

**BOROUGH OF PINE BEACH  
REGULAR MEETING  
September 14, 2016**

The Mayor and Council of the Borough of Pine Beach held a meeting on September 14, 2016 at 7:30 PM in the Municipal Building, 599 Pennsylvania Ave. Mayor Cuneo 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 BERKELEY TIMES 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: Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Mr. Budesca arrived at 8:05 PM during the public comment portion of the meeting.

FLAG SALUTE was led by Council President Wieck

Mayor Cuneo offered Special Remembrance for recently deceased residents: Former Councilman Richard Gearing, Susan Hamilton, Elizabeth Brooks and Barbara Amico

**PRESENTATIONS:**

Leonard family donation of life saving equipment to the Police Department:

Mrs. Ann Leonard presented the Police Department with a portable defibrillator in memory of her husband Jack and a second defibrillator in memory of her daughter JoEllen and the deceased members of the Leonard and Kelly families. Mrs. Leonard was thanked by the Police Chief Fisher and Sgt. York.

Pine Beach 5K donation of Trauma kits to the Police Department:

Race director Sandy Rinderer presented the police department with a donation from the Ocean Running Club, Trauma Kits to be placed in the police cars and readily available to police officers in times of emergency. Sgt. York expressed the gratefulness on behalf of the police department. During a mutual aid or active shooter event this kit could save a life. Mrs. Rinderer mentioned that the Pine Beach 5 K was successful, and that eight \$1,000.00 scholarships were given out, plus donations were given to the Pine Beach Vol. Fire Co., TEAM, Beachwood First Aid, Ocean County Fire Police and the Ocean Running Club.

Mayor Cuneo Announced that copies of the agenda and all reports are on the front table.

A MOTION to accept the minutes of the Special Meeting of August 1, 2016 was made by Mr. Newman and Seconded by Mrs. Coletti.

The Mayor called for questions or comments from the Council or public and there were none.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

A MOTION to accept the minutes of the Regular Meeting of August 10, 2016 was made by Mr. Polhemus and seconded by Mrs. Coletti.

There were no questions or comments from the Council or members of the public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

TREASURER'S REPORT was read by Mrs. Steib and approved following a motion by Mr. Reitz and a second by Mr. Polhemus.

There were no questions or comments from the Council or public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

REVENUE REPORTS both Tax Collector and Miscellaneous Revenue were read by Mrs. Steib.

There were no questions or comments from the Council or public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

BILLS RESOLUTION 2016-09- A, B, C, D, E was approved following a motion by Mrs. Coletti and Mr. Reitz seconded.

Mayor Cuneo called for any questions or comments from Council or the public and there were none.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

#### COMMITTEE REPORTS:

Mr. Wieck made a motion to accept the Police, municipal court, water and sewer utility, building inspector, public works reports as submitted and Mr. Newman seconded.

Mr. Wieck reminded those present that you must stop when a school bus has its lights on.

Ms. Kulina asked about having additional enforcement while the children are walking to school.

Mr. Wuss questioned information on the police report related to summons issued and Chief Fisher explained the procedure in issuing verbal or written warnings and summons at the officer's discretion.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budes

UNFINISHED BUSINESS, none

NEW BUSINESS

Resolutions:

16-76 Adopting amendments to the Personnel Policy and Procedures Manual was moved by Mr. Polhemus and seconded by Mr. Newman.

There were no questions or comments from the Council or public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budes

16-77 Affirming the Borough's Civil Rights Policy was approved following a motion by Mrs. Coletti and seconded by Mr. Newman.

There were no questions or comments from Council or the public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budes

16-78 Authorizing the utility disconnect for B71 L 35 because home is being demolished was moved by Mr. Polhemus and Mr. Reitz provided a second.

There were no questions or comments from the Council or public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budes

16-79 Redeem the Tax Lien for B 47 L 10 was approved following a motion by Mrs. Coletti and a second by Mr. Reitz.

There were no questions or comments from the Council or public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

16-80 Redeem the Tax Lien for B70 L 32 was moved by Mr. Polhemus and seconded by Mrs. Coletti.

There were no questions or comments from the Council or public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

16-81 Redeem the Tax Lien for B26 L 39 was approved following a motion by Mr. Polhemus and Mr. Reitz provided a second.

There were no questions or comments from the Council or public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

16-82 Redeem the Tax Lien for B70 L 29 was moved by Mrs. Coletti and seconded by Mr. Reitz.

There were no questions or comments from the public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

16-83 Authorizing the Pine Beach Vol. Fire Company use of Vista Park for the Fire Fest event, allowing alcohol to be sold in a restricted area, and closing various roads was approved following a motion by Mr. Newman and a second by Mrs. Coletti.

There were no questions or comments from the Council or the public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

16-84 Authorizing the Mayor to sign the 2016-2017 Alliance Grant in the amount of \$19,750.00 was approved following a motion by Mrs. Coletti and a second by Mr. Newman.

