

February 3, 2010

Beachwood Municipal Complex
1600 Pinewald Rd.

6:30 PM

Call to Order

Flag Salute

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.

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 7, 2010.

ROLL CALL MEMBERS PRESENT:

COUNCILMEMBERS:	Katina L. Clark (Left 7:15)	Steven Komsa
	Beverly Clayton	Ronald Roma
	Gregory Feeny	Bonnie Verga

ABSENT: Mayor Ronald Jones - Katina Clark

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.

#2010- 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)

Mar	27	Beachwood PBA (Scholarship Fund Raiser)	Rental:	\$WAIVE
		c/o Ptlm A. O'Connor	Deposit:	\$WAIVE
Mar.	28	Beachwood Pine Beach Girls Softball (Fund Raiser)	Rental:	\$WAIVE
		c/o Cathy Nestor	Deposit:	\$WAIVE

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

#2010-68 WHEREAS, on June 17, 2009 under Resolution #2009-211 approval was given for rental of the Community Center by Peggy Winters, 545 Compass Ave. Beachwood N.J. for May 15, 2010, noting all resident fees were posted; and

WHEREAS on January 22, 2010, written notice of cancellation was received subjected the applicant to a \$100 cancellation penalty.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$750, said refund reflecting a \$100 cancellation penalty, to Peggy Winters, 545 Compass Ave. Beachwood N.J

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

**RESOLUTION
#2010-69**

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AUTHORIZING THE CONVEYANCE OF A TEMPORARY CONSTRUCTION EASEMENT TO THE
COUNTY OF OCEAN FOR APPROXIMATELY 700 SQUARE FEET OF BLOCK 5.59, LOT 9 IN ORDER
TO ACCOMMODATE THE REPLACEMENT OF THE DOUBLE TROUBLE BRIDGE BY THE COUNTY

WHEREAS, the County of Ocean is in the process of reconstructing the Double Trouble Bridge within the Borough of Beachwood; and

WHEREAS, the County requires a small 700 square foot construction easement in order to accommodate the improvements; and

WHEREAS, it is the desire of the Borough Council of the Borough of Beachwood to grant said requested construction easement to Ocean County.

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

1. That the Borough Council hereby authorizes the Mayor and Clerk to execute a construction easement for approximately 700 plus or minus square feet to accommodate the County's reconstruction of the Double Trouble Road Bridge within the Borough of Beachwood.
2. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the County of Ocean, together with the attached executed easement.
- 3.

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

RESOLUTION
#2010-70

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING FINAL CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN THE BOROUGH AND CALDWELL TANKS, INC. FOR THE CONSTRUCTION OF 0.5 MG WATER TOWER REDUCING THE CONTRACT BY \$11,693.00 TO A FINAL ADJUSTED CONTRACT PRICE OF \$1,684,857.00

WHEREAS, the Borough of Beachwood previously awarded a contract to Caldwell Tanks, Inc. for the construction of the new 0.5 MG Water Tower in the amount of \$1,689,500.00; and

WHEREAS, the Borough previously approved Change Order No. 1 increasing the Contract by \$7,050.00; and

WHEREAS, as a result of final as built quantities the Contractor has submitted Final Change Order No. 2 reducing the Contract by \$11,693.00; and

WHEREAS, it is now the desire of this Governing Body to act upon the Borough Engineer's recommendation to approve Final Change Order No. 2.

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

1. That the Borough Council hereby approves Final Change Order No. 2 to the Contract between the Borough and Caldwell Tanks, Inc. for the construction of the 0.5 MG Water Tower reducing the Contract price by \$11,693.00 to a final adjusted Contract price of \$1,684,857.00 representing a .27% decrease from the original Contract price.
2. That upon the adoption of the within resolution, the Clerk is authorized to forward a duly-authenticated copy of it to the Borough Treasurer, the Borough Engineer, the Water Department Superintendent and Caldwell Tanks, Inc.

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

#2010-71

Animal Shelter Services:

RESOLVED by the Governing Body of the Borough of Beachwood to approve the agreement between the Borough of Beachwood and the Ocean County Board of Health for participation in the Animal Facility.; and

FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the agreement on behalf of the Borough of Beachwood.

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

WHEREAS, GMAC Mortgage effected redemption on behalf of property owners, Anthony & Angela Recca for certificate # 09-00004 in the amount of \$575.98.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, N or D Remick for the redemption of certificate 09-00004 in the amount of \$575.98

