

**BOROUGH OF PINE BEACH  
REGULAR MEETING  
July 8, 2009**

The Mayor and Council of the Borough of Pine Beach met on July 8, 2009 at the Municipal Building, 599 Pennsylvania Ave., at 7:30 PM.

Mayor Boyle called the meeting to order and read the STATEMENT OF ADEQUATE NOTICE:

IN COMPLIANCE WITH THE 'OPEN PUBLIC MEETING LAW' P.L. 1975 C 231 NOTICE OF THIS MEETING WAS SENT TO THE OBSERVER REPORTER AND THE ASBURY PARK PRESS, AND POSTED ON THE BULLETIN BOARDS OF THE PINE BEACH MUNICIPAL BUILDING AND THE PINE BEACH POST OFFICE. THIS STATEMENT SHALL BECOME A PART OF THE OFFICIAL MINUTES OF THIS MEETING

ROLL CALL:

Present: Mr. Abatemarco (arrived late), Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mrs. O'Brien, Mr. Sheehan

FLAG SALUTE was lead by Council President Cuneo

Mayor Boyle offered a Special Remembrance for recently deceased residents Veronika Toughill and Naomi Kopelson

And also in special remembrance of these forty brave Americans who lost their lives in service to their country during the month of June 2009:

Iraq:

Sergeant 1st Class Edward C. Kramer, Sergeant Roger L. Adams Jr., Sergeant Juan C. Baldeosingh, Specialist Robert L. Bittiker, Sergeant Timothy A. David, Specialist Joshua L. Hazlewood, Specialist Casey L. Hills, Specialist Chancellor A. Keesling, Captain Kafele H. Sims, Sergeant Joshua W. Soto, Staff Sergeant Edmond L. Lo, Lance Corporal Robert D. Ulmer, Specialist Charles D. Parrish, Specialist Christopher M. Kurth, Sergeant Justin J. Duffy

Afghanistan:

Sergeant, Lynch, Terry J., Private, Drees, Steven T., Private 1st Class, Cross, Peter K., 1st Lieutenant, Bradshaw, Brian N., Sergeant, Jones, Ricky D. , Specialist, Munguia Rivas, Rodrigo A., Command Master Chief Petty Officer , Garber, Jeffrey J., 1st Sergeant, Blair, John D., Sergeant, Smith, Paul G., Staff Sergeant, Melton, Joshua, Sergeant 1st Class, Dupont, Kevin A. , Specialist, O'Neill, Jonathan C., Chief Warrant Officer, Richardson Jr., Ricky L., Specialist, Silva, Eduardo S., Lance Corporal, Whittle, Joshua R., Major, Barnes, Rocco M., Major, Jenrette, Kevin M., Staff Sergeant, Beale, John C., Specialist, Jordan, Jeffrey W., Specialist, Griemel, Jarrett P., Specialist, Hernandez I, Roberto A., Sergeant, Obakrairur, Jasper K., Staff Sergeant, Hall, Jeffrey A., Private 1st Class, Ogden, Matthew D., Private 1st Class, Wilson, Matthew W.

MAYOR BOYLE ANNOUNCED THAT COPIES OF ALL REPORTS ARE ON THE FRONT TABLE

MOTION to accept the minutes of the Regular Meeting June 10, 2009 was made by Mr. Budesca, seconded by Mr. Cuneo.

ROLL CALL:

Yes: Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mr. Abatemarco, Mrs. O'Brien, Mr. Sheehan

MOTION to accept the minutes of the Special Meeting June 22, 2009 was made by Mr. Cuneo, seconded by Mr. Polhemus.

ROLL CALL:

Yes: Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mr. Abatamarco, Mrs. O'Brien, Mr. Sheehan

TREASURER'S REPORT was approved upon a motion made by Mr. Budesca, seconded by Mr. Cuneo.

ROLL CALL:

Yes: Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mr. Abatamarco, Mrs. O'Brien, Mr. Sheehan

REVENUE REPORTS were approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

ROLL CALL:

Yes: Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mr. Abatamarco, Mrs. O'Brien, Mr. Sheehan

BILLS RESOLUTION 2009-07-A, B, C, D, was approved upon a motion made by Mr. Cuneo, seconded by Mr. Budesca.

POLICY, ALLOWING FIVE MINUTES FOR PUBLIC COMMENT ON THE BILLS RESOLUTION

Mr. Cuneo asked about the list of the capital accounts, it if represents the remainder of the Avon Road project. The finance officer stated that it did.

ROLL CALL:

Yes: Mr. Cuneo, Mr. Polhemus, Mr. Budesca (but abstained on County Checks)  
Absent: Mr. Abatamarco, Mrs. O'Brien, Mr. Sheehan

COMMITTEE REPORTS:

Mr. Cuneo announced that the Police Department was busy with the 5K race and July 4 festivities, and asked that the police, municipal court, water and sewer utility, building inspector, public works reports be approved as submitted and seconded by Mr. Polhemus.

