

# Re-Organizational

January 6, 2010

Beachwood Municipal Complex  
1600 Pinewald Rd.

**6:30 PM**

Call to Order

Invocation: Father Kevin Kielan; St. Barnabas R.C. Church

While we pray for the safe return of our serving men and women, we must remember that 108 servicemen and women from New Jersey have been killed in Iraq and Afghanistan

Our war dead must always be remembered. Their Heroism deserves its glory, so too does the bravery of each who entered the unknown of conflict and gave their lives to the cause of Freedom.

The greatest tribute we can give is remembering our Honored Dead. In their memory, a moment of silence and a prayer for all our disabled vets and those missing in action and the swift return of all our serving men and women.



## ONE NATION UNDER GOD

It stands tall and free, fifty states united; A family of diverse people, rooted firmly throughout its expanse. It survived internal bloody turmoil that would have divided; maturing from this scarring lesson, slowly growing into equality for all.

It keeps an open gate, allowing more to seek a new home; giving them the opportunity to strive for better and be free.

It remains vigilant and strong against all who dare to test its will, whether to defend or help another in distress.

It is beauty and splendor.... Splashed by the rolling waves of the Atlantic and Pacific, trimmed with beach sands, rocky cliffs, and glacier fjords, blanketed by fertile, productive green plains, adorned by majestic snow covered mountains, accented by lush forests, deep canyons, and stark deserts, quenched by bountiful rich lakes and flowing rivers, shared by a diverse animal life, including its bald eagle.

It is the symbol of freedom and strength, being able to vote and bear arms, guided by fairness and righteousness under the Constitution and Bill of Rights.

It is Old Glory waving under clear blue skies, the right hand over the heart or in salute, our great country, the United States of America,

“One Nation Under God!”

By: David Bancroft

Flag Salute:

Emerald Society Bagpipers

National Anthem Medley - Courtney Zahn



SWEARING IN OF COUNCIL ELECT – Beverly Clayton and Ronald Roma



OPENING STATEMENT: Ladies and Gentlemen, 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 Re-organization meeting of Mayor and Council of the Borough of Beachwood is listed in the notice of meetings posted on the Bulletin Board, located in the Municipal Complex and delivered to the Berkeley Times and Asbury Park Press on January 2, 2009.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald Jones

COUNCILMEMBERS:

Katina L. Clark  
Beverly Clayton  
Gregory Feeny

Steven Komsa  
Ronald Roma  
Bonnie Verga

Words from Council Elect

Swearing in of new Police Officer Edward Scola – will be performed by the Clerk



RECESS:

Motion: Roma Second: Clayton  
 Approved: Clark – Clayton – Feeney – Komsa – Roma – Verga

RE-OPEN

Motion: Verga Second: Clark  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

A total of 10 minutes has been allocated under Borough Code 2-6.9 for the public discussion by individuals. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda. Citizens must give their name and address when recognized to speak. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.

Also, please turn off or put all cell phones on vibrate.

Mayors' Appointment with Council approval

#2010- 01 **LOCAL PUBLIC CONTRACTS RESOLUTION**

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey as follows:

The awards stated in the within resolutions are awarded without competitive bidding as Professional Services in accordance with Local Public Contracts Law, N.J.S.A. 40A: 11-5(1)(a)

"because they are for services performed by persons

authorized by law to practice a recognized profession."

**The following are awarded in conformance with Ordinance #2005-26 Section 1 : "Fair and Open Process for Award of Professional Services Agreement, and pending contract review"**

#2010-01A Municipal Attorney William T. Hiering – Firm of Hiering, Gannon & McKenna

Motion: Clayton Second: Feeney  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01B Municipal Auditor William E. Antonides & Company

Motion: Clayton Second: Komsa  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01C Municipal Engineer CMX Engineering

Motion: Clayton Second: Komsa  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01D COAH Attorney Jeanne Cipriani – Gilmore & Monahan

Motion: Feeney Second: Komsa  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01E Municipal Prosecutor Citta, Holzapfel & Zabarsky et als

Motion: Feeney Second: Roma  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01F Labor Counsel Citta Holzapfel & Zabarsky et als.

Motion: Feeney Second: Roma  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01G Bond Counsel Gluck, Walrath

Motion: Clayton Second: Feeney  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01H Public Defender Brian Rumpf

Motion: Roma Second: Komsa  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01I Municipal Planner Birdsall Engineering

DIED Motion: Clark No Second

#2010-01J COAH Planner Peter Vanden Kooy – Birdsall Engineering

Motion: Roma Second: Verga  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-01K Conflict Prosecutor John Ducey ( firm)

DIED No Motion No Second

#2010-01L RESOLVED by the Governing Body of the Borough of Beachwood to utilize remaining RFP's submitted in October 2009 as a source for Professional Services if a conflict should arise or for Special Projects.

Motion: Roma Second: Clayton  
Approved: Clayton – Feeney – Komsa – Roma -Verga Opposed: Clark  
Abstain: Absent:

#2010-02 Appoint the Following: Treasurer: Elizabeth Sarantinoudis  
Deputy Municipal Clerk Elizabeth Sarantinoudis  
Deputy Treasurer: Elizabeth Mastropasqua  
Deputy Tax Search Bonnie Boud  
Deputy Assessment Search Bonnie Boud

Motion: Komsa Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

#### FOLLOWING ARE MAYORS' APPOINTMENT

#2010-03 RESOLVED to appoint -

Planning Board:	Michael Merola (Gugger)	Expires 12/31/2013
	Robert Clark ( <u>Zakar</u> )	Expires 12/31/2013
	_____ (L.Gugger)	(Mayors' Alternate)
	Robert Woodward (N. Boyle Resigned)	Alternate 1 Year
	James Fitzgerald (L. Miranda Resigned 1/5/10)	Expires 12/31/12
	Brendan Gallagher (R.Clark)	Class II

7:17:

Question: Mr. Feeney – We had letters from people who had been on the board for a period of time who submitted their interes. Can you explain these individuals qualifications.

