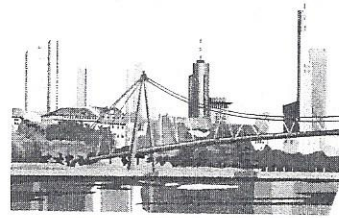


☒ APPROVED

April 22, 2013

Land Use Board Minutes
Beachwood Municipal Complex
1600 Pinewald Road

7:00PM



FLAG SALUTE:

CALL TO ORDER:

Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule for this meeting of the Beachwood Land Use Board is listed in the Municipal Complex Building and delivered to the Asbury Park Press on January 15, 2013.

ROLL CALL MEMBERS PRESENT:

Patricia Brandt, Councilman Lacrosse, Tom Prince, Cliff Schiel

Alternates:

Number 1 David Raimann, Number 2 Paul Swindell, Mayor's Designee Ron Ross

Absent: Knoll, Merola, Morrison, Oldham, Mayor Roma

RESOLUTION 2013-19 Approve Minutes from March 11, 2013 Meeting

Motion: Ross Second: Schiel

Approve: Prince, Ross, Schiel, Raimann, Swindell

Oppose:

Abstain: LaCrosse

RESOLUTION 2013-20 Approve Land Use Board Bill's List in the amount of \$207.80 to the Ulaky firm for professional services

Motion: LaCrosse Second: Barndt

Approve: All in Favor

Oppose:

Abstain:

DISCUSSION OF MASTER PLAN

Anna Wainwright from Remington Vernick & Vena, (the firm we appointed at our re-organization meeting for Land Use Board Planner) came to our meeting to help us get a better understanding of what needs to be done to update our Master Plan.

Ms Wainwright was very gracious in answering all of the Boards questions. Most questions were regarding what do we need to do to become compliant and for the least amount of money.

Ms. Wainwright will work up a proposal taking into consideration all to the board's questions and concerns and get it to us before the next meeting.

RESOLUTION 2013-21 Proposal from Anna Wainwright of Remington Vernick & Vena regarding updating the Master Plan

Motion: Barndt Second: Swindell

Approve: Barndt, Prince, Ross, Schiel, Raimann, Swindell

Oppose:

Abstain: LaCrosse

ADDRESS SITUATION with John Hess (Board Engineer), Formerly of BSG

Our engineer; John Hess has resigned from Birdsall Services Group due the ongoing investigation of Birdsall. Mr. Hess now works for CME. When Mr. Hess resigned from Birdsall, it left us; The Land Use Board without an engineer. It was suggested by our lawyer, Mr. Ulaky that we are within our rights to re-appoint Mr. Hess as special engineer for the remainder of the year 2013. The Board was divided in this decision and felt we should go into executive session to discuss further what our options are. At approximately 7:40 pm we went into executive session

RESOLUTION 2013-22 Executive Session

WHEREAS, SECTION 8 ON THE NJ Open Public Meeting Act, N.J.S.A.10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Borough of Beachwood, County of Ocean, State of New Jersey as follows:

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Terms of Employment
3. It is anticipated that the subject matter may be made be made public in 90 days.

Motion: LaCrosse

Second: Barndt

Approve: Barndt, LaCrosse, Prince, Ross, Schiel, Raimann, Swindell

Oppose:

Abstain:

Return from executive session at 8:08 pm – Reopen meeting

Motion: LaCrosse

Second: Barndt

Approve: All in Favor

Oppose:

Abstain:

RESOLUTION 2013-23 Mr. Ulaky will send a letter to Birdsall Services Group to rescind our contract for 2013, severing all ties.

Motion: Barndt

Second: Raimann

Approve: Barndt, LaCrosse, Prince, Ross, Schiel, Raimann, Swindell

Oppose:

Abstain:

Correspondence:

The New Jersey Planner-January/February & March/April

Ocean County Planning Board Minutes - Dated February 20, 2013 & March 20, 2013 No Beachwood properties listed

(Correspondence reviewed by Chairman Prince)

Motion - Open to General Public

Motion: Barndt

Second: LaCrosse

Approve: All in Favor

Oppose:

Abstain:

NO PUBLIC COMMENT

Motion - Close to the General Public

Motion Barndt Second: LaCrosse
Approve: All in Favor
Oppose:
Abstain:

Motion - Adjourn Meeting

Motion Barndt Second: LaCrosse
Approve: All in Favor
Oppose:
Abstain:

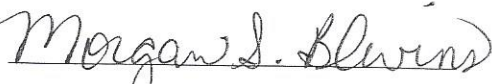
Prepared by: M.S. Blevins



~~Tom Prince, Chairman~~

Temporary Acting Chairman
5/13/12

Attested to you by:



Morgan S. Blevins, Secretary

DASTI, MURPHY, McGUICKIN, ULAKY, KOUTSOURIS & CONNORS

GEORGE F. MURPHY, JR. † B
JERRY J. DASTI
GREGORY P. McGUICKIN
ROBERT E. ULAKY ‡ >>

CHRISTOPHER J. CONNORS
CHRISTOPHER K. KOUTSOURIS T
CHRISTOPHER J. DASTI

† CERTIFIED CIVIL TRIAL ATTY
‡ MEMBER, NATIONAL ACADEMY OF
ELDER LAW ATTORNEYS, INC
BB MEMBER NJ AND FLA BAR
>> MEMBER NJ AND PA BAR
T MEMBER NJ AND NY BAR

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WRITER'S E-MAIL: rulaky@dmmlawfirm.com

Fed I.D. #22-3450668

TELEPHONE NUMBERS
(609) 971-1010
(609) 693-4100
(732) 349-2446
(732) 295-3000
(609) 918-1292

FACSIMILE NUMBERS
(609) 971-7093
(732) 349-1590
Real Estate: (609) 971-6176

April 25, 2013

PLEASE REFER TO:

Beachwood Land Use Board -
2013

Our File No. GL-21213

Sent via Certified Mail, R.R.R.

Birdsall Services Group
611 Industrial Way West
Eatontown, NJ 07724

Dear Sir/Madam:

Please be advised that our firm represents the Borough of Beachwood Land Use Board.

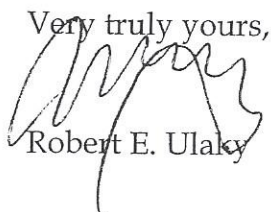
At its meeting on April 22, 2013, the Board took action to terminate the professional services contract of Birdsall Services Group, which had been previously appointed as the Board's Professional Engineer.

The Board determined that Birdsall has breached its contract with the Board, failing to communicate with the Board's representatives and failing to have an engineer from Birdsall attend the regularly scheduled Land Use Board meeting on April 22, 2013. In addition, the Board no longer has faith and confidence in Birdsall's ability to adequately provide engineering services to the Board as the result of recent criminal indictments of members of Birdsall Services Group as well as the recent bankruptcy filing by Birdsall Services Group.

Based on the foregoing, the contract for professional engineering services between the Borough of Beachwood Land Use Board and Birdsall Services Group for 2013 is terminated and of no further force and effect.

Thank you for your attention to this matter.

Very truly yours,



Robert E. Ulaky

REU/cmg
cc: Thomas Prince, Chairman
Morgan Blevins, Secretary

DASTI, MURPHY, McGUICKIN, ULAKY, KOUTSOURIS & CONNORS

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April 26, 2013

PLEASE REFER TO:

Beachwood Land Use Board -
2013

Our File No. GL-21213

Thomas Prince, Chairman
Beachwood Land Use Board
1600 Pinewald Road
Beachwood, NJ 08722

Dear Mr. Prince:

Enclosed please find a copy of the letter I have forwarded to Birdsall Services Group, terminating its contract as the Board's Professional Engineer for 2013.

With regard to the appointment of a Professional Engineer for the remainder of 2013, I suggest advertising for bids to be submitted. In the meantime, I suggest that the Board appoint a "special" engineer until such time as a new engineer is appointed. I do not believe that the appointment of a special engineer has to be chosen from amongst the firms that previously submitted bids. Since the Board had previously appointed John J. Hess, P.E. as its engineer for 2013, it is my opinion that he can be appointed on an interim basis until the Board selects a new engineer for the remainder of 2013.

Should you or any of the Board Members have any questions or comments, please do not hesitate to contact me.

Very truly yours,

Robert E. Ulaky

REU/cmg
Enclosure

cc: Morgan Blevins, Secretary (w/encl.)