

February 2, 2011
Beachwood Municipal Complex
1600 Pinewald Rd.

NOT OFFICAL DOCUMENT UNTIL APPROVED BY RESOLUTION

7:00

Call to Order

Flag Salute

While we pray for the safe return of our serving men and women, we must remember that 125 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 a call for the swift return of all our serving men and women.

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 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 Asbury Park Press on January 1, 2011.

ROLL CALL MEMBERS PRESENT:

| | | |
|-----------------|-----------------|-----------------|
| COUNCILMEMBERS: | Beverly Clayton | Gerald LaCrosse |
| | Gregory Feeney | Ronald Roma |
| | Steven Komsa | Edward Zakar |

ABSENT: Mayor Ronald Jones, Jr.

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.

Professional Appointment(s) Council appointment(s) Thirty days passed since Mayor's failure to have nominations approved.

#2011- 61

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"

| | | |
|-------------|---------------------|--|
| #2011- 61 A | Municipal Planner | <u>Remington Vernick & Vena</u> |
| #2011-61 B | COAH Planner | <u>Remington Vernick & Vena</u> |
| #2011- 61 C | Conflict Prosecutor | <u>Will be from list of RFP's Received</u> |

Motion: Roma Second: Feeney
Approved: Clayton - Feeney – Komsa – LaCrosse – Roma - Zakar

#2011-63 **POSSIBLE APPOINTMENT – MAYORAL APPOINTMENT**
_____ To Recreation to fill vacancy created by resignation of
_____ Term ending 12/31/2013

#2011-64 RESOLVED by Mayor and Council to approve the 2011 Certified Bills List in the amount of \$ 379,657.51

Motion: Clayton Second: Feeney
Approved: Clayton - Feeney – Komsa – LaCrosse – Roma - Zakar

#2011-65 RESOLVED by the Governing Body of the Borough of Beachwood to approve the minutes of the January 19, 2011 meeting of Mayor and Council.

Motion: Clayton Second: LaCrosse
Approved: Clayton - Feeney – Komsa – LaCrosse – Roma - Zakar

#2011-66 RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, authorizing the execution of a Schedule "C" agreement with the County of Ocean for 2011

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8a-1 e seq., authorized the Borough of Beachwood to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40:8 requires such a contact to be authorized by resolution or ordinance; and

WHEREAS, it is the desire of the governing body to authorize the execution of a contract with the County of Ocean for the provision of services, materials and equipment as set forth in Schedule "C" attached hereto. In the amount of \$250,000.00

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Beachwood, County of Ocean , State of New Jersey as follows:

1. That John Behrens, Supervisor of Public Works is hereby authorized to execute a Schedule "C" agreement with the County of Ocean in accordance with the provisions of the law to include \$1,000.00 for the Road Department , \$1,000.00 for Engineering Department and \$1,000.00 for

Vehicle Services, for a total sum and not to exceed \$3,000.00. A copy of the said agreement is attached hereto and made part hereof as Schedule "C".

2. This agreement is for the period January 1, 2011 to December 31, 2011.
3. That a copy of this agreement referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's office during normal hours.

Motion: Clayton Second: Feeney
 Approved: Clayton – Feeney – Komsa – LaCrosse – Zakar
 Abstain: Roma

#2011-67 RESOLVED by the Governing Body to approve the following requests for Rentals

| 2011 COMMUNITY CENTER | | | | |
|------------------------------|----|--|----------|---------|
| Apr. | 17 | Cramer | Rental: | \$350 |
| | | 512 Beach Ave, Beachwood | Deposit: | \$500 |
| May. | 01 | Troop 114 Eagle Court of Honor | Rental: | \$WAIVE |
| | | c/o Jon Henbest 625 Linden Ave. Pine Beach | Deposit: | \$WAIVE |
| July | 17 | Wolf | Rental: | \$350 |
| | | 600 Ship Ave., Beachwood | Deposit: | \$500 |
| July | 22 | Petersen | Rental: | \$350 |
| | | 6 Harpoon St., Beachwood | Deposit: | \$500 |
| Sept. | 24 | Scott | Rental: | \$700 |
| | | 20 Dans Rd. Browns Mill N.J. | Deposit: | \$700 |