Mayor: Believes these individuals are better qualified for these appointments.

Question: Mr. Feeney - Regarding Litigation filed by Mr. Clark (Board Member) against the LUB.

Mayor: Mr. Clark actually won the last suit you speak about. If you read Judge Grosso's opinion he ruled it was a legal meeting. Believe Mr. Clark will serve the Borough in every way.

Feeney: Was he not on Recreation. What happened?

Mayor: Removed for attendance.

Feeney: But your confident in this appointment.

Mr. Roma: Commented on letter from resident about Mayor's ability to make these appointments. Requested Mr. Hiering to review the letter and advise council.

Mr. Hiering: Does not agree with the opinion posed in the letter. Continued to address letter and decision of Judge Grasso.

Mr. Komsa: Qualifications of Class II – Employee or appointee as it relates to Land Use appointment of (Recreation appointee)

Mr. Hiering: That appointment should be looked at again. Recommending Hold on the appointment.

Mayor: Not withdrawing appointment. Moving forward on same.

#2010-04 RESOLVED to appoint

Environmental Com:	Dina Jones	(T. Jackson)	Five year Exp. Dec. 31, 2014
	Jayne Moorman	(J. Moorman)	Five year Exp. Dec. 31, 2014
	James Fitzgerald	(L. Miranda)	Annual – Land Use Rep

#2010-05 RESOLVED to appoint

Recreation Commission:	Judy DeSalvatore	(Cohen)	Five Year Exp. 12/31/2014
	Branden Gallagher	(Babcock – Resigned)	Five Year Exp. 12/31/2014
	William Xiques	(Hammack – Resigned)	Five Year Exp. 12/31/2014
	_____	(Clark – Removed)	Term Ends 12/31/2013

#2010-06 RESOLVED to appoint

Shade Tree Commission: \_\_\_\_\_(J. DeSalvatore) Five Year Exp. 12/31/2014

**COUNCIL APPOINTMENT:** Tabled for discussion in Executive Session by Motion of Feeney and Second Verga  
**RESULTING FROM DISCUSSION IN EXECUTIVE SESSION**

#2010-07 RESOLVED by Mayor and Council to appoint

**Planning Board:** Gregory Feeney- Councilmember Class III Annual

<b>Motion:</b>	<b>Roma</b>	<b>Second:</b>	<b>Verga</b>
<b>Approved:</b>	<b>Clark - Clayton – Feeney – Komsa – Roma -Verga</b>	<b>Opposed:</b>	
<b>Abstain:</b>		<b>Absent:</b>	

#201-08 RESOLVED by Mayor and Council to appoint to

Sewerage Authority Allison Kobus effective Feb. 1, 2010 (Exp. Jan. 31, 2015) 5 Year Appt.

Motion:	Roma	Second:	Komsa
Approved:	Feeney – Komsa – Roma - Verga	Opposed:	
Abstain:	Clark - Clayton	Absent:	

**APPROVAL RESOLUTIONS:**

#2010-09 RESOLVED by Mayor and Council to appoint

Police Specials Class II William Zyckowski –GinaMaria Bruno

Police Special Class I Mary Cairns

Motion: Clayton Second: Roma  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga Opposed:  
Abstain: Absent:

#2010-10 RESOLVED by Mayor and Council to appoint

School Crossing Guards: Mary Ann Brown – Mary Cairns – Albert Delnero – Geraldine Delnero – Al Kessler – Alfie Sonnenfeld – Terri Wagner – Marino LaColandra

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-11 RESOLVED by Mayor and Council to appoint

Office of Emergency Mgmt. Robert Tapp Deputy Coordinator

Jeanne Kroutil Deputy Coordinator

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-12 RESOLVED by Mayor and Council to approve the following line officers of the Beachwood Volunteer Fire Company #1 Inc. as submitted:

Line Officers Fire Company: David Petrecca Chief

Dennis Allen Assistant Chief

Robert Risk Captain

Dominick Roselli 1<sup>st</sup>. Lieutenant

Kevin Davison 2<sup>nd</sup>. Lieutenant

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010 – 13 RESOLVED to appoint the following as Alternate to the Beachwood Recreation Commission

Cathy Scuderi (C. Caruso – Alt.)Term Ends 12/31/2011

Motion: Roma Second: Komsa  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-14 Having selected from amongst themselves –

RESOLVED to name Ronald F. Roma as Council President for the year 2010

Motion: Feeney Second: Clayton

Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

Abstain: Absent:

#2010-15 Resolved that the following shall constitute Council assignments for the year 2009

**COUNCIL ASSIGNMENTS**

**Administration:** Chairman Roma – Councilmembers Clayton & Feeney

Policy – Contracts – Finance – Professional Review – Insurance – General Government -  
Ordinance – B2 – July 4<sup>th</sup> Events

