

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 AGENDA
 MAY 28, 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 PORTION OF THE MEETING:
 Anyone wishing to address Mayor and Council only, please step forward and give your name and address for the record.

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 679 AN ORDINANCE AMENDING CHAPTER 202, TAXATION, ENACTING ARTICLE II, SECTION 202-7-11 AND IMPOSING A MUNICIPAL SERVICE FEE ON MANUFACTURED HOMES AND MOBILE HOMES AND AN ANNUAL LICENSE FEE ON MOBILE HOME PARKS
 M _____ S _____

BE IT ORDAINED by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that the Borough of Buena:

- I. Finds that it needs to collect an annual license fee on mobile home parks and municipal service fees on mobile homes and manufactured home situate within the Borough of Buena to defray the costs of services provided or paid for by the Borough; therefore,
- II. Chapter 202, Taxation, is amended and Article II is enacted, Section 202 -7-11 as follows:

ARTICLE II

Section 202-7 DEFINITIONS

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019**

PAGE 2

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

MOBILE HOME PARK

Mobile Home Park means a parcel of land or two or more contiguous parcels of land, containing no fewer than 10 sites for the installation of manufactured homes, where the sites are under common ownership and control, other than as a cooperative, for the purpose of leasing each site to the owner of a manufactured home for the installation thereof where the owner or owners provide services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include but shall not be limited to 1. The construction and maintenance of streets; 2. Lighting of streets and other common areas; 3. Garbage removal; 4. Snow removal; 5. Provisions for the drainage of surface water from home sites and common areas.

A parcel, or any contiguous parcels, of land which contain, on the effective date of this act, no fewer than three sites equipped for the installation of manufactured homes, and which otherwise conform to the provisions of this subsection, shall qualify as a mobile home park for the purposes of this act'

MOBILE HOME

Means a unit of housing which;

1. Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site or are fabricated in an off-site manufacturing facility; and
2. Is designed to be a permanent residence when connected to utilities.

MANUFACTURED HOME

Means a unit of housing which:

1. Consists of one or more transportable sections which are substantially constructed off site and, if more than on section, are joined together on site; and
2. Is built on a permanent chassis; and
3. Is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and
4. Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Pub.L. 93-383 (42 U.S.C. section 5401 et seq) and the standards promulgated for a manufactured or mobile home by the Commissioner pursuant to the "State Uniform Construction Code Act," P.L. 1975 section 217 (N.J.S.A. 52:27D-119 et seq).; and

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019**

PAGE 3

5. Any unit of housing manufactured before the effective date of the standards promulgated by the secretary or, as appropriate by the Commissioner but which otherwise meets the criteria set forth in this subsection.

MUNICIPAL SERVICE FEE

Means a fee on manufactured homes installed in a mobile home park for the purpose of reasonable payment for services rendered to the owners of the manufactured homes by the municipality or any other local taxing authority established pursuant to an ordinance of the municipal governing body, and for the reimbursement of the municipality for payments made thereby to the school district in which the mobile home park is located for educational costs occasioned by pupils residing in that park.

PERSON

Includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

Section 202-8 LICENSES.

It shall be unlawful for any person to maintain or operate, within the limits of the Borough of Buena, any mobile home park unless such person shall first obtain a license . All mobile home parks in existence upon the effective date of this chapter shall, within 90 days thereafter, or such additional time as may be allowed by the governing body of the Borough of Buena, obtain such license.

Section 202-9 ANNUAL LICENSE FEE

A. Any mobile home park must apply for a license within 90 days from the date of granting of a Certificate of Occupancy.

B. The annual license fee for each mobile home park shall be \$ 250.00 and said license fee shall cover the period from January 1 to December 31 of each year. An application fee of \$50.00 shall be paid with each application for the annual license. The application and the application fee shall be due no later than January 15 of each calendar year. Any application fee not paid by this time shall be subject to an interest charge at the lawful rate for the period of the delinquency.

C. From the effective date of this section, the annual license fee shall be prorated.

Section 202-10 LICENSE APPLICATION

A. Each application for a mobile home park license shall be filed with and issued by the Mayor and Council. Applications shall be in writing, signed by the applicant, and shall contain the following:

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019**

PAGE 4

1. The name and address of the applicant and the name of the owner in fee of the tract, if the fee is vested in some person other than the applicant.

2. In the event that title to the tract for which application for a mobile park license is made is vested in some person other than the applicant, then a duly verified statement by that person that the applicant is authorized by him/her to construct or maintain the mobile home park and make the application is required.

3. The location and legal description of the mobile home park and the Tax Map block and lot numbers.

4. A complete plan of the park showing the following either existing or as propose:

- (a). The extent and area used for mobile home park purposes.
- (b). Roadways, driveways and drainage.
- (c). Location of mobile home spaces.
- (d). Location and number of sanitary conveniences, including toilets,
washrooms, laundries and utility rooms and any amenities.
- (e). Method and plan of sewage disposal.
- (f). Method and plan of garbage and recyclable removal.
- (g). Plan of water supply.
- (h). Plan of electrical lighting of mobile homes and the mobile home park,
including the roadways and driveways.

5. Plan and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park.

6. Such further information as may be requested by the Mayor and Council to enable it to determine if the proposed park will comply with all legal requirements.

B. The application and all accompanying plans and specifications shall be filed in triplicate. The Department of Health, Borough Engineer and the Mayor and Council shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this section and all other applicable ordinances or statutes, the Mayor and Council shall approve the application by resolution and issue the license upon approval of the New Jersey Department of Health and any other State agencies.

C. Licenses issued under the terms of this chapter convey no right to erect any building, to do any plumbing work or to do any electrical work or any other kind of work ordinarily requiring governmental, municipal or other permits.

