

BOROUGH OF BUENA
 WORKSHOP AGENDA
 MARCH 11, 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.

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 674 "AN ORDINANCE CREATING A PERMIT REQUIREMENT TO OPERATE A CRANE"
M _____ S _____

WHEREAS, the Borough of Buena recognizes that a consistent policy is necessary concerning the operation of cranes within the Borough of Buena which helps to preserve safety and prevent damage to personal property and real estate of residential properties located in the Borough of Buena; and

WHEREAS, there exists the need to create a standard by which crane operators are governed in the Borough of Buena; and

WHEREAS, the licensing of crane operators is a matter of public safety; and

WHEREAS, active cranes in the Borough of Buena operate in a dense urban environment, often in close proximity to residential units, office spaces, and pedestrians, thus underscoring the need for professional crane operators who adhere to the highest standards of safety; and

WHEREAS, the Borough of Buena wishes to enact legislation which will govern registration of cranes and use of cranes in the Borough of Buena.

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NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Buena, in the County of Atlantic, and State of New Jersey, as follows:

The Code of the Borough of Buena is hereby amended and supplemented with a new Chapter entitled "Crane Regulations", which Chapter shall read as follows:

1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

"Board" means the Crane Operators License Advisory Board established pursuant to N.J.S.A. 45:26-3.

"Certification" means certification from the National Commission for the Certification of Crane Operators or any other organization found by the Board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

"Commissioner" means the Commissioner of Labor.

"Crane" As used in this ordinance, the term "Crane" shall be defined in accordance with N.J.S.A. 45:26-1 through 45:26-17 (Licensure of Crane Operators Act), hereafter referred to as the Crane Operator Licensure Act and the 1926 OSHA Crane and Derricks in Construction also known as OSHA Subpart CC.

"Crane operator" means an individual engaged in the operation of a crane.

"Crane related experience" means operating, inspecting, training and maintenance experience acceptable to the board.

"Practical examination" means an examination demonstrating the applicant's ability to safely operate a particular category or type of crane. Practical examinations shall be conducted for the following crane categories: the lattice boom crawler cranes (LBC) lattice boom truck cranes (LBT), telescopic boom cranes (TLL, Swing Cab) & (TSS, Fixed Cab), Tower cranes and Overhead cranes.

2. General Requirements.

- a. Five (5) days before any crane operator, contractor or other person or company initiates the use of a crane within the Borough of Buena, a permit shall be obtained. In emergent situations, the building inspector may waive this requirement in his or her own discretion if the operator meets the balance of the requirements of this Ordinance.
- b. The permit will be maintained with the Borough of Buena as well as with the crane operator at all times; a copy of the permit shall be produced on the work site when requested.

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- c. The following documents must be provided to the Borough of Buena in order to be granted a permit:
1. Copy of crane operator certificate from one of the following organizations:
 - a. National Commission for the Certification of Crane Operators (NCCCO);
 - b. Operating Engineers Certification Program (OECF); or
 - c. Crane Institute of America Certification.
 2. New Jersey Crane License.
 3. Current Medical Examiner's Card.
 4. A copy of the most recent and current proof of inspection for the crane being operated (Crane owner).
 5. Insurance required as follows:
 - a. Bodily Injury:
 - i. For any one (1) person in the amount of \$500,000.00;
 - ii. For any occurrence in the amount of \$1,000,000.00;
 - b. Property Damage:
 - i. For any one (1) accident in the amount of \$500,000.00;
 - ii. For any aggregate of occurrences in the amount of 2,000,000.00.
 6. Proof that the Crane Operator submits to a random drug testing program.
 7. Proof of Completion of Signal Person Qualification or Certification course.
- d. Upon receipt of a properly completed application and compliance with the requirements of this Section, the building department shall issue or deny the requested permit within five (5) business days. If the application is denied the reasons for the denial are furnished to the applicant in writing.

3. Crane Operator Licensing.

- a. Licensure of crane operators, pursuant to N. J. S. A. 45:26-7. No person shall engage in the operation of a crane, offer himself or herself for employment as a crane operator or otherwise act, attempt to act, present or represent himself as a crane operator unless licensed as such under the provisions of this act.
- b. A crane operator's license shall be valid only in conjunction with a current certification and only in the specialty or specialties for which the crane operator is certified. The specialties are lattice boom crawler crane (LBC), lattice boom truck crane (LBT), telescopic boom cranes (TLL, Swing Cab) & (TSS, Fixed Cab), tower cranes and overhead cranes.
- c. To be eligible for a license as a crane operator in the Borough of Buena, an applicant shall fulfill each of the following requirements:
 - a. Be at least 18 years of age.
 - b. Receive certification from the National Commission for the Certification of Crane Operators or any other organization found by the board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission

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for Certifying Agencies.