**Public Safety:** Chairwoman Clayton – Councilmembers Feeney & Roma

Police – Fire – First Aid – Emergency Management – LOSAP – Street Lighting

**Public Works:** Chairman Feeney – Councilmembers Clayton & Roma

Public Works – Recycling – Sanitation – Buildings n Grounds – Parks n Playgrounds – Water  
- Roads & Drainage

**Recreation:** Chairman Komsa – Councilmembers Clark & Verga

Recreation Commission – Memorial Day Events – Board of Education – Library

**Environmental:** Chairwoman Clark – Councilmembers Komsa & Verga

Beach – Environmental – Shade Tree – Lifeguards

**Court:** Chairwoman Verga – Councilmembers Clark & Komsa

Code Enforcement – Building Construction – Zoning – COAH

Motion: Roma Second: Clayton

Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

Abstain: Absent:

#2010-16 RESOLVED by Mayor and Council that the Asbury Park Press be named as the official newspaper for the Borough of Beachwood in the year 2010 and the Borough posts on the Municipal Website.

Motion: Roma Second: Clayton

Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

Abstain: Absent:

#2010-17 RESOLVED by Mayor and Council that the following shall be named as authorized signatures for all Borough checks.

Mayor Ronald W. Jones Jr.  
Councilmembers: Clark – Clayton – Feeney – Komsa - Roma – Verga  
Municipal Clerk: Elizabeth A. Mastropasqua

Municipal Treasurer: Elizabeth Sarantinoudis  
 Finance Officer : John Mauder CMFO

Motion: Roma Second: Clayton  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Abstain: Absent:

#2010-18 RESOLVED that the following shall constitute contractual holidays for the Borough of Beachwood in the year 2010 Offices will be closed. Holiday pickup schedules can be obtained by calling 732-286-6010, or by checking the Municipal Calendar provided to all residences. Emergency information is provided via WOBM – WJRZ and the Municipal Website located at www.beachwoodusa.com

January	01	New Years Day
January	18	Martin Luther King Day
February	12	Lincoln’s Birthday
February	15	Presidents Day
April	02	Good Friday
May	31	Memorial Day
July	05	Independence Day Observance
September	06	Labor Day
October	11	Columbus Day
November	02	Election Day
November	11	Veterans Day
November	25/26	Thanksgiving Holidays
December	24/27	Christmas Holidays
December	31	12:00 New Years Eve

Motion: Clayton Second: Clayton  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Abstain: Absent:

#2010-19 The FOLLOWING SHALL CONSTITUTE THE TIME – PLACE AND LOCATION OF THE ANNUAL MEETING DATES FOR THE GOVERNING BODY OF THE BOROUGH OF BEACHWOOD FOR THE YEAR 2010

ALL MEETINGS WITH THE EXCEPTION OF THE RE-ORGANIZATION MEETING WILL TAKE PLACE AT 7:00 P.M. IN THE WILLIAM T. HORNIDGE MUNICIPAL COMPLEX LOCATED AT 1600 PINEWALD ROAD, BEACHWOOD N.J. FORMAL ACTION WILL RESULT AT ANY AND ALL MEETINGS.

January	06	6:30 Re-Organization	20
February	03		17
March	03		17
April	07		21
May	05		19
June	02		16
July	Summer Schedule in effect		21
August	Summer Schedule in effect		18
September	Summer Schedule in effect		15

October 06 20  
 November 03 Re-schedule 15 (Monday)  
 December 01 15

Motion: Clayton Second: Roma  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Abstain: Absent:

#2010-20 RESOLVED by Mayor and Council to approve the 2009 Schedule “C” agreement be The Borough of Beachwood and the County of Ocean in the amount of \$250,000.00

Motion: Roma Second: Komsa  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Abstain: Absent:

#2010-21

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of **the 2010 budget, temporary appropriations** should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2010; and

WHEREAS, the total appropriations in the 2010 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$1,057,102.48 ; and

WHEREAS, 26.25% of the total appropriations in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2009 budget is the sum of \$ 2,070,597.58.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

CURRENT FUND TEMPORARY APPROPRIATIONS - 2010

	S & W	O.E.	TOTAL
1 Administration and Executive	5,000.00	125.00	5,125.00
2 Mayor and Council	11,550.00	625.00	12,175.00
3 Clerk	15,750.00	8,331.25	24,081.25
4 Advertising and Public Relations	0.00	2,125.00	2,125.00
5 Postage	0.00	3,250.00	3,250.00
6 Elections	0.00	875.00	875.00
7 Financial Administration	17,000.00	10,875.00	27,875.00
8 Audit Services	0.00	8,250.00	8,250.00
9 Administration) Collection of Taxes (Revenue	20,500.00	1,500.00	22,000.00
10 Tax Sale Costs	0.00	375.00	375.00
13 Liquidation of TTL & Foreclosed Property	0.00	1,750.00	1,750.00
14 Assessment of Taxes	6,510.00	543.75	7,053.75
15 Legal Services & Costs	0.00	24,000.00	24,000.00
16 Engineering Services and Costs	0.00	11,250.00	11,250.00

