

BOROUGH OF BUENA  
 WORKSHOP AGENDA  
 APRIL 8, 2019  
 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
MAROLDA					
WALKER					
BAKER					
MANCUSO					
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 December 19, 2018, as well as having been posted on the bulletin board at Borough Hall.

**MAYOR'S REPORT:** First order of business.

**PUBLIC HEARING:** 2019 MUNICIPAL BUDGET

**PUBLIC HEARING OPENED:**  
 M \_\_\_\_\_ S \_\_\_\_\_

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

**DISCUSSION:**

**PUBLIC HEARING CLOSED:**  
 M \_\_\_\_\_ S \_\_\_\_\_

**BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 2**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

**RESOLUTION 55a            A RESOLUTION TO ADOPT 2019 MUNICIPAL BUDGET  
M \_\_\_\_\_ S \_\_\_\_\_**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

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

**ORDINANCE NO. 676        AN ORDINANCE AMENDING CHAPTER 150, LAND USE, OF THE  
CODE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC  
AND STATE OF NEW JERSEY  
M \_\_\_\_\_ S \_\_\_\_\_**

**BE IT ORDAINED** by the Township Council of the Borough of Buena, County of Atlantic and State of New Jersey, as follows:

- I. Purpose: The purpose of this Ordinance is to amend Chapter 150, Land Use, of the Code of the Borough of Buena in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018.
- II. Chapter 150, Land Use, Article I, General Provisions, §150-5, Definitions, is hereby amended by replacing or adding the following definitions:

**ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM**

An individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b).

**BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 3**

Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.

**IMMEDIATE FAMILY**

Those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

**SOLAR ENERGY FACILITY**

A solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

III. Chapter 150, Land Use, Article XVIII, Pinelands Area Standards, §150-176, Water Quality, is hereby amended by revising subsection B(5) as follows:

- (5) Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
  - (a) (No change.)
  - (b) The proposed development is residential, or, if non-residential, is located in:
    - [1] A Pinelands Town management area; or
    - [2] A Pinelands Agricultural Production Area, provided that the standards of N.J.A.C. 7:50-6.84(a)5iii(2) are met.
  - (c) (No change.)

IV. Chapter 150, Land Use, Article XVIII, Pinelands Area Standards, §150-176, Water Quality, is hereby amended by revising subsection B(7) as follows:

- (7) Alternate design pilot program treatment systems, provided that:
  - (a)-(i) (No change.)
  - (j) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time; and
  - (k) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identified the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in subsection (7)(i) above, and grants access, with reasonable notice, to the local board of health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period of the monitoring requirements apply pursuant to the pilot

**BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 4**

program or any subsequent regulations adopted by the Commission that apply to said system.

- V. Chapter 150, Land Use, Article XVIII, Pinelands Area Standards, §150-185 Compliance Required; Exceptions, is hereby amended by revising subsection A as follows:
- A. Except as provided in Subsection B below, the following shall not be subject to the procedures set forth in this section:
- (1)-(6) (No change.)
  - (7) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:
    - (a) If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and
    - (b) If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.
  - (8)-(10) (No change.)
  - (11) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.
  - (12) The clearing of land solely for agricultural or horticultural purposes.
  - (13)-(18) (No change.)
  - (19) The installation of an accessory solar energy facility on any existing structure or impervious surface.
  - (20) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.
  - (21) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.
  - (22) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

- VI. Chapter 150, Land Use, Article XVIII, Pinelands Area Standards, §150-189, Notices to the Pinelands Commission, is hereby amended by replacing the entirety of the section with the following:

**§150-189. Notices to the Pinelands Commission**

- A. Application submission and modifications. Written notification shall be given by the Borough, by email or regular mail, to the Commission within seven (7) days after a determination is made by the Borough that an application for development in the Pinelands Area is complete or if a

**BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 5**

determination is made by the Borough approval agency that the application has been modified. Said notice shall contain:

- (1) The name and address of the applicant;
- (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
- (3) A brief description of the proposed development, including uses and intensity of uses proposed;
- (4) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (5) The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
- (6) The approval agency with which the application or change thereto was filed;
- (7) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and
- (8) The nature of the municipal approval or approvals being sought.

B. Hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five (5) days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:

- (1) The name and address of the applicant;
- (2) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (3) The date, time and location of the meeting, hearing or other formal proceeding;
- (4) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;
- (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission; and
- (6) The purpose for which the meeting, hearing or other formal proceeding is to be held.

C. Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall, within five days of the approval or denial, give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:

- (1) The name and address of the applicant;
- (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop;

**BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 6**

- (3) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (4) The date on which the approval or denial was issued by the approval agency;
- (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;
- (6) Any revisions to the application not previously submitted to the Commission; and
- (7) A copy of the resolution, permit or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

VII. Chapter 150, Land Use, Article XVIII, Pinelands Area Standards, §150-202, Pinelands development credits, is hereby amended by replacing subsection I(1) in its entirety with the following:

- (1) In the P-A district: agriculture; forestry; agricultural employee housing as an accessory use; low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than fifteen (15) feet of frontage per one thousand (1,000) feet of frontage on the water body, the clearing of vegetation does not exceed five percent (5%) of the parcel, and no more than one percent (1%) of the parcel will be covered with impervious surfaces; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed five thousand (5,000) square feet; agricultural products processing facilities; and accessory uses