3 Ayes

UNFINISHED BUSINESS, none

NEW BUSINESS

Resolution 09-59, Honoring High School graduates was approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

Mr. Cuneo mentioned that the graduating students were active in sports, community volunteerism, and academics. The valedictorian for Toms River South, Rae Drach, is from town. Council members discussed the successful graduating class and the many contributions the students have made to their schools and community.

ROLL CALL:

Yes: Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mr. Abatamarco, Mrs. O'Brien, Mr. Sheehan

Resolution 09-60, Employment of Eric Walters as seasonal public works laborer was approved upon a motion made by Mr. Budesca, seconded by Mr. Cuneo.

ROLL CALL:

Yes: Mr. Budes, Mr. Cuneo, Mr. Polhemus

Absent: Mr. Abatamarco, Mrs. O'Brien, Mr. Sheehan

Resolution 09-61, Green Acres enabling resolution was approved upon a motion made by Mr. Budes, seconded by Mr. Cuneo.

Mr. Cuneo asked the finance officer what this resolution accomplishes, and Mrs. Steib explained that this authorizes the Mayor to sign off on the agreement with the state for the loan funding to complete Vista Park.

ROLL CALL:

Yes: Mr. Budes, Mr. Cuneo, Mr. Polhemus

Absent: Mr. Abatamarco, Mrs. O'Brien, Mr. Sheehan

Mr. Abatamarco arrived at 7:50 PM.

Resolution 09-62, Accepting Vista Park Improvements Phase II project was approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

Mr. Budes commented that Vista Park has been completed and looks good. It's utilized for many events

Robert Cavallo, resident in the area, commented that the park needs maintenance. He made mention of the area of the flagpole, where flowers would be an improvement. Mayor Boyle replied that there are residents who volunteered to do some plantings, but since there is no water in the area they are waiting until the fall and will plant drought resistant plants. Hopefully next year's budget will allow for an additional seasonal employee to work on more of the park maintenance.

Mr. Polhemus added that additional seasonal workers would be a big help, and that residents should let Council members know if they have any concerns.

Mr. Cuneo mentioned that several areas in the Borough are maintained by volunteers, New Jersey Ave. pavilion was adopted by a family, Henley Ave. is also a resident project.

Dixie Karpinsky mentioned the trimming of some bushes, and the Mayor explained that the Environmental Commission will be going there to review and make recommendations

Mr. Cavallo asked about the waterfront area and suggested it needed to be cleaned up. Mayor Boyle explained that we are exploring every avenue for funding opportunities.

ROLL CALL:

Yes: Mr. Abatamarco, Mr. Budes, Mr. Cuneo, Mr. Polhemus

Absent: Mrs. O'Brien, Mr. Sheehan

Resolution 09-63, Authorizing the commencement of In Rem tax foreclosure action was approved upon a motion made by Mr. Cuneo, seconded by Mr. Budes.

ROLL CALL:

Yes: Mr. Abatamarco, Mr. Budes, Mr. Cuneo, Mr. Polhemus

Absent: Mrs. O'Brien, Mr. Sheehan

Resolution 09-64, Authorizing specifications and bids for cleaning of sanitary sewers was approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

Mr. Cuneo stated that this is a yearly maintenance item.

ROLL CALL:

Yes: Mr. Abatemarco, Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mrs. O'Brien, Mr. Sheehan

Resolution 09-65, Authorizing donations to St. Brendan the Navigator and Fireworks on the Toms River was approved upon a motion made by Mr. Budesca, seconded by Mr. Cuneo.

Mr. Wieck asked about the resolution, and it was explained that St. Brendan band volunteered to march in the parade this year, and Council is authorizing a donation as a thank you.

ROLL CALL:

Yes: Mr. Abatemarco, Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mrs. O'Brien, Mr. Sheehan

Resolution 09-66, Requesting postal officials to reconsider new bulk mailing procedures was approved upon a motion made by Mr. Abatemarco, seconded by Mr. Cuneo.

Mr. Cuneo explained that our post office will not be doing the bulk mailing, and that now the mailings must be brought to Toms River. This is inconvenient to our employees.

Mr. Cuneo made a motion to additionally send the resolution to the state senators, and this was seconded by Mr. Budesca.

4 ayes

Mr. Wieck commented that the Federal government is downsizing, and there is concern that our post office will be eliminated. He suggested individuals write their congressmen.

A motion to accept the resolution as amended was made by Mr. Abatemarco and seconded by Mr. Cuneo.

ROLL CALL:

Yes: reluctantly Mr. Abatemarco, Mr. Budesca, Mr. Cuneo, Mr. Polhemus  
Absent: Mrs. O'Brien, Mr. Sheehan

Resolution 09-67, Authorizing the settlement of Toll Bros lawsuit was approved upon a motion made by Mr. Budesca, seconded by Mr. Cuneo.