17	Planning Board	4,125.00	2,555.50	6,680.50
18	Environmental Commission	0.00	250.00	250.00
19	General Liability Insurance	0.00	58,000.00	58,000.00
20	Workers Compensation	0.00	81,000.00	81,000.00
21	Employee Group Insurance	0.00	265,830.83	265,830.83
22	Police	393,750.00	21,395.00	415,145.00
23	Police Crossing Guards	8,750.00	0.00	8,750.00
24	Office of Emergency Management	1,562.50	337.50	1,900.00
25	Aid to Volunteer Fire Companies	0.00	11,542.50	11,542.50
29	Aid to Volunteer Ambulance Companies	0.00	4,750.00	4,750.00
30	Municipal Court	27,250.00	1,750.00	29,000.00
33	Uniform Fire Safety Act Fire Official	3,250.00	912.75	4,162.75
34	Municipal Prosecutor	0.00	4,487.50	4,487.50
35	Streets and Roads	8,250.00	6,487.50	14,737.50
36	Snow Removal	0.00	2,500.00	2,500.00
37	Other Public Works Functions	41,250.00	2,500.00	43,750.00
38	Soils Waste Collection	92,500.00	6,012.50	98,512.50
40	Recycling Program	29,000.00	6,500.00	35,500.00
41	Building & Grounds	50,500.00	19,435.00	69,935.00
42	Equipment Maintenance	22,250.00	18,800.00	41,050.00
43	Board of Health	181.75	71.25	253.00
44	Animal Control	0.00	1,500.00	1,500.00
46	Board of Recreation Commissioners	195.00	750.00	945.00
47	Maintenance of Parks and Playgrounds	0.00	543.75	543.75
48	Lifeguards and Special Officers	3,500.00	125.00	3,625.00
50	Beach Maintenance	0.00	775.00	775.00
51	Participation in Free County Library	0.00	1,250.00	1,250.00
52	Celebration of Public Events	0.00	118.75	118.75
52	Disposal Costs	0.00	150,000.00	150,000.00
53	Code Enforcement and Zoning Officer	7,750.00	662.50	8,412.50
54	Construction Official	12,500.00	250.00	12,750.00
55	Utilities - Electric	0.00	32,500.00	32,500.00
56	Utilities - Street Lighting	0.00	24,000.00	24,000.00
56	Utilities - Telephone and Telegraph	0.00	10,250.00	10,250.00
56	Natural Gas	0.00	8,250.00	8,250.00
56	Gasoline, Diesel Fuel and Oil	0.00	37,500.00	37,500.00
56	Cell Telephones	0.00	2,500.00	2,500.00
57	Sick Leave Trust	0.00	5,000.00	5,000.00
58	Salary and Wage Adjustment	0.00	2,500.00	2,500.00
60	Social Security System	0.00	61,250.00	61,250.00
61	Defined Contribution Retirement Program	0.00	312.50	312.50
62	Public Employees Retirement System	0.00	106,600.00	106,600.00
63	Police & Firemen's Retirement System	0.00	252,093.00	252,093.00
	Subtotal @ 26.25% of 2009 Appropriations	782,874.25	1,287,723.33	2,070,597.58
	Capital Improvement Fund:			
64	NJEDA - Municipal Infrastructure Loan-Principle		33,750.00	33,750.00
65	NJEDA - Municipal Infrastructure Loan-Interest		2,100.00	2,100.00
66	Green Trust Loan Program	0.00	9,327.48	9,327.48

Total Temporary Operating Budget	782,874.25	1,332,900.81	2,115,775.06
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WATER UTILITY FUND - TEMPORARY APPROPRIATIONS - 2010

80	Salary and Wages	123,750.00		123,750.00
81	Other Expenses		158,500.00	158,500.00
82	Statutory Expenses - Social Security		10,000.00	10,000.00
83	Public Employees Retirement System		33,869.25	33,869.25
		123,750.00	202,369.25	326,119.25
84	Payment of Bond Principal		100,000.00	100,000.00
85	Interest on Bonds		44,900.00	44,900.00
	Water Utility Infrastructure Loan			
86	Principal		24,000.00	24,000.00
87	Interest		11,800.00	11,800.00
	Total Temporary Water Utility Budget	123,750.00	383,069.25	506,819.25

Motion:	Feeney	Second:	Verga
Approved:	Clark – Clayton – Feeney – Komsa – Roma - Verga	Absent:	
Abstain:			

#2010-22 WHEREAS, from time to time the Tax Assessor discovers an error in calculation, transposing, measurement, or typographical errors, in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the tax year; and

WHEREAS, the governing body of the Taxing District of the Borough of Beachwood is desirous that every taxpayer pays his/her fair share of taxes; and

WHERE AS, if the above discovered errors are not corrected, or a rollback assessment not applied, the taxpayers affected would not be paying their fair share of taxes; and

WHEREAS, the method for correcting such errors is to file a Petition of Appeal for the current Tax year with the Ocean County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Taxing District of the Borough of Beachwood that the Tax Assessor or Municipal Attorney is hereby authorized to act as the agent for the Taxing District and file a Petition of Appeal or Appeals for the tax year of 2010 with the Ocean County Board of taxation to correct such assessments to the proper value and that a copy of any Petition of Appeal filed with the Ocean County Board of Taxation under this Resolution be filed with the Municipal Clerk .

BE IT FURTHER RESOLVED, that the Tax Assessor or Municipal Attorney is hereby authorized to execute stipulations of settlement on any tax appeal filed by the taxing district or by a taxpayer for the tax year 2010; and

THAT a Certified Copy of this Resolution be forwarded to the Ocean County Board of Taxation with any such Petition of Appeal.

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-23 RESOLVED by Mayor and Council that the interest for the year 2010 on taxes shall be on the total sum of the delinquent tax at a rate of 8% up to \$1,500.00 and at a rate of 18% over \$1,500.00 after 10 days from due date; and  
  
FURTHER RESOLVED that the interest for the year 2008 on delinquent water bills shall be 18% after ten (10) days from due Date.