Motion: Komsa Second: Clayton
 Approved: Clayton – Feeney – Komsa – LaCrosse – Roma - Zakar

#2011-68 RESOLVED by Mayor and Council to approve the following refunds for overpayment of Traffic Control Escrow:

| | | | |
|------|-------------------|------------------|------------|
| 2009 | Swift Paving Inc. | Toms River NJ | \$ 53.50 |
| | Gray Supply | Randolph N.J. | \$ 445.50 |
| 2010 | Lucas Bros. Inc. | Morganville NJ | \$1,455.50 |
| | Asplundh Tree | Willow Grove Pa. | \$ 455.50 |
| | Earle Asphalt | Farmingdale NJ | \$5,084.25 |

Motion: Roma Second: Zakar
 Approved: Clayton – Feeney – Komsa – LaCrosse – Roma - Zakar

#2011-69

RESOLVED by Mayor and Council to approve the following requests for Conference – Training and Seminar

| | | |
|-----------|---|-----------------|
| Date: | Feb. 07 to Feb. 09 | Sgt. G. DeMarco |
| Location: | Gloucester County Police Academy, Sewell N.J. | |
| Subject: | Cults, Street Gangs & Gangs in Drugs | |
| Cost: | \$60 | |
| Vehicle: | Yes | |

| | | |
|-----------|---|------------------------------------|
| Date: | March 02 to March 04 | Fire Prevention – Thomas DiMichele |
| Location: | Bally's Atlantic City | |
| Subject: | NJ-IAAI Annual Training Conference | |
| Cost: | \$400 CEU's FOR RE-CERTIFICATION APPLIED HERE | |
| Vehicle: | No | |

| | | |
|-----------|---|------------------|
| Date: | March 14 to March 25 | Ptlm. F. Melillo |
| Location: | Gloucester County Police Academy, Sewell N.J. | |
| Subject: | Crash Investigation I | |
| Cost: | \$0 | |
| Vehicle: | Yes | |

| | | |
|-----------|---|---------------|
| Date: | April 18 to April 19 | Ptlm. J. Apel |
| Location: | Gloucester County Police Academy, Sewell N.J. | |
| Subject: | Advanced Motor Vehicle Stops | |
| Cost: | \$40 | |
| Vehicle: | Yes | |

| | | |
|-----------|---|------------------|
| Date: | April 25 to May 06 | Ptlm. F. Melillo |
| Location: | Gloucester County Police Academy, Sewell N.J. | |
| Subject: | Crash Investigation II | |
| Cost: | \$0 | |
| Vehicle: | Yes | |

| | | |
|-----------|---|-----------------|
| Date: | May 16 to May 19 | Ptlm. S. Langen |
| Location: | Gloucester County Police Academy, Sewell N.J. | |
| Subject: | Crime Scene Processing | |
| Cost: | \$80 | |
| Vehicle: | Yes | |