- c. Have at least 1,000 hours of crane-related experience.
- d. Maintain a current medical examiner's certification card.

4. Notification of accident or safety issue- Required.

The owner of the property shall immediately notify the Borough of Buena of every accident causing personal injury or damage to property involving a construction crane covered by this chapter and shall afford the municipal official every facility for investigating such accident. When an accident involves the failure, breakage, damage or destruction of any part of the apparatus, it shall be unlawful to use such device until after an examination by the Borough of Buena is made and approval of the equipment for continued use is granted. It shall be the duty of the Borough of Buena to make a prompt examination into the cause of the accident and to enter a full and complete report thereof in the records of the Borough of Buena. Such records shall be open for public inspection during regular business hours.

5. Safety equipment- Required.

- a. All crane equipment shall be kept in safe working condition at all times by the owner and licensee.
- b. If any safety or operational aid used or required to be used in connection with the operation of a crane is not working properly, the person operating such crane shall immediately shut down the crane until such time that the required safety or operational aid is repaired or replaced and the crane is restored to proper working order.
- c. Any and all safety requirements promulgated by the Board, Commissioner, or Borough of Buena must be adhered to at all times.
- d. Every crane shall be thoroughly inspected by a competent designated employee or authorized agent of the owner or lessee of such mobile crane, tower crane or derrick at intervals not exceeding one month. Such inspection shall include, but not be limited to, all blocks, shackles, sheaves, wire rope, connectors, and various devices on the master boom, controls and braking mechanisms.
- e. A written, dated, and signed record of each such inspection shall be completed by the competent designated employee or authorized agent who made the inspection. The most recent record of such inspection shall be posted inside the cab of such crane and shall be filed with the Borough of Buena. Attached to such record of inspection shall be a written designation naming the competent employee or authorized agent. Such attached designation shall be signed by the owner or lessee of said crane.
- f. Every crane shall be inspected before being erected or operated for the first time on any job.
- g. Adjustments and repairs to cranes shall be made only by competent designated persons.

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6. Administration; enforcement.

- a. The Municipal Council may promulgate rules and regulations for the administration of the provisions of this Article.
- b. The provisions of this article shall be enforced by the Code Enforcement department.

7. Unsafe cranes

- a. Any crane which is or hereafter becomes unsafe or otherwise dangerous to human life or public safety, or which demonstrates inadequate maintenance shall be deemed to be in an unsafe condition by the Municipal Engineer. All unsafe cranes shall be taken down or removed or made safe, as the Municipal Engineer deems necessary and as provided for in this section.
- b. The Municipal Engineer shall cause a report to be filed on an unsafe crane. The report shall state the nature of the unsafe condition.
- c. If an unsafe condition is found, the Municipal Engineer or municipal agent shall serve on the owner, agent or person in control of the crane, a written notice that describes the condition being unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition. Such notice shall require the person thus notified to declare immediately to the Municipal Engineer or municipal agent exceptions or rejection of the terms of the written notice.
- d. Such written notice shall be deemed properly served if a copy is delivered to the owner personally, or sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If a certified or registered letter is returned showing that the written order has not been delivered, a copy shall be posted in a conspicuous place in or on the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the crane shall constitute service of notice upon the owner.
- e. The equipment determined to be unsafe by the Municipal Engineer or municipal agent may be restored to a safe condition. To the extent that repairs, alterations or additions are made during restoration of such equipment, such repairs, alterations or additions shall comply with all applicable codes.
- f. Any person who refuses or neglects to comply with the requirements of notice to abate an unsafe condition shall be subject to a fine in accordance with Section 9.

8. Violations; penalties.

- a. Any person who operates a crane without meeting the requirements of this ordinance or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$1,000.00 and no more than \$10,000.00 for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

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b. Any person or company who employs an unlicensed person as a crane operator or who permits or directs an unlicensed person to operate a crane shall be subject to a fine of not less than \$2,000.00 nor more than \$20,000.00 for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

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

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ S _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
WALKER					
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ORDINANCE NO. 674 ADOPTED:

M _____ S _____

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MAROLDA					
WALKER					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 675 AN ORDINANCE AMENDING CHAPTER 99, ARTICLE 1, SECTIONS 1 AND 2 OF THE ORDINANCES OF THE BOROUGH OF BUENA AND AUTHORIZING THE ENFORCEMENT OF ANIMAL RELATED STATUTES AND ORDINANCES AND INITIAL INVESTIGATION OF ANIMAL CRUELTY BY SHORE ANIMAL CONTROL SERVICES AND DESIGNATING SHORE ANIMAL CONTROL SERVICES AS THE CERTIFIED ANIMAL CONTROL OFFICER AND TO SERVE CONCURRENTLY AS THE MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER FOR THE BOROUGH OF BUENA