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
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MCAVADDY					

**DISCUSSION:**

BOROUGH OF BUENA  
 WORKSHOP AGENDA  
 APRIL 8, 2019  
 PAGE 7

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

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

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
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MANCUSO					
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**ORDINANCE NO. 676 ADOPTED:**

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

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
WALKER					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

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

**ORDINANCE NO. 680 AN ORDINANCE AMENDING CHAPTER 150, LAND USE, OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

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

**BE IT ORDAINED** by the Council of the Borough of Buena, County of Atlantic and State Of New Jersey as follows:

Chapter 150, Land Use, Article XVI, Section 150-137(F) is hereby amended by replacing or adding the following:

In all zones except the A-1 Zone and PA Zone of the Pinelands Area, the keeping of more than (4) household pets, such as cats and dogs is prohibited. NOTE: Household pets do not include animals traditionally kept as livestock.

**BOROUGH OF BUENA  
WORKSHOP AGENDA  
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PAGE 8**

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ALVAREZ					
MCAVADDY					

**DISCUSSION:**

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

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

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
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MANCUSO					
ALVAREZ					
MCAVADDY					

**ORDINANCE NO. 680 ADOPTED:**

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

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MAROLDA					
WALKER					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

**RESOLUTION 56-19**

**SPECIAL EMERGENCY APPROPRIATION - NJSA 40A:4-53**

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



**BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 9**

**WHEREAS**, an emergency has arisen with respect to the Revaluation Compliance Purposes to provide new digital tax maps for formal state approval and certification for the Borough of Buena.

**WHEREAS**, NJS40A:4-53 provides that it shall be lawful to make such appropriation, which shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

**NOW, THEREFORE BE IT RESOLVED**, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJS 40A:4-55:

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

Revaluation Compliance-Digital Tax Maps                      \$30,000.00

2. That said special emergency appropriation shall be provided for in the budgets of the next succeeding five (5) years by the inclusion of not less than \$6,000.00.

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

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
WALKER					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

**RESOLUTION 57-19            A RESOLUTION AUTHORIZING THE RELEASE OF SURETY POSTED  
BY DENNIS CAROLLA.  
M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, applicant posted surety in the form of a Maintenance Guarantee for certain improvements to Block 201, Lot 52; and

WHEREAS, the Land Use Board Engineer has confirmed that the improvements have been completed and maintained.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the surety posted by Dennis Carolla is hereby approved to be released in the amount of \$1,466.85.

**BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 10**

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
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MANCUSO					
ALVAREZ					
MCAVADDY					

**RESOLUTION 58-19      A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO THE ACQUISITION OF BLOCK 180, LOT 11.02 C215 B BY THE NJ HOUSING AND MORTGAGE FINANCE AGENCY**  
**M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, Block 180, Lot 11.02 C215 B was acquired by the NJ Housing and Mortgage and Finance Agency in 2017; and

WHEREAS, the tax assessor has granted exemption for this property;

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to cancel taxes on Block 180, Lot 11.02 C215 B, 215 B West Arctic Avenue, for 2018 in the amount of \$4,001.19.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
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**ENGINEER' S REPORT :**

**Replacement of the Plymouth Street Culverts**

The project is complete with the exception of the surface course paving. Surface course paving is to be completed in connection with the resurfacing of Plymouth Street project. The County has reimbursed the Borough \$322,133.50 for payments to the contractor to date.

**FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street**

The project is complete with the exception of paving. Due to delays associated with the rehabilitation of the contractor's asphalt plant, the contractor anticipates beginning paving operations the week of April 22nd weather permitting.

**FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road**

BOROUGH OF BUENA  
 WORKSHOP AGENDA  
 APRIL 8, 2019  
 PAGE 11

Due to delays associated with the rehabilitation of the contractor's asphalt plant, the contractor anticipates beginning paving operations the week of April 22nd weather permitting.

**FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road**

Design is complete. Final plans and specs will be submitted to the NJDOT the week of April 8<sup>th</sup> for authorization to advertise for bids. Our office is requesting authorization from Borough Council to advertise the project for public bids.

**FY2019 NJDOT Municipal Aid Application – Reconstruction of South Boulevard**

The Borough received notification from the NJDOT that we will be receiving \$280,092.00 in FY2019 NJDOT grant funding for the project.

**Buena Borough Landfill**

Our office is working with The Pinelands Commission to obtain approval to close the landfill.

**Liberty Village**

We are working with the Developer's Engineer to address outstanding plan related issues. The contractor has installed the sanitary sewer main, the water main and some of the storm drain.

**Expansion of the Commerce Center Redevelopment Area**

Our office is finalizing the report.

**SOLICITOR' S REPORT:**

Meeting with ACIA on March 27, 2019

Meeting with Bond Counsel on Madison Estates on April 11, 2019.

Mobile Home Park Municipal Service Fees.

**Minutes of the regular meeting of March 25, 2019. If no corrections or additions, entertain a motion to approve:**

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

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
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BOROUGH OF BUENA  
WORKSHOP AGENDA  
APRIL 8, 2019  
PAGE 12

**BILLS PAID AS LISTED:**

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

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
WALKER					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

**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.

**NEXT MEETING:** April 22, 2019 at 7:00 P.M.

Meeting adjourned: **M** \_\_\_\_\_ **S** \_\_\_\_\_ All in favor? Any opposed?