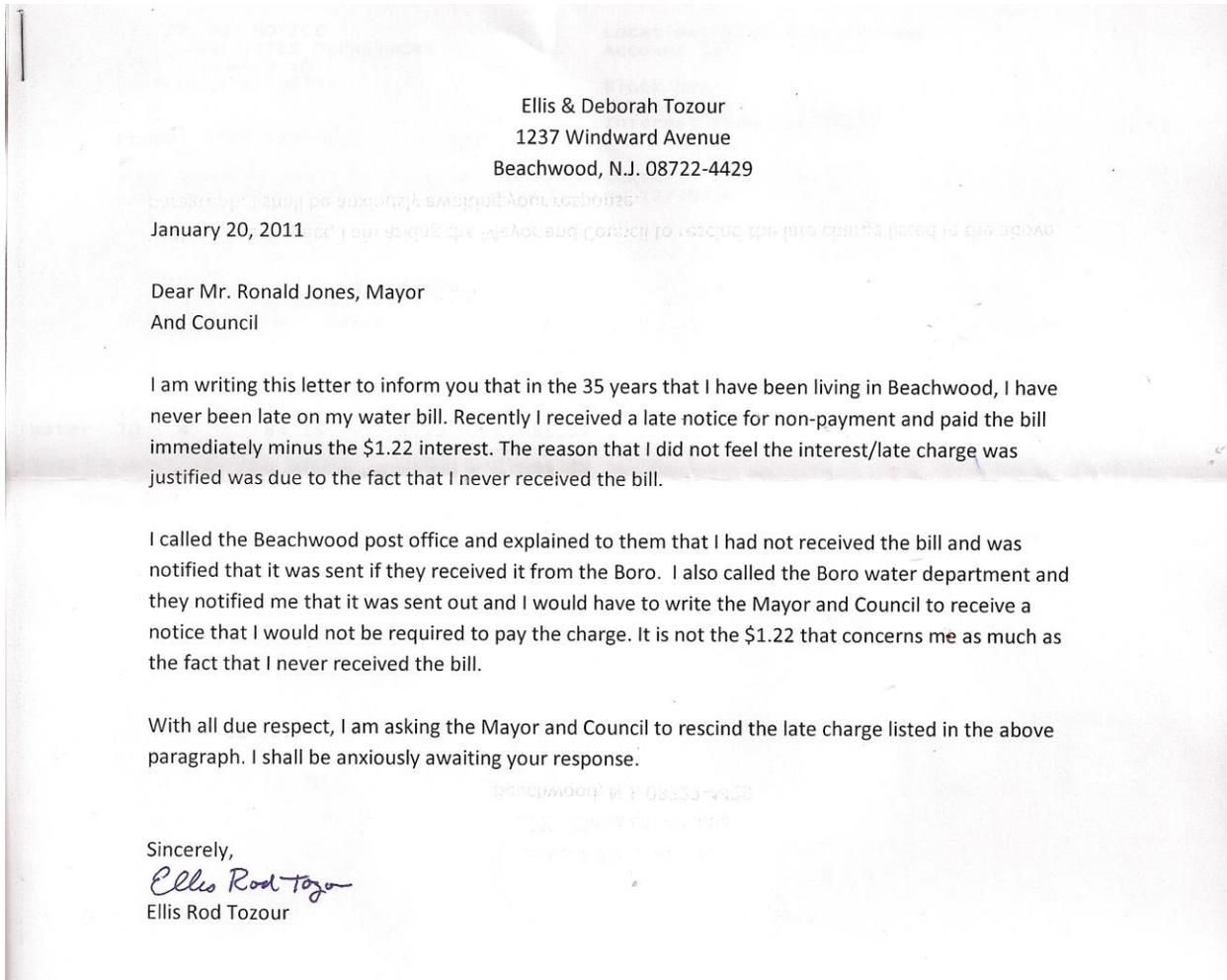
| | | |
|-----------|---|-----------------|
| Date: | Sept. 06 to Sept. 07 | Ptlm. P. Schena |
| Location: | Gloucester County Police Academy, Sewell N.J. | |
| Subject: | Accident Investigation for Patrol Officers | |
| Cost: | \$40 | |
| Vehicle: | Yes | |

Motion: Roma
Approved: Clayton – Feeney – Komsa – LaCrosse – Roma – Zakar

Second: Feeney

CORRESPONDENCE

a) **Tozour – 1237 Windward. Re: Interest on late water payment. To Consider waiving.**



RESOLUTION

#2011-070 RESOLVED by the Governing Body of the Borough of Beachwood to approve the waiver of Interest in the amount of \$1.22 on Water Account of 1237 Windward Ave. Tozour (Ellis)

Motion: Clayton Second: LaCrosse
Approved: Clayton – Feeney – Komsa – LaCrosse – Roma – Zakar