Mr. Cuneo explained the area discussed is the three lots at the end of the soccer field. Some residue was found by Toll Bros. while digging a foundation, although the Borough had received a "No Further Action" letter from the DEP. Mr. Cuneo, Mr. Abatemarco and Mr. Budesca met with Attorney Secare and a conference with Toll Bros. The Borough will finance with bonds, and pay for 20 years. We still have to worry about contamination and will be looking for grants. This resolution ends the long negotiations and after the closing the property will be added to the park.

Mr. Polhemus stated that he is reluctant to borrow so much money, but on advice of Counsel this is the best avenue to pursue. It doesn't make sense since we did due diligence in cleaning the property. It is in the best interest of the town. He would like to pursue damages.

Mr. Cuneo mentioned that this has been brought up, but the company is out of business.

Mr. Abatemarco will be voting yes, but with much distain. It is in the best interest of the town to do this.

ROLL CALL:

Yes: Mr. Abatemarco, Mr. Budesca, Mr. Cuneo (regretfully), Mr. Polhemus (reluctantly)  
Absent: Mrs. O'Brien, Mr. Sheehan

## INTRODUCTION OF ORDINANCE

### ORDINANCE 09-05-674

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE OF THE BOROUGH OF PINE BEACH IN THE COUNTY OF OCEAN, ESTABLISHING MINIMUM-MAXIMUM LIMITATIONS ON SALARIES TO BE PAID THE MAYOR, COUNCILPERSONS, AND ALL OTHER MUNICIPAL OFFICERS AND EMPLOYEES OF THE BOROUGH”, AND REPEALING ALL PRIOR ORDINANCES

Ordinance 09-05-674 was introduced upon a motion made by Mr. Cuneo, seconded by Mr. Abatemarco.

#### ROLL CALL:

Yes: Mr. Abatemarco, Mr. Budes, Mr. Cuneo, Mr. Polhemus

Absent: Mrs. O’Brien, Mr. Sheehan

A summary of this ordinance will be published in the Asbury Park Press on July 21, 2009 and a public hearing will be held on August 12, 2009 at 7:30 PM.

## COUNCIL COMMENTS

Mr. Abatemarco thanked other council members and the Alliance members for organizing the 5K race and July 4 Community activities.

Mr. Budes stated that many people have spoken to him with positive comments about the 5K. He thanked everyone for helping with the July 4 celebrations and made note that his wife Linda worked really hard.

Mr. Cuneo is proud to be involved with the town, that so many activities between the 5K, July 4 morning celebration and fireworks, the Yacht Club regatta. It’s a great showcase for the Borough in a short span.

On commenting on the recent graduates, Mr. Cuneo felt that it’s amazing what our kids do.

Regarding the Farragut property, Mr. Cuneo stated that the Borough did what is right, worked hard to clean up the property, and now are faced with more problems. We hired experts, the DEP approved our actions and now the Borough must rectify the situation. We accept the responsibility and will make the best of it. It will be open space.

Mr. Polhemus congratulates the high school graduates. Our summer events are incredible, and a lot of families return to Pine Beach for the July 4 festivities.

Mr. Budes thanked Mr. Polhemus for providing the sound system during the field events. It was a welcome addition to the day.

## MAYOR’S COMMENTS

Mayor Boyle thanked and congratulated Bob and Linda Budes and the celebration committee for a job well done. With the addition of the sound system, it was one of the best July 4 field day so far. He’s very proud to be the Mayor of this small town.

## PUBLIC COMMENTS

Dixie Karpinsky expressed her concern about conditions at the former AFA infirmary, which is located across the street from her home. She has questions about the outside lead based paint and the asbestos inside the building. Mayor Boyle explained that Council recently discussed action against another property, and this appears to be a safety

issue. Mr. Budesca mentioned that part of the problem in selling the property is that the buyers would be responsible for the clean up. It's privately owned and as a Council, we have limited ability to pursue.

Mr. Wieck mentioned that the building has an interesting history and a Beachwood historian has given him a lot of information.

Mr. Polhemus suggested that the code enforcement officer be asked to look at the property.

Mr. Wieck mentioned that community service workers have cleaned up in front of the Borough Hall, and perhaps public works employees could put weed killer in the planters.

Mr. Cavallo asked about the two new cul-de-sacs, and if they will be repaved soon. The Mayor will ask the Borough engineer to look into that.

Mr. Cavallo mentioned that the Borough seemed to be paying a large sum for the three lots, and Council members agreed but that there has been a lot of negotiating. Toll Bros. wanted a lot more money for the lots and lost profit.

There being no further business to discuss, the meeting was adjourned at 8:25 PM upon a motion by Mr. Budesca and seconded by Mr. Abatemarco.

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Charlene A. Carney, RMC/MMC  
Municipal Clerk