Motion: Roma Second: Verga  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-24 WHEREAS, N.J.S.A. 54:4-67 permits the governing body to fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year; and  
  
WHEREAS, N.J.S.A. 54:4-67 has defined delinquency to mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years; and  
  
WHEREAS, the penalty so fixed shall not exceed 6% of the amount of the delinquency;  
  
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey, that the Tax Collector is hereby authorized to charge a 6% penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year.

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-25 BOROUGH OF BEACHWOOD OCEAN COUNTY, NEW JERSEY CASH MANAGEMENT PLAN  
  
WHEREAS, P.L. 1983, Chapter 8, Local Fiscal Affairs Law; N.J.S. 40A: 5-2, has been amended to require that each municipality designate a Cash Management Plan for the deposit of each local unit's monies;  
  
NOW, THEREFORE, BE IT RESOLVED, that the following Cash Management Plan of the Borough of Beachwood be and hereby is adopted:

A: DESIGNATION OF OFFICIAL DEPOSITORIES:

The following financial institutions are designated official depositories:

- 1st Constitution Bank
- Bank of America
- Bank of New York NJ
- Bergen Commercial Bank
- TD Bank, National Association
- Fidelity Investments Institutional Services Co., Inc.
- First Choice Bank

Grand Bank  
Hudson City Savings Bank  
JP Morgan Chase Bank  
**Kearney Savings Bank**  
Merrill Lynch Bank & Trust Company  
MBIA Municipal Investors Service Corporation  
Morgan Stanley Dean Witter Trust FSB  
NJ/ARM New Jersey Asset & Rebate Management  
North Fork Bank  
Ocean First Bank  
PNC Bank  
Sovereign Bank  
State of New Jersey Cash Management Account  
Sun National Bank  
The Bank  
Valley National Bank  
Wachovia  
Wells Fargo  
Yardville National Bank

Designated official depositories are required to submit to the Chief Financial Officer of the Borough of Beachwood a copy of the State of New Jersey, Department of Banking, Government Unit Deposit Protection Act Notification of eligibility, which must be filed semiannually in the Department of Banking as of June 30th and December 31st of each year. Said Notices must be available for annual audit.

Designated official depositories are required to submit to the Chief Financial Officer a copy of institution's "Annual Report" on an annual basis.

B. **DEPOSIT OF FUNDS:**

All funds shall be deposited within Forty-eight (48) hours of receipt in accordance to maximize interest earnings.

Operating funds shall be deposited into interest bearing accounts to maximize interest earnings.

Capital and Debt service funds shall be deposited into interest bearing accounts.

Trust funds shall be deposited into interest bearing accounts in accordance with the State statutes regulating the deposit of developer's escrow deposits.

C. **DESIGNATION OF ALLOWABLE INVESTMENT INSTRUMENTS:**

The Borough may permit deposits and investments in such depositories as permitted in Section 4 of P.L. 1970, chapter 236 (C.17:19-44) and other instruments specified below:

United States Treasury Bills (T-Bills)  
Borough of Beachwood or Other Municipal Bonds or Notes  
Commercial Bank Deposit and Certificates of Deposit (CD's)  
Repurchase Agreements  
Investments in Savings and Loan Association  
United States Government Agency and Instrumentality  
Obligations  
MBIA – Class Fund  
State of New Jersey Cash Management Fund  
School District Obligations

D. DEFINITION OF ACCEPTABLE COLLATERAL AND PROTECTION OF BOROUGH ASSETS:

All designated depositories must conform to all applicable State statutes concerning depositories of Public Funds.

All depositories shall obtain the highest amount possible F.D.I.C. and/or F.S.L.I.C. coverage of all Borough assets (Demand and Certificate of Deposit).

Collateral will be required for all deposits and investments of the Borough, except for those in the State Cash Management Fund, collateral must have a market value of not less than 100 percent of all deposits and investments.

For pledges by depositories on Borough Funds, the following securities will be considered acceptable for pledges:

- a. Any security backed by the U.S. Government
- b. Any direct obligation of any taxing authority within the Borough of Beachwood
- c. Real Estate Mortgage Loans for Real Estate property located within the Borough of Beachwood market area. Pledges of Real Estate Mortgage Loans shall be maintained at a market value of 115 percent of deposits.
- d. All pledges of Collateral must be indicated on an advice copy of the investment instrument which shall be forwarded to the Chief Financial Officer/Treasurer.

E. COMPENSATING BALANCE AGREEMENTS:

Where compensating balances are used to offset bank expenses, an agreement between the bank and the Borough shall be executed, specifying the charge for each service.

F. REPORTING PROCEDURES:

The Chief Financial Officer shall prepare for the Business Administrator of the Borough of Beachwood the following investment reports:

MONTHLY REPORTING: A detailed listing of all investments purchased in the prior month, specifying the amount, interest percent per annum, number of days, period of investment and maturity date, interest amount at maturity and financial institutions with which investment is placed. This report shall be broken down by fund.

The Treasurer shall prepare a schedule of outstanding investments for the independent auditors as of December 31st of each year and at other such times as required by the auditors.

The Chief Financial Officer/Treasurer shall also periodically provide analysis of average daily balances in interest bearing checking account vs. other investment vehicle potential.

All such reports may include a comparison of current investment income vs. forecast, prior year or market conditions.