There were no questions or comments from the public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesa

16-85 Authorizing the Mayor to sign Community Development Block Grant in the amount of \$31,000 for sidewalk improvements along Station Ave. was moved by Mr. Polhemus and Mr. Newman provided a second  
Mr. Polhemus explained that this grant through Ocean County Planning Department will improve handicap access on public property. It will benefit everyone.

There were no questions or comments from the Council or the public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz  
Abstain: Mr. Wieck  
Absent: Mr. Budesá

16-86 Approving active membership in NJ State firemen's Association for Mark Hopkins was approved following a motion by Mr. Newman and seconded by Mr. Polhemus.

There were no questions or comments from the Council or the public.

Roll Call: Yes, Mrs. Coletti, Mr. Newman, Mr. Polhemus, Mr. Reitz, Mr. Wieck  
Absent: Mr. Budesá

16-87 Authorizing the Mayor to negotiate a contract in reference to the B-1 Zone did not receive a motion by Council and therefore was not moved.

#### PUBLIC COMMENTS

Mr. Paffendorf asked about allowing alcohol at Vista Park, and it was explained that the fire department has obtained a state license and will abide by all the regulations.

Bernadette Dolan-DiPalma asked about the property in the B 1 zone. She grew up in Pine Beach and had a wonderful time here. It has changed. She is concerned about the site and contents of the contract. There are many group homes in town now, including some in the area where the proposed development is. The dynamics of the Borough is changing. She is concerned about her family's safety.

Mr. Budesá arrived at 8:05 PM

Mayor Cuneo explained that the Borough meetings follow Roberts Rules of Order, and the resolution on the subject of the B 1 zone was not introduced. He asked for Council approval to discuss the B 1 zone, and there were no objections.

The property is located in the B 1 zone fronting Washington Ave. It is between the dentist office and the car wash. In the early years of the Borough it was used as a leaf dump and more recently used to store vegetative debris from Superstorm Sandy. It is approximately four acres. It is designated in our Master Plan as a site the Borough would use for Council on Affordable Housing demands and is highlighted for development.

Pine Beach received certification for first and second rounds for affordable housing, and the certification for the third round was held up due to the regulations falling apart. We were one of nine towns to reach that level.

The new rules for COAH were not adopted by the Supreme Court and legislature has not acted. The “Builders Remedy” would remove the local zoning rules.

We have an expert legal firm representing us, and the Builders Remedy is stayed until November.

We authorized COAH attorney fees for 2015 in the amount of \$5,000 and \$32,000 was spent. In 2016 we raised the professional service fee to \$10,000 and it has been exceeded. We are looking to go up \$15,000 to \$20,000. COAH is costing us a lot of money.

The B 1 zone is designated by the town to be used for affordable housing. The Fair Share Housing number for Pine Beach is 183 new units; the numbers have varied from 46 to 183. This part of the law suit, to establish a number. This will change the nature of our town; we have to prove we have a sufficient number in town.

We receive a Development Fee on large additions and new homes. In the first round we used the fees for repairs to homes in town owned by income eligible people. We used the money for new units in town also. The B1 zone is our target, and COAH is looking to use it. This has been discussed for three years, since February 2013. Council authorized the Mayor and engineer to seek potential use and plans and they approached several entities but they were not interested in the property. O.C.E.A.N., Inc. has recently been in touch with the Mayor regarding a possible development. They have an office in Toms River and have fifty plus years of experience in Ocean County and other counties. Mr. Gooding has come to a public work meeting and discussed a plan with 24 units, single story, with four buildings with six units each. The Mayor had suggested several options to Mr. Gooding, and he was agreeable to senior housing with deed restrictions that can never be changed. They will be one bedroom small units. Mayor Cuneo wanted as little impact on the town as possible. By having it restricted to senior citizens there wouldn't be an impact on our schools. They will be responsible for trash pickup and snow plowing. We would supply emergency services such as police and first aid. They will be a tax payer, other groups that come into town become tax exempt and we provide all services to them O.C.E.A.N. Inc. will pay either taxes or a PILOT plan, whichever the Borough decides to use.

This idea has been discussed for years, and included in our COAH plan. It is expected to help us reach a settlement on legal action, which has cost us \$60,000.00 so far. We are trying to protect the town, this can bring in revenue. It will help us bring in income.

Ms. Dolan-DiPalma asked about the other group homes, the Mayor explained that they are residential units. This property will be conveyed for \$1.00 and we will retain control of its use. It will meet the local zoning regulations.

Jason Wuss asked about the appraisal value of the property, and that figure was not available. It is zoned for business, and rental projects are permitted in that zone.

Councilman Polhemus stated that the idea and concept gives the Borough control. The resolution was not introduced because there are a lot of questions about the impact to the town and the tax payment structure. All of the information is important to the town. Mr. Wuss asked about the number of vacant lots available in town. Mayor Cuneo explained that we used to have a vacant land exemption, now Borough property is eligible under the fair share housing. We have Vista Park, Walling field, and several parking lots.