REPORTS:

Mayor Jones Absent

- Mr. Roma: Welcome to audience. Spoke at last few meetings that Chief and he had opportunity to meet with Global Connect – Regarding the Emergency notification system. As time passed the costs, which were very high in the beginning (\$15,000) have now dropped to under \$2,000. Much to explain - Small monthly fee Borough can be on an Emergency Call system to notify the residents of any emergent condition town wide or district local.
- Mr. Komsa: Ccommented on reverse 911
- Mr. Roma: Explained difference. Will be discussing in detail with Council and strongly urges looking into the service
- Municipal Alliance will be starting a new program geared to TEEN MOTHERS PREGNANCY starting March 31st every Thursday through April. Location Beachwood Library. Will be advertised as to time etc. Volley Ball Thursday Evenings. Turn out this year a bit less than last year but hope to have it pick up soon. Alliance Dances - no dance in March due to Community Center rennovation. Thank you all for coming out.
- Mrs.Clayton: Looking forward to start of Com. Center Renovations Feb. 21... Hope it all runs smoothly. Letter from First Aiders re: building repairs given to Mr. Oris. Problem at Birch & Surf playground area will be addressed . Letter from Assessor re: Lights will be addressed and repairs made if necessary. Questions re: Comcast changes (Digital)
- Mr. LaCrosse: At January 19th meeting discussed with Comcast Executive unwanted unsolicited calls ... today 8 calls - 5 unknown or unidentifiable. Will get to bottom of how to handle these. Exec. Potential Litigation and Personne.
- Last meeting and what took place "personal attack on resident was beyond the realm" "shameful display of lack of leadership, lack of character. Hopefully it won't be done again" Had Mayor been present would have said this to him.
- Mr. Komsa: First Zumba class Friday - expect a good showing. Many calls received on this. Cost \$5 - 16 yrs. and older. Trial class. Snow man contest deadline March 9.
- Mrs. Clayton The Zumba classes wonderful idea...
- Mr. Roma Witnessed Zumba demo - professionals, broke sweat.
- Mr. Zakar: Met with his various departments. Construction permit report. Two new home permits issued.
- Mr. Feeney No report - Exec. Session items.
- Mr. Oris: Water Main projects - Locker St. temporarily suspended due to weather. Several other streets in design phase for water main replacement. Advertising for Well 5 replacement and Piping upgrades Feb. 24. Attended EIS session. Retention Basin Retrofit - priority project. Equipment Purchasing (street sweepers etc.) and Storm Outfall

Mr. Feeney The school has two 2) maybe we should be in touch with TRBE.

Mr. Oris If Borough is willing to address can be done. Addressing a date with State on meeting re: beach.

Attorney

Michael McKenna No report.

Police Chief Cairns: Drug Raid last Wednesday - removing large quantity of marijuana from street and hand guns.

CMFO John Mauder: Statements on time - Levy workbook 2011 budget was issued last Thurs. Will be preparing for Finance Committee meetings on budget.

Municipal Clerk

#2011-071 **A RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, OPPOSING PROPOSED LEGISLATION TO REMIT FUNDS COLLECTED FROM BEACH BADGE FEES TO THE STATE OF NEW JERSEY**

WHEREAS, th e Barnegat Bay - Little Egg Harbor Estuary is located along the central New Jersey coastline within the Atlantic Coastal Plain physiographic province; its watershed encompasses most of the 33 municipalities in Ocean County, including the Borough of Beachwood, as well as four municipalities in Monmouth County; and

WHEREAS, the Barnegat Bay - Little Egg Harbor Estuary, long recognized for its great aesthetic, economic, and recreational value, back bay system is now affected by an array of human impacts that potentially threaten its ecological integrity; and

WHEREAS, in 2010 both branches of the government of the State of New Jersey have advanced environmental plans and legislation aimed at mitigating further environmental degradation of Barnegat Bay and to begin the process of restoring its ecological integrity; and

