

February 6, 2008

NOT OFFICIAL UNTIL APPROVED BY RESOLUTION OF GOVERNING BODY

7:00

Mayor and Council Meeting
Beachwood Municipal Complex
1600 Pinewald Rd.

Call to Order

Flag Salute

While we pray for the safe return of our serving men and women, we must remember that 92 servicemen 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 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 Berkeley Times and Asbury Park Press on January 4, 2007.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald Jones

COUNCILMEMBERS: Katina Clark Steven Komsa
Beverly Clayton Ronald Roma
Gregory Feeney Bonnie Verga

Absent:

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

#2008-54 Municipal Attorney William T. Hiering (Hiering, Gannon & McKenna – Toms River)

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

Mayor Question to Attorney re: thirty day rule.

#2008-55 Municipal Auditor William E. Antonides (William E. Antonides & Co. – Wall N.J.)

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

#2008-56 Municipal Prosecutor Steven A. Zabarsky (Citta Holzapfel & Zabarsky -Toms River N.J.)
Douglas W. Jones Jr. Alternate #1
Thomas V. Campo Alternate #2
John P. Reilly Alternate #3

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

#2008-57 Public Defender Briam Rumpf (Little Egg Harbor N.J.)

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

Mayor Jones will be making changes on Commissions as follows:

#2008-58 Shade Tree Commission - Robert E. Woodward to replace Theresa M. Jackson.

#2008-59 Environmental Commission - Frank Zito to replace Dina Jones

Council still to resolve:

#2008-60 Beachwood Board of Health Debbie Eckert (745 Spray Ave)

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

#2008-61 Police Class I Officer Mary Cairns

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

#2008-62 RESOLVED by Mayor and Council to approve the 2008 Certified Bills List in the amount of \$ 159,727.86

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

March	28	Toms River South Diamond Club	Rental:	WAIVE
		762 Steppingstone Ct.	Deposit:	WAIVE
		Toms River N.J.		
March	29	Anderson	Rental:	\$350.00
		50 Nautilus St.	Deposit:	\$500.00
		Beachwood		
March	30	Schulz	Rental:	\$350.00
		1545 Neptune Ave	Deposit:	\$500.00
		Beachwood		
April	06	Sanislo	Rental:	\$350.00
		732 Spar Ave	Deposit:	\$500.00
		Beachwood		
April	12	Vanucci	Rental:	\$350.00
Previously approved		701 Forepeak Ave	Deposit:	\$500.00
For March29,2008		Beachwood		
April	13	Schena	Rental:	\$350.00
		921 Windward Ave	Deposit:	\$500.00
		Beachwood		
April	26	Palmieri	Rental:	\$350.00
		445 Mermaid Ave.	Deposit:	\$500.00
		Beachwood		
April	27	Laudati	Rental:	\$350.00
		800 Halliard Ave	Deposit:	\$500.00
		Beachwood		
May	09	Kennedy	Rental:	\$350.00
		936 Longboat Ave.	Deposit:	\$500.00
		Beachwood		
May	25	Keilitz	Rental:	\$350.00
		88 Wave St.	Deposit:	\$500.00
		Beachwood		
June	01	Silva	Rental:	\$350.00
		436 Compass Ave	Deposit:	\$500.00
		Beachwood		
June	08	Kelleher	Rental:	\$350.00

		304 Barnegat Blvd.	Deposit:	\$500.00
		Beachwood		
June	29	Burdge	Rental:	\$350.00
		136 Mermaid Ave	Deposit:	\$500.00
		Beachwood		
August	22	Beachwood Republican Org.	Rental:	WAIVE
		c/o R. Roma	Deposit:	WAIVE
		P.O. Box 252		
		Beachwood		
September	27	Salmond	Rental:	\$700.00
		17 Barchester Way	Deposit:	\$700.00
		Westfield N.J.		