George Paffendorf asked about overall Green Acres designations, and the Mayor explained that although it's designated as Green Acres it does count in our "overall available land".

Ms. Kulina thought the Green Acres property is exempt and was surprised that it counted against us.

Mr. Polhemus cited small corner lots, and we could be required to build on them. The town has some small lots and has offered them to the contiguous property owners in the past. We sold them to contiguous property owners at the assessed value.

Jennifer Etzkorn asked about the Borough's next step. Mayor Cuneo stated that he will reach out to O.C.E.A.N. Inc. to come to the next work meeting. It is an informal meeting and the audience can ask him questions.

Dorothy Coleman asked about the term "Affordable Housing". The Mayor explained that the guideline is set by the Federal Government. This proposal is for low to moderate income one bedroom apartments, senior housing. O.C.E.A.N. Inc. will manage them and will take the applications and screen the people for financial and criminal history. They can have no history of domestic violence.

Jason Wuss asked about obtaining a list of vacant lots in town, and the Mayor stated that the Tax Assessor can get that.

Mr. Budesca mentioned that the Avon Rd. parking lot and church parking lot are open space not included in the Green Acres inventory.

Mr. Polhemus mentioned the potential for a negative impact with the plan, the key is control and the deed restriction would help. Mayor Cuneo added that he wrote to Governor Christie and offered to be on a committee reviewing COAH.

Mayor Cuneo stated that he has no authority to enter into contract negotiations. We have spent some \$63,000 dealing with COAH.

Mr. Polhemus urged all to reach out to the state legislators asking for COAH to be fixed.

Ms. Dolan-DiPalma mentioned that some north Jersey towns have won against COAH.

Mr. Budesca added that we have experts working on our COAH standing but that overall we don't get to determine our fate. This is being jammed down our throat. No one is happy and we have a long history of doing the right thing. Arguments are going on in the courts. There are some 19 towns in our consortium.

Mr. Polhemus mentioned that Pine Beach, and society in general, is changing. Homes are in foreclosure and there are investment properties being rentals. There is nothing the Council can do.

John Wnek asked how COAH arrives at their figures, and it was explained that they determined New Jersey needs 200,000 new units, and they just divided it up between the municipalities.

Carolyn Tomredle mentioned the old trailer park property on Motor Rd. The Mayor explained that the property was sold, and the owner has appeared before the Land Use Board and has permission to build an eight unit, with one designated as low income. This is a private owner and the plan is already permitted.

Jason Wuss asked if designating the development as senior housing will meet the COAH regulations, and the Mayor believes it will and have less impact in our town.

It was asked if O.C.E.A.N. Inc. could put a fence at the school property across the street, and the Mayor indicated there are things like security cameras that he could negotiate with the organization.

Ms. Kulina asked if there was a deadline for the project. Mayor explained that we will need a plan and agreement first. She asked about the group homes, and the Mayor explained that there are agreements for the deed restrictions on the homes. One group home received \$140,000.00 from the Borough's Development Fee trust to have the deed restrictions and received COAH standing, and they are tax exempt.

Mayor Cuneo explained that O.C.E.A.N Inc. was premature in applying for a Federal Grant in the amount of \$500,000.00 for the project. It was a Sandy grant that was expiring, and the application surprised us and the Freeholders. We will be working on the possibility of the PILOT program or taxes for the project.

Theresa O'Connor had forwarded a letter to the Chief of Police concerning obtaining an Autistic Child sign. It is being ordered. She is also concerned about speeding on the 400 block of Radnor Avenue between the hours of 4 & 6.

Jennifer Etzkorn also mentioned that the cars come around the corner of Radnor and Avon fast.

Mrs. Tomredle added that Springfield Ave. is a busy road with speeders also.

Ms. Dolan-DiPalma hopes the Council will get more information concerning the B-1 zone development proposal, and the Mayor will try to reach Mr. Gooding to have him come at the next work meeting, September 26<sup>th</sup>. The meeting date is listed on the recycling calendar. We are moving forward with this discussion.

Mr. Wuss was curious as to the Federal income threshold for Low and Moderate income.

#### COUNCIL COMMENTS

Mr. Polhemus stated that it is wonderful to have people attend the meeting, the feedback is good.

Mrs. Coletti reminded everyone that the Fire Fest is Sept. 24 at Vista Park

Mr. Wieck thanked everyone for coming and for their input.

#### MAYOR'S COMMENTS

Mayor Cuneo mentioned the school sports programs and encouraged all to attend the youth games.

The Mayor also mentioned the passing of former councilman Richard Gearing. He served on council from 1980 to 1983 and contributed a lot to the town. His wife, Mary Ann, also served on council in the mid 1990's.

There was no further business to discuss, and the meeting was adjourned following a motion by Mr. Newman and a second by Mr. Polhemus.