

**BOROUGH OF PINE BEACH
REGULAR MEETING
SEPTEMBER 16, 2009**

The Mayor and Council of the Borough of Pine Beach met on September 16, 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 OCEAN COUNTY OBSERVER 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. Budesca, Mr. Cuneo, Mr. Polhemus

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

FLAG SALUTE was led by Council President Cuneo

Mayor Boyle offered Special Remembrance for recently deceased residents Carolyn Scala, Joyce Tambe and Adele Urban.

And also in special remembrance of these fifty-six brave Americans who lost their lives in service to their country during the month of August 2009:

Iraq:

Sergeant Werner, Earl D.; 2nd Lieutenant Fortin, Joey; Private 1st Class Vanosdol, William Z.; Specialist Hastings, Matthew D.; Specialist Walters Jr., Richard A.; Private, Wilhelm, Keiffer P.

Afghanistan:

Specialist Welch Jonathan D.; Private 1st Class Brochu, Jordan M.; Lance Corporal Hall, David R.; Specialist Walshe, Tyler R.; Private 1st Class Hario, Eric W; Staff Sergeant Dahlke, Jason Sean; Specialist Wheeler III, Abraham Sherrod; Private 1st Class Wildes, Matthew Everett; Lance Corporal Hogan, Donald James; Staff Sergeant Curtiss, Kurt Robert; Captain Hallett III, John Louis; Captain Jenkins, Cory J.; Specialist Williams, Dennis Michael; Sergeant 1st Class Sawyer, Ronald Wayne; Corporal Morin, Darby Todd; Staff Sergeant Lobosco, Andrew Thomas; Sergeant Ingram, Matthew Lee; Specialist Pellerin, Justin Reid; Rank Not Yet Reported: Wolverton, Brian Michael; Specialist Dumont Jr., Paul Edmond; Gunnery Sergeant Benjamin, Adam Frank; Private 1st Class Yanney, Jonathan Christopher; Rank Not Yet Reported: Walker, Morris Lewis; Specialist Tom, Troy Orion; 1st Sergeant Crisostomo, Jose San Nicolas; Private 1st Class Bowen, Clayton Patrick; Lance Corporal Damas, Leopold Fred; Sergeant 1st Class Woods Jr., William Brian; Corporal Roush, Nicholas Ryan; Lance Corporal Bernard, Joshua Matthew; Sergeant Cahir, William John; Captain Tinsley, John; Lance Corporal Ferrell, Bruce Earnest; Lance Corporal Schimmel, Patrick Wayne; Specialist Swanson, Matthew Kalen Samue; Lance Corporal Olvera, Javier; Staff Sergeant Smith, Tara Jean; Lance Corporal, Burrow, Dennis James; Captain Freeman, Matthew Charles Hays; Sergeant Evans Jr., Jerry Randall; Sergeant Hoskins, Jay Michael; Corporal Guzman, Rivera Christian Armando; Lance Corporal Argentine, James David; Lance Corporal Babine, Travis Thornton; Petty Officer 3rd Class Garcia, Anthony Christian; Sergeant 1st Class Summers III, Severin West; Captain Luce Jr., Ronald George; Sergeant 1st Class Granado III, Alejandro; Corporal Walls, Jonathan Michael; Private Fitzgibbon, Patrick Scott

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

MOTION to accept the minutes of the Regular Meeting of August 12, 2009 was made by Mr. Polhemus, seconded by Mr. Cuneo.

2 Ayes

1 Abstain

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

ROLL CALL:

Yes: Mr. Budesa, Mr. Cuneo, Mr. Polhemus

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

REVENUE REPORTS was approved upon a motion made by Mr. Budesa, seconded by Mr. Polhemus.

ROLL CALL:

Yes: Mr. Budesa, Mr. Cuneo, Mr. Polhemus

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

BILLS RESOLUTION 2009-09 -A, B, C, D, were approved upon a motion made by Mr. Cuneo, seconded by Mr. Budesa.

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

ROLL CALL:

Yes: Mr. Budesa, Mr. Cuneo, Mr. Polhemus

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

COMMITTEE REPORTS:

Police, municipal court, water and sewer utility, building inspector, public works reports approved as submitted were approved upon a motion made by Mr. Cuneo, seconded by Mr. Budesa.

Mr. Wieck complimented the police chief on the high visibility of the police department. They are letting people know that they're around and not to speed.

ROLL CALL:

Yes: Mr. Budesa, Mr. Cuneo, Mr. Polhemus

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

UNFINISHED BUSINESS

None

NEW BUSINESS

Resolution 09-75, police grant in the amount of \$4,730.45 were approved made by Mr. Budesa, seconded by Mr. Cuneo.

Mr. Cuneo explained that the OEM will be receiving some furniture and his grant was described in the police report.

ROLL CALL:

Yes: Mr. Budesa, Mr. Cuneo, Mr. Polhemus

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

Resolution 09-76, Review of audit was approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

Mayor Boyle explained that this is the annual demand from the state that council has read the comments and recommendations. Mrs. Steib will prepare the corrective action plan for the next meeting.

ROLL CALL:

Yes: Mr. Budesa, Mr. Cuneo, Mr. Polhemus

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

Resolution 09-77, Authorize Mayor to sign agreement for live scan fingerprint device was approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

Mr. Cuneo thanked Chief Sgro for going out for grants; the money is just coming back.

ROLL CALL:

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

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

Resolution 09-78, Authorizing agreement with GovDeals on line sales of surplus property was approved upon a motion made by Mr. Budes, seconded by Mr. Cuneo.

Sale of unneeded items will be advertised on line.

ROLL CALL:

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

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

Resolution 09-79, Release of maintenance bond, Rinderer was approved upon a motion made by Mr. Budes, seconded by Mr. Cuneo.