Motion: Feeney
 Clayton: Would like to review the policy for waivers.
 Approved: Clark – Clayton – Feeney – Komsa - Verga
 Abstain: Roma
 Second: Komsa
 Opposed:
 Absent

#2008-67 WHEREAS on December 5, 2007 under Resolution #2007-343 approval was given for the rental of the Community Center on March 22, 2008 by Willilam Jenkins 107 Mathis Drive Little Egg Harbor noting all non-resident fees were posted (\$1,400.00); and

WHEREAS, the Borough of Beachwood received written notice of cancellation on January 18, 2008, subjecting the applicant to a \$100.00 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to authorize a refund in the amount of \$1,300.00 to Willilam Jenkins 107 Mathis Drive Little Egg Harbor, said refund reflects a \$100.00 cancellation penalty.

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

#2008-68 RESOLVED by Mayor and Council to move Morgan Blevins to full time clerical effective January 27, 2008 at an annual salary of \$26,062.00

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

#2008-69 RESOLVED by Mayor and Council to approve the application for membership in the Beachwood Volunteer Fire Company #1 Inc. of Kevin Hrudowsky 82 Maple St. Beachwood

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

#2008-70 RESOLVED by Mayor and Council to approve the Raffle Application of the Beachwood Elementary School PTO for February 29th and March 14th, 2008.

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

#2008-71 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE ADVERTISEMENT AND RECEIPT OF BIDS FOR DRAINAGE IMPROVEMENS TO MERMAID AVENUE FROM BIRCH STREET TO MAPLE STREET**

WHEREAS, the Borough of Beachwood requires drainage improvements to Mermaid Avenue from Birch Street to Maple Street; and

WHEREAS, funding is currently in place for said improvements and the project has been recommended by it's Borough Engineer, James M. Oris; and

WHEREAS, the governing body desires to authorize said advertisement and receipt of bids so that the project may commence in the Spring of 2008; and

WHEREAS, the Borough Engineer has indicated that the plans, specifications and bid documents are currently being finalized in order to facilitate the advertisement and award of said drainage improvements.

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 of the Borough of Beachwood hereby authorizes the advertisement for the receipt of bids for drainage improvements to Mermaid Avenue from Birch Street to Maple Street within the Borough of Beachwood

2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Engineer, the Borough Treasurer, and Public Works.

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

#2008-72 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE BOROUGH AND CENTERPOINT ASSOCIATES, INC. FOR THE BOROUGH'S NEW WATER DEPARTMENT AERATOR INCREASING THE PRICE BY \$6,313.37 TO A REVISED CONTRACT AMOUNT OF \$277,083.37**

WHEREAS, the Borough of Beachwood previously awarded a contract to Centerpoint Associates, Inc. of Blackwood, New Jersey in the original amount of \$270,770.00; and

WHEREAS, as a result of a required change in the route of the lime feed to the new raw water tank and the time extension in relation thereto, the Borough Engineer has recommended the approval of Change Order #1 increasing the contract by \$6,313.37 ; and

WHEREAS, said explanation is more fully set forth in attached Schedule A being a letter from CMX to the Borough Water Department dated January 21, 2008; and

WHEREAS, said Change Order is attached hereto as Schedule B dated January 21, 2007; and

WHEREAS, it is now the desire of this Governing Body to act upon the Engineer's recommendation.

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 of the Borough of Beachwood hereby approves the Change Order #1 to the contract between the Borough of Beachwood and Centerpoint Associates, Inc. increasing the contract amount by \$6,313.37 and further increasing the completion date by six (6) calendar days to provide for an increased contract amount of \$277,083.37, together with a revised completion date of April 24, 2008.
2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Administrator, the Borough Engineers, the Borough Treasurer and Centerpoint Associates, Inc.

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

#2008-73 **WHEREAS**, Governor Jon Corzine recently unveiled a financial plan that includes significant toll increases for the Garden State Parkway, New Jersey Turnpike and Atlantic City Expressway; and.

WHEREAS, under the Governor's plan tolls on these essential and vital roads would increase 50% in 2010, 2014, 2018 and 2022 and continue to increase every four years to reflect inflation until 2085; and

WHEREAS, the toll increases will have a profound negative impact on communities whose residents rely heavily on these roads including the Borough of Beachwood; and

WHEREAS, the Borough of Beachwood has a significant population of commuters who enjoy our community's convenient access to the Garden State Parkway; and

WHEREAS, according to the 2000 Census, of Beachwood, there is a significant population of workers over the age of 16, who work within Ocean County and a larger population of workers outside the County of Ocean; and

WHEREAS, in addition to the significant number of workers within and without the County who commute to their places of employment a very small percentage utilize public transportation and the majority of commuters drive alone; and

WHEREAS, under Governor Corzine's current plan, these residents, as well as all other residents who use the Garden State Parkway and New Jersey Turnpike regularly, would see significantly more of their hard-earned dollars go towards their commuting costs which will impact their quality of life and financial well-being; and

WHEREAS, the toll increase plan will place the burden of the State's financial problems inequitably on residents of communities like Brick Township that are in the corridor of these roads.