M _____ S _____

WHEREAS, the Mayor and Council of the Borough of Buena wishes to ensure a safe environment for all residents of the Borough of Buena and its visitors; and

WHEREAS, the Mayor and Council of the Borough of Buena supports the humane treatment of animals and recognizes the need for enforcement of laws regarding same; and

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Buena, County of Atlantic, State of New Jersey that SHORE ANIMAL CONTROL SERVICES shall be authorized to investigate and sign complaints alleging violations of animal cruelty law and arrest violators, and otherwise act as an officer with respect to people who violate the ordinances in the Borough of Buena and statutes of the State of New Jersey regarding animal cruelty; and

BE IT FURTHER ORDAINED, that SHORE ANIMAL CONTROL SERVICES shall be designated as the CERTIFIED ANIMAL CONTROL OFFICER and to serve concurrently as the MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER, pursuant to N.J.S.A.4:19-15.16(b) , as amended, which statute becomes effective on February 1, 2019: and

BE IT FURTHER ORDAINED, that **CHAPTER 99, ARTICLE 1 SECTIONS 1 AND 2** of the Ordinances of the Borough of Buena shall be amended as follows:

CHAPTER 99-1- CERTIFIED ANIMAL CONTROL OFFICER AND MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER: TERMS: OBLIGATIONS.

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There is hereby created within the Borough of Buena the position of CERTIFIED ANIMAL CONTROL OFFICER and the position of MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER which positions may be concurrent. The Mayor of the Borough shall appoint a CERTIFIED ANIMAL CONTROL OFFICER and a MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER, each for a term of one year with the advice and consent of Council, or the Council may award a contract for the services. The person or agency appointed as the CERTIFIED ANIMAL CONTROL OFFICER is hereby authorized to license dogs and other animals and the MUNICIPAL LAW ENFORCEMENT OFFICER is hereby authorized to investigate and sign complaints alleging violations of animal cruelty law and arrest violators, and otherwise act as an officer, with respect to people who violate State laws and municipal ordinances regarding animal cruelty.

CHAPTER 99-2. DEFINITIONS.

CERTIFIED ANIMAL CONTROL OFFICER

Any person or agency certified by the State of New Jersey as defined pursuant to N.J.S.A. 4:19-15.16, as amended.

MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER

Any person or agency certified by the State of New Jersey as defined pursuant to

N.J.S.A. 4: 19-15.16, as amended.

BE IT FURTHER ORDAINED that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect or impair any other section, sentence, clause, provision or portion of this Ordinance, which shall remain in full force and effect and for the purpose of the provisions of this Ordinance, are hereby declared to be severable; and

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law, and shall remain in force until modified, amended or rescinded by the Mayor and Council of the Borough of Buena.

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	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
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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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ORDINANCE NO. 675 ADOPTED:

M _____ S _____

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

**RESOLUTION 44-19 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE
PINELANDS CMP AMENDMENTS FOR ADOPTION
M _____ S _____**

WHEREAS, the Pinelands Commission adopted three sets of amendments to the Pinelands Comprehensive Management Plan (CMP) effective on January 3, 2012, September 2, 2014 and March 5, 2018: and

WHEREAS, the Pinelands Commission requested that the Borough of Buena adopt and submit to the Pinelands Commission any necessary ordinance

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responding to the CMP amendments and further requested that the Borough of Buena adopt the provisions; and

WHEREAS, the Borough Council for the Borough of Buena referred the Pinelands request to the Land Use Board for consideration; and

WHEREAS, the Land Use Board considered the Summary of Pinelands CMP Amendments and the Model Ordinance proposed by the Pinelands Commission for local adoption; and

WHEREAS, the Land Use Board recommended that the CMP amendments be adopted in their entirety by the Borough of Buena in the form of the Model Ordinance Amending Chapter 150, Land Use, of the Code of the Borough of Buena, at its regularly scheduled meeting of February 26, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Borough and by the Mayor and Council for the Borough of Buena, County of Atlantic, State of New Jersey that:

1. The Borough accepts the recommendation of the Land Use Board.
2. The Borough directs the Solicitor to prepare an Ordinance Amending Chapter 150, Land Use, of the Code of the Borough of Buena.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
MAROLDA					
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NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**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.

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- 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). 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

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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 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.