WHEREAS, on December 6, 2010 the members of the 10th Legislative District introduced legislation entitled "Save Barnegat Bay Fund" (S2470/A3538) which "dedicates (a) portion of sales tax on lawn fertilizer, authorizes special license plates, dedicates portion of beach tag fees, and provides for donations" to the Fund; and

WHEREAS, this act proposes that "any municipality charging and collecting reasonable fees for the purposes set forth in subsection b. of this section (section 1 of P.L. 1955, c.49 (C.40:61-22.20) shall forward, annually, \$1 of each registration fee charged and collected by the municipality to the State Treasurer, to be deposited in the "Save Barnegat Bay Fund" but "no municipality charging and collecting reasonable fees pursuant to subsection b of this shall section shall increase such fees solely for the purposes of implementing paragraph 1 of this subsection"; and

WHEREAS, S2470/A3538 recognizes the need to address the issues endangering the vitality of Barnegat Bay. However, this bill, by creating a \$1 tax on all beach tag fees while only requiring donations from other Barnegat Bay end users, places an inappropriate level of responsibility for the degradation of Barnegat Bay upon those municipalities, which, as permitted by law, collect a beach tag fee; and

WHEREAS, by the implementation of a beach tag tax, a dichotomy is created, forming two unequal classes of citizens, those that can choose to donate and those taxed for the same purpose. This violates the

spirit if not the letter of the equal protection clause of the Constitution of the United States of America and of the Constitution of the State of New Jersey as has been traditionally interpreted by the New Jersey Judicial Branch; and

WHEREAS, P.L. 1955, c.49 (C.40:61-22.20) provides that “the governing body of any municipality bordering on the Atlantic Ocean...may in order to provide funds to improve, maintain, and police the same and to protect the same from erosion, encroachment and damage by the sea or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, by ordinance... provide for the charging and collecting of reasonable fees for the registration of persons using said lands and bathing facilities”. S2470/A3538 is incompatible with the intent and purpose of the establishment of beach tag fees under existing law; and

WHEREAS, the revenue generated by beach tag fees, at best, covers the cost seasonal beach operations, and the establishment of a beach tag tax will place an undue and punitive burden upon municipalities which will need to cover lost revenue, placing a burden upon municipal budgets already restrained by the 2% tx cap; and

WHEREAS, although S2470/A3538 seeks to provide a source of funding for the Save Barnegat Bay Fund, this bill fails to recognize that the responsibility for and major source of the non-point source pollution and the subsequent degradation of Barnegat Bay lies with the development practices of the area located in the western portion of the Barnegat Bay watershed, and with the development practices and policies established by the State of New Jersey Department of Community Affairs, Office of Smart Growth.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Beachwood, who remain strong proponents for the protection and restoration of Barnegat Bay, stand in opposition to S2470/A3538 and respectfully request that said legislation be removed from consideration on the grounds of the inherent inequities and punitive nature.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to:

- Honorable Christopher Christie, Governor
- Honorable Christopher J. Connors, Senator, 9th District
- Honorable Brian E. Rumpf, Assemblyman, 9th District
- Honorable DiAnne Gove, Assemblywoman, 9th District
- Honorable Andrew R. Ciesla, Senator, 10th District
- Honorable James W. Holzapfel, Assemblyman, 10th District
- Honorable David W. Wolfe, Assemblyman, 10th District
- NJ State League of Municipalities
- Ocean County Municipalities

Motion: LaCrosse Second: Zakar
Approved: Clayton – Feeney – Komsa – LaCrosse – Zakar
Abstain: Roma

RESOLUTION
#2011-072 RESOLVED to hire Kathleen Patterson, 1308 Pacific Avenue, Beachwood as P/T Clerk effective February 14, 2011 (pay period begins) at \$10.70 per hour.

Motion: Feeney Second: Roma
Approved: Clayton – Feeney – Komsa – LaCrosse – Roma – Zakar

RESOLUTION

#2011-073

RESOLVED by the Governing Body of the Borough of Beachwood to name Patricia A. Moran as the Borough's representative to the Ocean County Economic Development Block Grant Program.