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. We hereby steadfastly state our opposition to Governor Corzine's current plan to significantly increase tolls on the Garden State Parkway, New Jersey Turnpike and Atlantic City Expressway as these increases would have a severe and profound negative impact on the residents of the Borough of Beachwood, and Ocean County who rely on those roads and use them on a frequent basis.
2. We urge Governor Corzine to develop a fair and equitable plan to eliminate the State's budget deficit other than the proposed plan that will place the burden unfairly on commuting communities.
3. That the Municipal Clerk forward a copy of this resolution to Governor Jon Corzine, the N.J. State Senate, N.J. State Assembly, Ocean County Board of Chosen Freeholders and all N.J. Municipalities urging their support a passage of like action.

Councilman Roma noted that this should be considered an **UNANIMOUS MOTION AND SECOND**

Approved: Clayton – Feeney – Komsa – Roma – Verga

Abstained: Clark

Mayor: Attended Governor's hearing. Does not agree with raising tolls to fund the debt. No plan in effect. Makes negotiating on bonds with Wall Street difficult. Irresponsible not to act at all.

#2008-74 **RESOLUTION OF THE BOROUGH OF BEACHWOOD AUTHORIZING A REFUND OF REDEMPTION MONIES FROM LIEN #07-029 TO LIEN HOLDER CASA NOVA TODAY IN THE AMOUNT OF \$ 1,201.37.**

WHEREAS, at the Municipal Tax Sale held on December 14, 2007, a lien was sold on Block 6.54 Lot 6, also known as 1309 Seaman Avenue, for 2006 delinquent tax charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-029, was sold to Casa Nova Today with an 18% redemption fee; and,

WHEREAS, property owner, Sebastian Cicero has effected redemption on certificate # 07-029 in the amount of \$1,201.37.

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

1. Authorize the Treasurer to issue a check in the amount of \$1,201.37, payable to Casa Nova Today; 60 Chambersbridge Road, Lakewood, NJ 08701 for the redemption of Tax Sale Certificate #07-029.

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

#2008-75 RESOLVED to appoint Robert Klump to the Beachwood Sewerage Authority, Effective immediately.
Term ending January 31, 2013

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

#2008-76 RESOLVED to authorize the Municipal Engineer to Advertise and Receive Bids for Drainage
Improvements to Mermaid Avenue from Birch to Maple.

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

Correspondence: a. Ocean Gate – Wind Summit February 12th.

Reports:

Mayor Jones

PROCLAMATION

WHEREAS, the Boy Scouts of America is a volunteer organization; and

WHEREAS, these volunteers selflessly serve young people in their communities through the organizations chartered by the Boy Scouts of America to use the program; and

WHEREAS, these men and women often neither receive nor seek the thanks of the public; therefore, be it

RESOLVED, that during the celebration of the 98th anniversary of the founding of the Boy Scouts of America, I, Ronald W. Jones as a citizen of the United States and a proud resident of the Borough of Beachwood, County of Ocean, State of New Jersey, proclaim February 3-9,2008, as Scouting Anniversary Week; and be it further

RESOLVED, that during Scouting Anniversary Week, I ask everyone to join me in honoring and giving thanks to all Boy Scouts of America volunteers.

Thanked Council for confirming Debbie Eckert to the Board of Health. Questioned if they had a Secretary – what was the salary and meetings held in 2007.

Questioned Mr. Hierung re: thirty day rule on appointments as it relates to “hiring”

Noted that the N.J. League took no action on a A1295 a bill requiring all public bodies falling under the Open Public Meetings Act to have a flag displayed in the meeting and reciting the Pledge of Allegiance. Would like a resolution to address the stand taken by the League.