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- 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 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

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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;
- (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

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NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**ORDINANCE NO. 677 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PURPOSE OF THE PREPARATION OF AN APPROVED TAX MAP.
M _____ S _____**

BE IT ORDAINED by the Borough Council of the Borough of Buena, County of Atlantic, State of New Jersey, that pursuant to N.J.S.A. 40A:4-53 the sum of \$30,000.00 is hereby appropriated for the purpose of the preparation of an approved tax map and shall be deemed a special emergency appropriation as defined and provided for at N.J.S.A. 40A:4-53.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth the amount authorized by this ordinance and as provided in N.J.S.A. 40A:4-53.

This Ordinance shall take effect upon final passage and publication as provided by law.

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

NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**ORDINANCE NO. 678 CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS 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,

WHEREAS, the Borough Council of the Borough of Buena in the County of Atlantic finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the

**BOROUGH OF BUENA
WORKSHOP AGENDA
MARCH 11, 2019
PAGE 16**

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 \$27,299.27 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 2019 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 \$95,547.45, and that the CY 2019 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.

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

RESOLUTION 42A-19 RESERVE FOR UNCOLLECTED TAXES
M S

WHEREAS, the Borough of Buena, County of Atlantic, realized 97.28% of Current Tax Collections for the year 2018; and

WHEREAS, without the cancellations of 2018 taxes by the Tax Court of the State of New Jersey and the Atlantic County Board of Taxation and appeals by major taxpayers for 2018 taxes in the sum of \$71,713.04 the Borough would have collected approximately 98.02%; 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

**BOROUGH OF BUENA
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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 2019 will improve over the year 2018 because the properties which had abnormal cancellations and appeals in 2018 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 98.02% in the calculation of the 2019 reserve for uncollected taxes.

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

**RESOLUTION 43-19 A RESOLUTION INTRODUCING AND APPROVING THE 2019 MUNICIPAL BUDGET.
M _____ S _____**

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

**RESOLUTION 42-19 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AWARING A PROFESSIONAL SERVICES CONTRACT TO REMINGTON & VERNICK, ENGINEERS, FOR THE CREATION OF AN ENTIRELY NEW DIGITAL TAX MAP SET IN AN AMOUNT NOT TO EXCEED \$25,824.00.
M _____ S _____**

WHEREAS, the Borough of Buena desires to address the comments in the New Jersey Division of Taxation tax map review letter for revaluation compliance; and

**BOROUGH OF BUENA
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WHEREAS, Remington & Vernick, Engineers has submitted a proposal outlining the Scope of Services and providing an estimate of an amount not to exceed \$25,824.00 to bring the Borough into compliance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Borough of Buena award a professional services contract to Remington & Vernick, Engineers, for the work related to the creation of an entirely new digital tax map set as outlined in the proposal attached hereto and made part of this Resolution.

BE IT FURTHER RESOLVED, that this award is contingent upon a Certificate of Availability of Funds from the Chief Financial Officer after the adoption of an Emergency Appropriation.

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

ORDINANCE LAND USE DOGS

SOLICITOR' S REPORT

Pinelands CMP amendments Resolution and Ordinance

Adoption of Master Plan by Land Use Board

ENGINEER' S REPORT

Replacement of the Plymouth Street Culverts

The project is complete with the exception of the surface course paving. The contractor anticipates beginning paving operations the week of March 18th weather permitting.

FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street

The contractor has completed the storm drainage work. Concrete work is also complete. The contractor anticipates beginning paving operations the week of March 18th weather permitting.

FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road

The contractor has replaced the existing HDPE cross drains with ductile iron. The contractor anticipates beginning paving operations the week of March 18th weather permitting.

FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road

Design is complete. We are addressing comments from Mr. Nimohay. Our office will be submitting the final plans and specs to the NJDOT for authorization to advertise for bids.

FY2019 NJDOT Municipal Aid Application – Reconstruction of South Boulevard

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Our office prepared and submitted the application. We are awaiting a decision from the NJDOT on funding.

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, a section of water main and some of the storm drain.

Expansion of the Commerce Center Redevelopment Area

Our office is working on the report.

CLERK'S REPORT:

Minutes of the regular meeting of February 25, 2019. If no corrections or additions, entertain a motion to approve M_____S_____

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

CORRESPONDENCE:

Our Lady of the Blessed Sacrament requesting a 50/50 Raffle and Basket Raffle to be held on May 5, 2019 between the hours of 11:00 a.m. and 6:00 p.m.

M_____S_____

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

Need motion to file correspondence M_____S_____

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WORKSHOP AGENDA
MARCH 11, 2019
PAGE 20**

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

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.

Meeting adjourned: M _____ S _____ All in favor? Any opposed?