G. DIVERSIFICATION REQUIREMENTS:

The Chief Financial Officer/Treasurer shall closely examine investments to guard against the effects of a financial institution going into default. This may be accomplished through the practice of spreading the investments around in various designated official depositories.

H. MAXIMUM MATURITY POLICY:

Investments shall be limited to a maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of regulation promulgated by either the Federal or State Governments.

I. INVESTMENT PROCEDURES:

Bids for Certificates of Deposit will be solicited from at least three (3) designated depositories only if the amount is \$100,000 or greater.

Telephone bids will be solicited from designated depositories by the Chief Financial Officer/Treasurer or designated staff member.

The depository shall specify the principal amount of investment bid on, interest rate and number of days used to calculate the interest to be paid upon maturity.

Interest paid shall be from the date the bid was awarded to the day of maturity.

All bidders may request the results of the bid after the bid is formally awarded.

A check or wire transfer of funds will be made available to the winning bidder on the same business day the bid is awarded.

Each quotation shall be documented to record the date and time of quote, the parties in the discussion, the instrument(s), maturities and rates. A bid form of the Township may be used.

J. RETURN ON INVESTMENT:

Where the return on a proposed investment does not exceed the cost of making said investment by a minimum amount the Chief Financial Officer/Treasurer will not make the investment. The Chief Financial Officer/Treasurer shall have the discretion to award an investment to the bank wherein the funds reside, should that bank's quoted rate be less than other quoted rates received in the event that the differential in interest rates is less than 25 basis points, and providing that the term of the investment is less than fifteen (15) days.

K. CONTROLS:

When possible, the internal controls should provide for a separation of the investment placement functions and the accounting activity. Controls must be designated for telephone orders, wire transfers and securities safekeeping. Only specifically designated personnel shall be allowed to conduct this part of the transactions, and all activity should be subject to immediate written confirmation by the designated depository. The Chief Financial Officer/Treasurer shall review each day's activity.

L. BONDING:

Staff members of the Borough of Beachwood shall be covered by a Public Employee's Faithful Performance Bond with the Municipal Joint Insurance Fund.

M. COMPLIANCE:

The Cash Management Plan of the Borough of Beachwood shall be subject to the annual audit conducted pursuant to N.J.S. 40A:5-4.

N. The Official charged with the custody of the monies of the Borough of Beachwood shall deposit them as designated by the Cash Management Plan and shall thereafter be relieved of any liability or loss of such monies due to the insolvency or closing of any depository designated in the Cash Management Plan pursuant to N.J.S. 40A:5-2.

O. Where a conflict exists between this Cash Management Plan and State statute, the applicable State statute shall apply.

AFFORDABLE HOUSING DEVELOPMENT FEES

All development fees collected pursuant to the Borough of Beachwood Affordable Housing Development Fee Ordinance will be placed in an account established pursuant to the Cash Management Plan and known as the Affordable Housing Trust Fund. No money shall be expended from the account unless the expenditure conforms to the Development Fee Ordinance, a Spending Plan approved by the Council on Affordable Housing, and the conditions set forth in N.J.A.C. 5:94-6.16(a). The depository holding the Affordable Housing Trust Fund will sign a statement so as to recognize the necessity of compliance with the conditions placed upon the Borough's Chief Financial Officer by this paragraph.

If and when COAH deems it necessary to access the account or freeze expenditures from said account, the depository by signing this agreement agrees to comply with such instructions from COAH upon receiving official notice from its Executive Director.

Motion: Roma Second: Feeney  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-26 RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING INVESTMENT OF IDLE FUNDS AND FUND TRANSFERS, PURSUANT TO N.J.S.A. 40A:15.1-15.2

WHEREAS, it is desirable that idle funds of the Borough of Beachwood be invested in legal investment vehicles at all times; and  
WHEREAS, it is occasionally necessary to transfer funds for the purpose of meeting current Borough expenses or for the purpose of effecting investments.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey, that it does hereby authorize the Treasurer to request bids and to place orders for the investment of idle funds solely in legally authorized investment vehicles, such investments to the investing institution; and

BE IT FURTHER RESOLVED, that the Treasurer of the Borough of Beachwood is hereby authorized to transfer funds by wire solely for the following purposes and subject to all pertinent regulations:

- 1.To or from Borough Checking or savings accounts to other Borough Accounts.
- 2.To or from Borough Checking or savings accounts to or from accounts specified by banks or the State of New Jersey Cash Management Funds solely for the purpose of investing for the account of the Borough of Beachwood.

Motion: Roma Second: Verga  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

#2010-27 WHEREAS, there exists a need for specialized financial advisory services in connection with the issuance of bonds or notes of the Borough of Beachwood (the "Borough") in the County of Ocean, State of New Jersey, including the planning and development of a financing strategy and structure, coordinating the financing process, providing consulting services through the actual execution of the financing and provide follow-up reporting and analyses after the transaction is complete, and

WHEREAS, such specialized financial advisory services can be provided by Phoenix Advisors, LLC, a financial advisory group of Bordentown, New Jersey, so recognized by the financial community; and

WHEREAS, the Local Public contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood as follows:

(1) The financial advisory group of Phoenix Advisors, LLC of Bordentown, New Jersey, is hereby retained for 2010 to provide the specialized financial advisory services necessary in connection with the issuance of bonds or notes by the Borough not to exceed \$15,000.