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

CORRESPONDENCE

None

Reports	
Mr. Roma	Thanked all for coming out tonight. Thanks to First Aid for invitation to Council to annual installation dinner. Good Time. Had by all. Congratulations to all line officers upon their installation.
Mrs. Clark	Environmental Commission - Letter re: matching grants for ERI. Will be submitting more information to council. Speaking with Lifeguards. Head Lifeguard looking to return and will be addressing the 2010 Beach year.
Mrs. Clayton	Signs around town are being replaced and repaired. Deck quotes coming in for Community Center. First Aid addressing "heat" issues. Did some shopping with members for items for building. Letter from Mr. Miller re: Barnegat Blvd, addressing issues with Church. Police have spoken to Church and we are on top of issue.
<u>RESOLUTION #2010-74A</u> <u>Motion: Clayton</u> <u>Second: Roma</u>	<u>Looking for approval for survey work \$2,800.00)- CMX (Halliard 100 Block)</u> <u>Approved: Clark - Clayton – Feeney – Komsa – Roma - Verga</u>
Mr. Komsa	Second family fun night Feb. 8 at Community Center.
Mr. Roma	Announced that Mrs. Clark had left the dias. Clerk advises she was given note that she is leaving.
Mr. Komsa	Spoke with S. Winters Company on Energy Audit. Expect response by end of week.
Mrs. Verga	1316 Anchor Ave = Have contacted owner and bank who is addressing "foreclosure" Will give bank until 2/10 if not accomplished Approve
<u>RESOLUTION #2010-75</u> <u>Motion: Roma</u>	<u>Pending outcome with Bank and Code Enforcement Officer would like DPW to be able to address safety issues if necessary.</u>

Mr. LaCrosse	Addressing State Easements - Matching grant request, (Environmental)
Mr. Roma	This is scheduled to be discussed by Council.
Mr. LaCrosse	Is this absence (Mayor) an excused absence
Mr. Roma	Advised that the Mayor indicated he was under the weather.
Mr. LaCrosse	Chap. II Administration (Code of the Borough) 2-6.9. Addressing time frame for speaking. Council can allow more time if they choose. At prior meeting addressed establishing an Ethics committee. You may want to think about doing this.
	Addressing Land Use Board, memorialization of hiring Attorney, to whom the Mayor owes money. Serious issues. Mayor's ability to make appointments to this board. Concerned about impact of these appointments.
DiBella - Halliard Ave	Looking at minutes 2008 - appropriated \$1800 for Officer DeMarco. Why. Last meeting addressing concerns about appointment of Mr. Cohen. Does not believe Mr. Cohens turn was up.
Mr. Roma	Mr. Cohen, stated to all he was not interested in returning to the board. DiBella: Read article on "notice" of Recall intent - Mayor eluded to letter he filed with Clerk addressing his mental state. Clerk denied the release of the document to requestor. Is there any update on the Clarks (lacking permit for basement).
Mr. Hiering	Addressed comments from Mrs. Verga
Mr. DiBella	Wants issue of Clarks' lack of permit to be checked into. Recreation Commission when did they file Financial Disclosure. Discussed issues of Commission. Spoke with AG office, re: Mayor's signing agreement with County for Juvenile services. Mrs. Clark was here for 11 minutes. Previous absences were they excused.
Mr. Roma	We did not vote to accept or deny.
Mr. DiBella	Mayor Jones absence was "not feeling well" did you request any documentation. Status of documents taken from Municipal Complex (posted on web site) Would ask you to seek an unbiased source to address the issue of the documents not being made available. Thanked Mr. Roma for courtesy shown residents. Comments on Ethics (panel). Letter sent to Land Use Board Secretary to place on record his reason for not being present. What was Clerks role in special meeting.
Mrs. Ciomoski -	Video
	Article addressing no mental disability. Is he or is he not on disability? Release the information.

Mr. Roma	We cannot answer nor should we answer for him. Can't understand why he would give us information but Clerk will not release.
Solowynski; S.	Mayor sent e-mail to Chelsea Michaels (APP) re: her.
LaCrosse; G. - Forecastle Av	Re: e-mail to Press about Mrs. Solowynski. N.Y. Times has gotten into this. Has the Clerk been contacted. Individuals on Recall Committee are having their personal lives looked into. It appears to be intimidation.
DiBella - Halliard Ave	E-mail address came from Borough account... Should be looked into.

CLOSE TO PUBLIC DISCUSSION

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

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
 PBA Negotiations – DPW Supervisors – Administrative Personnel
 Contractual - Professional Services

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

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

Re-Open

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

ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION

#2010 – 77 RESOLVED by the Governing Body of the Borough of Beachwood, that the Police Chief and Municipal Clerk are authorized to begin the steps to address “Intergovernmental Transfer”

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

#2010-78 RESOLVED by the Governing Body of the Borough of Beachwood to approve the salary change to \$55,000 for Gabriel Silva and Clifford Schiel – Retro to January 1, no overtime included and when en licensed for Recycling and C2 an additional \$2,500. Must maintain CEU’s and Respond as needed.

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

Comment Mr. Roma; Each individual does a fine job for the Borough. The salaries are a in fact be a cost savings for the Borough. In the past have paid substantial amount of Overtime and This eliminates Overtime and the need to utilize outside licenses.

ADJOURN

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

Submitted by: E.A. Mastropasqua

Ronald W. Jones; Jr.
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua RMC
Municipal Clerk