THE NEW JERSEY CANNABIS REGULATORY
COMMISSION AND THE EXECUTION OF A HOST COMMUNITY AGREEMENT**

WHEREAS, the Borough of Buena has one Class II Cannabis Manufacture 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, Green Thumb Growing Company LLC (Green Thumb) 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 one of the two available Class II licenses; and

WHEREAS, the CAC has reviewed the submission, has graded the proposal and has determined that Green Thumb wishes to operate a Cannabis Class II license at property located at 345 Weymouth Road, Buena, is properly zoned for such a business and has further scored high enough to qualify for a Buena Borough Class II license; and

WHEREAS, the Proposal submitted by Green Thumb 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 Green Thumb and the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) for the Class II 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 II Manufacture license to Green Thumb 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 Green Thumb 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 Green Thumb and the issuance of a CO or TCO the Mayor and Borough Acting Clerk are authorized to issue an annual license to Green Thumb Growing Company LLC, Bloomfield, Michigan for a Class II Manufacture business at 345 Weymouth Road, Buena New Jersey.

RESOLUTION NO. 140-23

A RESOLUTION AUTHORIZING 2023 ELECTRONIC TAX SALE

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved RealAuction.com to conduct electronic tax sales, and

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WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Buena wishes to participate in an electronic tax sale for prior year 2022 delinquencies.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Buena, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is forwarded to the Borough of Buena Tax Collector and the Chief Financial Officer by the Acting Clerk.

RESOLUTION NO. 141-23

RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH REALAUCTION.COM, LLC FOR THE PURPOSE OF CONDUCTING MUNICIPAL TAX LIEN SALES FOR 2023 PURSUANT TO N.J.S.A. 54:5-19.1

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales in the State of New Jersey along with participating Counties and Municipalities, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS RealAuction.com has supplied and negotiated a contract to provide electronic tax sales services to the Borough of Buena, which contract is attached hereto and made a part hereof by reference, and

WHEREAS, the Borough of Buena wishes to participate in an electronic tax sale in 2022 and to award a contract for such services to RealAuction.com as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Buena that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

1. The Mayor is hereby authorized to sign the attached contract for services with RealAuction.com, which has offices located at 861 SW 78th Avenue, Plantation, Fla. 33224.
2. The Mayor and other officers and employees of the Borough are hereby authorized to perform whatever task may be necessary to effectuate the purposes of this Resolution.
3. This Resolution is subject to the availability of funds.

RESOLUTION NO. 142-23

**BOROUGH OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
AUTHORIZING THE ASSESSMENT OF A \$25.00 FEE PER TAX SALE NOTICE FOR THE
CREATION, PRINTING, AND MAILING OF SAID NOTICE.**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Buena wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the Council of the Borough of Buena that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2023 electronic tax sale.

**RESOLUTION NO. 143-23
EMERGENCY APPROPRIATION**

WHEREAS, an emergency has arisen with respect to the budget line for “Fire Protection Services” due to the dissolution of Buena Borough Fire District #2 and the corresponding assumption of the management of “Fire Protection Services” by the Borough of Buena, it is in the best interest of the Borough to protect and promote the public health, safety and welfare of the Borough; and

WHEREAS, no adequate provision was made in the 2023 budget for the aforesaid purposes, and the N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$75,000.00 and three percent of the total operations in the budget for the year 2023 is \$146,019.00,

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2023,

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:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

Fire Protection Services - \$75,000.00

2. That said emergency appropriation shall be provided in full in the year 2024 budget. Surplus funds received from the dissolved Fire Company will be used to fund this emergency appropriation.

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3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of government Services.

RESOLUTION NO 144-23

**A RESOLUTION OF THE BOROUGH OF BUENA AMENDING RESOLUTION NO. 136-23
PLACING A LIEN ON BLOCK 135, LOT 11, 306 NORTH WEST BOULEVARD, IN ACCORDANCE
WITH ORDINANCE 642**

WHEREAS, the Borough of Buena established legal right to clear and lien properties in accordance with Ordinance 642; and

WHEREAS, the property located at 306 North West Boulevard sustained damage due to an explosion; and

WHEREAS, the property has been cleared by the Borough of Buena and charges established for time and equipment per Ordinance 642;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that 306 North West Boulevard shall have an additional lien for services and equipment from Buena Vista Township Emergency Medical Services, Inc., in the amount of \$612.13 placed upon it upon passage of this resolution.

RESOLUTION NO. 145-23

**A RESOLUTION OF THE BOROUGH OF BUENA COUNTY OF ATLANTIC
REGARDING FINANCIAL APPROPRIATIONS FOR ADA RENOVATIONS OF
BATHROOMS AND ACCESS.**

WHEREAS, the Borough of Buena has funding from the NJDCA LRIG Grant for \$85,000.00; and

WHEREAS, the Borough of Buena Ordinance No. 708 \$20,000.00; and

WHEREAS, along with funding from CDBG Grant (2015 to 2023) for \$107,818.00; and

WHEREAS, also any CDBG funding that may become available for this project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena these funds shall be applied to the ADA Renovations for Bathrooms and Access for Borough of Buena facilities.