(2) The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law; N.J.S.A. 40A:11-5(1) (a), because it is for services performed by persons authorized by law to practice a recognized profession.

(3) The Mayor and Clerk are hereby authorized and directed to execute an Agreement with Phoenix Advisors, LLC.

(4) A notice of this action shall be printed once in a Borough legal newspaper.

Motion: Roma Second: Clayton  
Approved: Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Clark Absent:

#2010-28 RESOLVED by Mayor and Council to approve the 2009 Certified Bills List in the amount of \$173,936.87

Motion: Feeney Second: Roma  
Approved: Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Clark Absent:

#2010-29 **RESOLUTION TO Authorize cancellation of minimum balances and overpayments by Tax Collector for CY 2010**

**WHEREAS**, New Jersey Statute 40A:5-17.1 subsection b, permits the governing body of municipality to adopt a resolution authorizing a municipal employee process without further action on the part of the governing body, the cancellation of any property tax delinquency or refund of less than \$10.00; and

**WHEREAS**, The Tax Collector currently has minimal amounts affecting prior years and will have minimal amounts affecting current and future years and is desirous of cancelling these amounts expeditiously;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Beachwood, County of Ocean and State of New Jersey as follows:

1. The Mayor and Council hereby authorizes the Tax Collector to process, without further action on the part of the governing body, the cancellation of any property tax delinquency or refund of less than \$10.00.

Motion: Roma Second: Feeney  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

CORRESPONDENCE

Reports	
Mayor	Congratulated Council Looking forward to working with you. This is a special night for them. I'm not going to go into report. I do have some ideas for the coming year, that I will bring forth at coming meetings.s
Clark	Happy New Year - No report – Commissions are meeting for re-organizing.
Clayton	First Aid - working with them to get structure furnished and looking good. Charlie Cohen after 30 years leaving Recreation. Thank you for those years of dedication to the kids of the Borough. Disagrees with some of Mayors' appointments. Particularly Mr. Zakar's , with his knowledge and expertise. Need people with real knowledge. Not happy with decision. Working on electric for marina. Center awning and screening will be addressed. New deck should be ready for spring. Happy New Year to all and thanks for coming out tonight. Thanked Recreation and Clerk for celebration of re-organization.
Feeney	Congratulated Roma and Clayton. Thanked all volunteers for their time and welcome to new volunteers and new police officer. Congratulations to all. Ambitious year ahead of us. Again that you all.
Komsa	Happy New Year - congratulations to Clayton and Roma. Believes that the people got it right and the right people are up here.. Jan. 14th - Recreation re-org. Jan. 11 "Family Fun Night" Thanked D. Hammack - F. Babcock and C. Cohen for their years on Recreation, especially Mr. Cohen for his 30 years.. Welcome to all new members.
Roma	Congrats to all volunteers. Without them, could not do what we do in town. It's no reflection of the volunteers who step up to serve boards. Our Concern for appointments is because of decisions that could affect the community in the future. Thanks to anyone who volunteers. Alliance held Senior Holiday Luncheon. Thanked Mayor for coming. Thanks to "Nino" for help. Jan. 7th - Volleyball season begins through February on Thursdays at Beachwood Elementary School. Sign up is free. Monthly dances begin Friday 1/8. Sunday - 1/10 Annual Ski Trip. This trip sold out. Looking to do a second in February will advise.
Mr. Feeney	Thanked Public Works for work done on recent snow storm. Were out three (3) days clearing roads. Did great job.
Mrs. Verga	Congrats Roma and Clayton. Pleased to be working with them again this year. 73 days to SPRING. Provided 2009 report from Building Inspection. Revenue \$92,658 .00 taken in over projected \$58,000. Commend Police and Fire for quick response to carbon monoxide response.
Mr. Hiering	Thanked GB for re-appt.
Mr. Oris	Thanked GB for re-appt. Water problems addressed. Will schedule other well for Spring bidding. First Aid 100% complete on punch list. Working on Monument Stone. Happy New Year to all.
Mrs. Clayton	Seeking Resolution to Advertise for Fire Works 3 Year
<b>RESOLUTION #2010-30 Motion: Feeney</b>	<b>To Authorize the Advertisement for Bids for three (3) Year Pyrotechnical Display Second: Mrs. Verga</b>
<b>Approved:</b>	<b>Clark-Clayton – Feeney – Komsa – Roma - Verga</b>

Municipal Clerk

Due to changes implemented in EDBG – apps have to be in by Feb. 5 - The 1<sup>st</sup>. Hearing will be **January 20<sup>th</sup> – and I may need a special meeting Jan 29** for the public hearing on the grant to be submitted. Holding the hearing on Feb. 3<sup>rd</sup> will not give us sufficient time to do grant paperwork and submit .

RESOLUTION:

#2010-31 RESOLVED by Mayor and Council to approve the minutes of the December 16<sup>th</sup>, 2009 meeting of Mayor and Council

Motion: Roma Second: Feeny  
Approved: Feeney – Komsa – Roma - Verga  
Abstain: Clark - Clayton Absent:

#2010-32 RESOLVED to approve the 2010 Municipal Alliance Agreement (\$15,000) and to authorize the Mayor and Clerk to execute on behalf of the Borough.