Motion: Feeney

Second: Roma

Approved: Clayton – Feeney – Komsa – LaCrosse – Roma – Zakar

OPEN TO PUBLIC DISCUSSION

Motion: Roma

Second: LaCrosse

Approved: Clayton – Feeney – Komsa – LaCrosse – Roma – Zakar

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| <p>R. DiBella - Halliard Ave.</p> | <p>Thanked Mr. LaCrosse for stepping up and apologizing. Should pass ordinance of decorum. If already have - then should be enforced. Reminded that Council could have addressed some of their problem by enjoining in a law suit recommended some time back. Another person resigned from board..... number is now 44 who have resigned from boards. What's the deal with a "splash park" addressed on t.v. by Mayor. Never spoke with Council about it. You need to do something about that - you can't have someone making promises or proposals they have no authority to do. Time for Council to be legislative voice and stand up. Mayor has a "convicted sex offender" driving his car - (MAYOR Plates) suggest writing to Sen. Connors about addressing legislation to address revocation of plates if misused....would be a positive step. Courtesy plates identifying as public official allowing convicted sex offender to drive with those plates.</p> |
| <p>Mr. Roma</p> | <p>At the last meeting council members did apologize to the audience for what took place. Addressed comments about Council being responsible for certain problems. Did not see TV ad about a splash park, will look into it.</p> |
| <p>Mr. DiBella</p> | <p>Perhaps should contact Comcast and respond to statements in rebuttal form.</p> |
| <p>Mr. Roma</p> | <p>Maybe should be legislation regarding "courtesy" plates for elected officials vs. convicted felons operating vehicle. Excellent idea.</p> |
| <p>Lipton – Anchor Ave.</p> | <p>Read in paper about literal society getting a million dollar grant to address storm sewers. There have been grants given in past to identify.</p> |
| <p>Letter to C unty</p> | <p>Re: Mapping of storm drains TOMs River</p> |
| <p>Lipton</p> | <p>Mayor was only one who knew about the two (2) members on Land Use Board - which precipitated the problem that arose at last meeting. This governing body has total responsibility to control media release. Nothing should go out without approval of council. You could advise all media he has no authority to officially speak for the town.</p> |
| <p>Mr. Roma</p> | <p>Borough has policy - Have tried to advise media</p> |

| | |
|--------------|---|
| Mr. Lipton | After the fact. Address it now - advise them all he does not speak for the Borough. |
| Mr. LaCrosse | Concerned about any infringement on "free speech". |

CLOSE TO PUBLIC DISCUSSION

Motion: Komsa Second: Zakar
 Approved: Clayton – Feeney – Komsa – LaCrosse – Roma - Zakar

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 - Teamsters
 Potential Litigation – Land Use Board

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

Motion: Roma Second: Feeney
 Approved: Clayton – Feeney – Komsa – LaCrosse – Roma – Zakar

Re-Open

Motion: Clayton Second: Roma
 Approved: Clayton – Feeney – Komsa – LaCrosse – Roma – Zakar

ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION

#2011 – 074 RESOLVED by the Governing Body to approve the agreement between the Borough of Beachwood and the County of Ocean Police Services “Driving While Intoxicated Enforcement Program, and authorize the Mayor and Clerk to Execute on behalf of the Borough of Beachwood.

Motion: Clayton Second: LaCrosse
 Approved: Clayton – Feeney – Komsa – LaCrosse– Zakar
 Abstain: Roma

#2011 – 076 RESOLVED by the Governing Body to approve the agreement between the Borough of Beachwood and the County of Ocean Prosecutors’ Program (formerly referred to as “Fatal Accident Support Team “FAST”) and authorize the Mayor and Clerk to Execute on behalf of the Borough of Beachwood.

Motion: Clayton Second: LaCrosse
 Approved: Clayton – Feeney – Komsa – LaCrosse– Zakar
 Abstain: Roma