D. No more than three licenses for mobile home parks shall be issued and outstanding at any one time, it being hereby determined by the Mayor and

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019**

PAGE 5

Borough Council that an excess of three mobile home parks would be detrimental to the welfare of the citizens of the Borough of Buena.

E. Every mobile home park and every building located on any mobile home park and every mobile home, whether located in a mobile home park or for which a temporary permit has been issued by the Borough, shall at all times be subject to examination and inspection within reasonable hours by any officer or agent of the Borough making the inspection in the regular course of his or her duties and responsibilities.

F. Every holder of a license to maintain or operate a mobile home park shall

establish and maintain a park registry which shall list in numerical sequence each mobile home occupying a space and the name of the owner of the mobile home, and if the owner of the mobile home is not the occupant thereof, the name of the lessee of each mobile home. The park registry shall be kept in an office located in the mobile home park, and it shall be kept current at all times and shall be available at all reasonable hours for inspection by the proper officials of the Borough of Buena.

G. No existing mobile home park in the Borough of Buena shall hereinafter in any

way expand the perimeter of said mobile home park, nor shall it add any additional mobile home spaces, nor shall it permit the occupancy of any mobile home spaces beyond the number of mobile homes presently located in said mobile home park, except in strict compliance with this article. Any addition of mobile home spaces or of mobile homes to existing spaces in any existing mobile home park shall be construed as an alteration or expansion for which application must be made.

Section 202-11 ANNUAL MUNICIPAL SERVICE FEE

A. The following shall apply to the annual municipal service fee of the Borough of Buena pursuant to N.J.S.A. 54: 4-1.6:

1. An annual service fee shall be imposed on all mobile homes installed in a mobile home park within the boundaries of the Borough of Buena. In setting this fee, the governing body shall take into account the extent to which the taxes are assessed and levied against the land improvements thereto, which together constitute the mobile home park on which the homes are installed, to defray the cost of services provided or paid for by the Borough or provided by any other appropriate taxing authority for lessees of sites in the park. The fee shall be prorated in order to account for vacancies in the park.

2. The annual municipal service fee shall be collected from each owner of a mobile home on a monthly basis by the owner of the mobile home park in which the home is located. The park owner shall issue a receipt to the homeowner upon each collection.

3. The amount of the annual service fee, based on consideration of the factors set forth in N.J.S.A. 54: 4-1.6, shall be allocated among owners of mobile homes in all mobile home parks, and is set at \$ 20.00 per month per each mobile or manufactured home, regardless

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019**

PAGE 6

of how long during said month a mobile home space has been occupied.

4. Payment of the monthly fee shall be made by the park owner to the Tax Collector of the Borough on a quarterly basis. In addition to the quarterly payment, the park owner shall transmit therewith a copy of each receipt issued upon collection of each monthly fee. Said monthly fee shall be payable to the Tax Collector of the Borough on February 1 for the first quarter, May 1 for the second quarter, August 1 for the third quarter and November 1 for the fourth quarter. A resolution may be adopted at the beginning of each calendar year by the governing body of the Borough allowing for a grace period of up to 10 days following the date upon which the same became payable and due. An official of the Borough, as designated by the Mayor, shall upon the request of the Borough Council furnish the Borough Council with the report of the number of trailer spaces occupied in said park.

5. Any amounts due which are not paid within the time required shall bear interest thereon at a lawful rate covering the period of delinquency. The individual owner shall bear the burden of paying the late payment interest charge for failure to pay the municipal service fee when due and payable, and the park owner shall be charged for failure to transmit fees actually collected when so required.

B. Pursuant to N.J.S.A. 54:4-1.6(d), the respective portion of a municipal service fee allocated to the owner of a mobile home shall be deemed rent for eviction purposes.

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.

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

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019**

PAGE 7

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ S _____

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

ORDINANCE NO. 679 ADOPTED:

M _____ S _____

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

RESOLUTION 67-19 A RESOLUTION AUTHORIZING THE CFO TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$49.00, TO ANTHONY ALESSANDRO.

M _____ S _____

WHEREAS, ANTHONY ALESSANDRO remitted a payment for \$150.00 for an inspection and the correct amount was \$101.00 causing an overpayment of \$49.00

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Chief Financial Officer is hereby authorized to refund the amount of \$49.00.

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019**

PAGE 8

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ALVAREZ					
MCAVADDY					

SOLICITOR'S REPORT:

Abandoned Properties

Tax Appeals

Block 123, Lot 6, Old Bakery site demo.

COMMITTEE REPORTS:

ROADS/RECYCLING..... CHAIRMAN JEFFREY MAROLDA
JOSEPH MANCUSO, GREG MCAVADDY

ECONOMIC DEVELOPMENT.....CHAIRMAN MATTHEW WALKER
JOSEPH MANCUSO, ROSALIE M. BAKER

RECREATIONCHAIRWOMAN ROSALIE M. BAKER, JORGE
ALVAREZ, MATTHEW WALKER

FINANCE.....CHAIRMAN JOSEPH MANCUSO, ROSALIE M.
BAKER, MATTHEW WALKER

PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN JORGE ALVAREZ, GREG
MCAVADDY, JEFFREY MAROLDA

BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRMAN GREG MCAVADDY,
MATTHEW WALKER, JORGE ALVAREZ

CLERK'S REPORT:

Minutes of the regular meeting of May 13, 2019. If no corrections or additions, entertain a motion to approve M_____S_____

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

BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 28, 2019

PAGE 9

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M _____ S _____

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

NEXT MEETING: WORKSHOP- JUNE 10, 2019 AT 7:00 P.M.

MEETING ADJOURNED: M _____ S _____ All in favor? Any opposed?