Motion: Feeney Second: Clayton  
Approved: Clayton – Feeney – Komsa - Verga  
Abstain: Roma - Clark Absent:

PLEASE ADD THE FOLLOWING TO YOUR AGENDA

RESOLUTION

#2010-33

1. Approve Seminars as follows:
  - Ptlmn. Keith Meissner – Armorer’s Course ( was never placed on agenda for approval)  
June 16, 2009 - \$150
  - Wayne Gibson – Jan. 15<sup>th</sup>, 2010 Stockton College \$0 - Wind Energy Seminar
  - Elizabeth Mastropasqua – Jan. 22<sup>nd</sup>. – MCANJ Qrtly – Tinton Falls \$0
2. Community Center Rental  
January 16, 2010 Gwynn Panno - 726 Forepeak Fees posted.

Motion: Clayton Second: Verga  
Approved: Clark - Clayton – Feeney – Komsa – Roma - Verga

3. Per Engineering Office - Resolution – Cops in Shop / ABC Program (see attached)

Resolution

#2010-34 To approve the submittal of the Cops in Shop/ABC Program application

Motion: Roma Second: Verga  
Approved: Clark – Clayton – Feeney – Komsa – Roma – Verga



Public Discussion	
LaCrosse – Forecastle	Glad to see Roma and Clayton back on Council. Appreciates all you've done. Thanked Beverly for Fireworks action taken tonight. Appointed professionals , Five of the Council approved professional, Mrs. Clark voted No on a number of appointments. If there is something we should know.
Mrs. Clark	For the record.. Mrs. Clarks voice is very low and can just about be heard on the recordings.  Wants to make sure the residents get the best for their price. The professionals to expensive.
Mr. LaCrosse	If you have a problem with the price why don't you share it with the rest of the Tax Payers.  Mrs. Clark: Just concerned about the cost to the residents.  Taken some of the best volunteers this community has ever seen and tossed them aside. Commented on Mr. Cohens 30 year history on the Commission. Comments on appointments. Mr. Clark was removed from boards for lack of attendance.
LaCrosse	Asked if all appointed submitted CLA forms and when received. Comments on various appointments and requested Mayor to explain reasons. Mayor: Stand by my decision. LaCrosse: Recreation Appointment. Disappointed because he did put in an application. Happy New Year to all and To all volunteers thank you.
Linda Lamar / 1309 Cable Ave	Mayor does not give an answer to a straight forward questions posed to him. Please answer question on Land Use Appt.
Mayor	Believes these people will be the best for the Borough of Beachwood. Thinks they could do a good job. Better suited than former appointees. Provided explanation on appointments in reply to Mrs. Lamar.
Shelia Solowynski	Congratulated all appointees. To Mayor "you are not qualified to sit there" I want you to know we are going forward on 2010 recall. We were 55 short and I promise you we will not be short this time.
DiBella - 1008 Halliard Ave	Council - Tax Payers . What is the function of the Municipal Attorney. (Mr. Hiering responded) Also and Officer of the Court , correct. So if you see a crime being committed you have an obligation to report same. Comment on ruling last year on appointment to board. You clarified that you erred you made that clear tonight, but Mayor told you he is defying you and breaking the law and make the appoint. You have an obligation as an officer of the court. Would expect Mr. Hiering to be in court before Judge Grasso for a ruling on this matter. Commented on N.J. S. A. 9-22.5 (d)..... (requested Attorney to explain) did

	you review Shapiro vs. Mertz , which states the what is clearly perceived by the public (Mr. Hiering addressed) Are you stating you find no conflict on issue Mr. LaCrosse and Mayor (elaborated) Discussed Judge Grasso on conflicting out on appointments. (Discussion of Judge Grasso’s ruling pro’s/cons) Want to set something straight, Mr. Clark did not win a law suit. The law suit centered around the appointment of the attorney. Lots of conflicts tonight. Discussed several he felt were in conflict. Enlighten public as to the qualifications of appointees. Merola and Fitzgerald.
Mayor	No, I will not anwer that.
DiBella	To Mrs. Clark did you bring OPRA documents requested in Ethics complaint against employees.
DiBella; Linda	Mrs. Clark - three meetings ago, you indicated you would bring papers filed against Solowynsky, and Cairns. Where are they.  Clark: I don’t know what to say
Kobus; Allison - 63 Halliard	Commend Alliance for all the great activities over the years. Senior Luncheon is a wonderful event. Thanked Mrs. Roma and all who helped.

CLOSE TO PUBLIC DISCUSSION

Motion: Roma Second: Clark  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Abstain: Absent:

EXECUTIVE SESSION

WHEREAS, SECTION 8 of the Open Public Meetings 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 Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

Terms & Condition of Employment  
 Contractual  
 Litigation

3. It is anticipated that the subject matter discussed may be made public in (90) days.

Motion: Roma Second: Clark  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Abstain: Absent:

Re-Open

Motion: Verga Second: Komssa  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Absent:

ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION 1/6/2010

#2010-35 RESOLVED to hire William Knapp – Beachwood – as Code Enforcement Officer, part time 20 hours at an annual salary of \$15,000.00

Motion: Roma Second: Verga  
Approved: Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Clark Absent:

#2010-36 RESOLVED to authorize the advertisement of bids for fencing of various parks.

Motion: Roma Second: Clayton  
Approved: Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Clark Absent:

ADJOURN

Motion: Roma Second: Komsa  
Approved: Clayton – Feeney – Komsa – Roma - Verga  
Abstain: Clark Absent:

Prepared by: E.A. Mastropasqua

\_\_\_\_\_  
Ronald W. Jones, Jr.  
Mayor

Attested to by: \_\_\_\_\_  
Elizabeth A. Mastropasqua RMC  
Municipal Clerk