ROLL CALL:

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

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

Resolution 09-80, final quantities change order, Huntington & Henley was approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

ROLL CALL:

Yes: Mr. Cuneo, Mr. Polhemus

Abstain: Mr. Budes

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

Resolution 09-81, Land Use Board amended housing element & fair share plan was approved upon a motion made by Mr. Budes, seconded by Mr. Polhemus. Mr. Cuneo applauded the Planning Board for doing all the hard work. Unfortunately we have to comply with these regulations to protect the Borough, and it costs money we don't have and don't need to spend.

Mayor Boyle explained that what this resolution does, the governing body is forwarding the housing element and fair share plan to the Council on Affordable Housing. This will protect the Borough until 2018. It's been a long and expensive project.

ROLL CALL:

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

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

Resolution 09-82, Salary resolution was approved upon a motion made by Mr. Cuneo, seconded by Mr. Polhemus.

Mr. Cuneo made a motion to amend the bailiff salary to be minimum wage, which was seconded by Mr. Polhemus.

All were in favor

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

ROLL CALL:

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

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

Resolution 09-83, Authorizing Council President to sign agreements with Economic Development Authority regarding grants #P17640 and #P19295 was approved upon a motion made by Mr. Cuneo, seconded by Mr. Budesá.

ROLL CALL:

Yes: Mr. Budesá, Mr. Cuneo, Mr. Polhemus

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

PUBLIC HEARING ON ORDINANCES:

ORDINANCE 09-06-675

ORDINANCE OF THE BOROUGH OF PINE BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 122 OF THE CODE OF THE BOROUGH OF PINE BEACH, ENTITLED "PEACE AND GOOD ORDER," BY THE ADDITION OF NEW SUB-SECTION 12, ENTITLED "CURFEW FOR MINORS".

This ordinance was introduced August 12, 2009, published in the Asbury Park Press on August 24, 2009 and posted on the bulletin board of the Pine Beach Municipal Building

PUBLIC HEARING:

Mr. Wieck spoke in favor of the ordinance. He also mentioned that community service for the youngsters is useful. There are lots of jobs around the town.

Mr. Polhemus commented that it was long overdue, that the neighboring communities have curfews. This gives the Chief and officers a clearly identified plan for enforcement.

Ordinance 09-06-675 was approved upon a motion made by Mr. Budesá, seconded by Mr. Cuneo.

ROLL CALL:

Yes: Mr. Budesá, Mr. Cuneo, Mr. Polhemus

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

PUBLIC HEARING:

ORDINANCE 09-07-676

BOND ORDINANCE PROVIDING FOR ACQUISITION OF THREE LOTS ON FORMER ADMIRAL FARRAGUT PROPERTY AND MUNICIPAL FACILITIES HANDICAPPED ACCESSIBILITY PROGRAM FOR AND BY THE BOROUGH OF PINE BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$915,000 THEREFORE, INCLUDING \$23,370 AVAILABLE AS A COMMUNITY DEVELOPMENT BLOCK GRANT, AND AUTHORIZING THE ISSUANCE OF \$849,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

This ordinance was introduced August 12, 2009, published in the Asbury Park Press on August 24, 2009 and posted on the bulletin board of the Pine Beach Municipal Building

PUBLIC HEARING:

Barry Wieck asked how much this would cost in next year's taxes. Mrs. Steib answered that it depends on the interest. It will have to be included in the 2010 budget. If it amounts to \$30,000.00 it will be one cent more on the tax rate.

Regarding remediation of the property, Mr. Budesca replied that we have an environmental company working with us, there are different phases if costs for remediation. The use determines the amount of remediation.

Mr. Cuneo commented that it's too bad that we have to do this, we had professionals for the project and we're being held responsible even though we did all we could.

Mr. Budesca added that Mr. Secare and Judge Olds were very helpful in bringing about the settlement.

Ordinance 09-07-676 was approved upon a motion made by Mr. Budesca, seconded by Mr. Cuneo.

ROLL CALL:

Yes: Mr. Budesca, Mr. Cuneo, Mr. Polhemus, Mr. Sheehan (via telephone)

Absent: Mr. Abatamarco, Mrs. O'Brien

PUBLIC COMMENTS

Mr. Wieck mentioned that he has worked with community service workers this summer, and they have cleaned the beaches, cleared bushes at public works, and cleaned in front of Borough hall. The planters on Pennsylvania Ave. have been cleaned out. He also mentioned a new Eagle Scout project putting planters along the walkway.

COUNCIL COMMENTS

Mr. Polhemus thanked those present for coming to the meeting. The walkway is highly used, and he hopes for funding to illuminate the area.

School is in session, so he urged people to keep an eye out for children and school busses.

Mr. Cuneo mentioned that we have many activities on our own field; many parents and children are using the track. Alex Pryll was the High School South Student of the Month.

Every night 15 to 20 people are fishing off the docks; it's nice to see people of all ages out with a fishing pole talking and enjoying themselves. He hopes there will be green acres opportunities to improve the waterfront.

The Borough Council worked hard to remediate the former Admiral Farragut Academy, and the professionals aren't contributing towards this problem. We did nothing wrong and our taxpayers will pay.

The Planning Board has done a wonderful job dealing with COAH, but the rules keep changing and costing us more money.

Mr. Budesca thanked everyone for their kindness during his recent loss. A small town is heartwarming.

Chief Sgro was complimented on enforcement and visibility. The ultimate goal is to not have people speeding.

MAYOR'S COMMENTS

Mayor thanked council for their hard work.

There being no further business, the meeting was adjourned at 8:15 PM upon a motion by Mr. Budesca and seconded by Mr. Polhemus.

Charlene A. Carney, RMC
Municipal Clerk