Councilmembers:

Katina Clark No quorum for the Board of Health – no meeting. Proposing “Health Fair”, Health Program for Children. Environmental Commission had first meeting, will be researching “Storm Water (Route 9). Shade Tree Commission meeting in March. Recreation will be doing “Beach sweep”. Girls Softball Registration this month.

Beverly Clayton Fireworks specifications in process. One sponsor dropped out. Requested the following:

RESOLUTION:
#2008-77

RESOLVED to authorize the Municipal Attorney to amend the Mayo Park Ordinance to Transfer money from hard to soft costs \$31,100.00

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

Noted Eagle Scouts present P.J. Gillick and T.J. Kirchgessner present. Business Administrator Lacey leaving on February 15th, sad to see him go, has saved us a lot of money.

Gregory Feeney Met with First Aid earlier this evening. Conceptually all are in agreement. Will continue to meet to move it forward. Single source recovery beginning very soon.

Steven Komsa Wind assessment appears it will work in Beachwood. Will be speaking with Rowan University representatives on Aninometer use. Wind summit – Ocean Gate – February 12th. Recreation Family Bingo February 11th. Snowman contest in effect. Easter Egg Hunt March 16th. Today is the celebration of Ronald Regans 97th birthday.

Ronald Roma No Report

Bonnie Verga County pulling out of the Construction Department approx July 1. Borough is looking at different options, and which will be most beneficial to the Borough.

Administrator Absent

Attorney Hiering Fireworks bidding ready to go.

Municipal Clerk: Following were approved for training:
Fire Company – Roger Hull – David Petracca – Greg Pancza
Radiological Emergency Response Protection – Feb. 1 – O.C. OEM Center.

OPEN TO PUBLIC DISCUSSION

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

LaCrosse

Forecastle Ave: Extended thanks to Mr. Lacey for his time and effort on behalf of the Borough. Saved the Borough hundreds of thousands of dollars. If salary going back into budget ? Where?

Mayor does not support Administrator position.

Status of CPWM ?

Mayor notes it can be done with Engineering firm. Wants to promote from within for CPWM.

Commented on "cancer cluster".

Questioned Mrs. Clark on abstention on Toll Hike Resolution?

Mrs. Clark – waiting to see State Budget.

Carter

Admiral Ave: To Mr. Roma – status of Ivy Way and drainage issue.

Roma: Will have Administrator check it out.

Roads behind Quick Check should be addressed.

Roma: Will look into "priorities" in that area.

Census numbers as they relate to re-instating Bd. Of Adjustment.

Schiffmiller

Windward Ave. Researched past minutes back to 2003 and notes that in May and October he reported on the report from hearing in Toms River on Cancer Cluster. Provided that information to Council.

Re: Wind River Development – and reductions in performance bond and discount on hook up fees.

Hiering: Bond never actually reduced because builder had to submit documents and fees, which has not been done. Engineer has sent letter to developer.

Larrison

Spray Ave Status of Borough's commitment to Megans Law. Noted Sex offender living in neighborhood and no notice was given. Chief will review.

Chief Cairns Reminder to public March 1 – "HANDS FREE CELL PHONE" being enforced.

Resident

Cable Ave Suggested that photos of sex offenders should be provided to school bus drivers. Has lived in Beachwood a long time NO cancer cluster in Beachwood.

Schiffmiller

Windward Ave Reminded public that T.R. Intermediate South property was listed as "contaminated site". Advised Council and shortly thereafter Mr. Ritacco appeared at meeting with the public to advise clean up of area.

Byrnes

Pinewald Rd. Re: Last meeting and question if anyone related to CMX = if payments approved, would there be a conflict of interest.

Hiering: Normally the rule refers to someone living in the same household. Doesn't see any problem or appearance of conflict.

LaCrosse
Forecastle Ave.

The report that Mr. Schiffermiller brought up two weeks ago, did anyone check out this report over these past 2 weeks?

DiBella
Halliard Ave

Number of resumes submitted for Sewerage Authority? Three
You believe the most qualified was selected? Yes
Roads behind Quick Check, will be reviewed in meeting with County?

CLOSE TO PUBLIC DISCUSSION

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

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

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

RE-OPEN

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

NO ACTION TAKEN FROM EXECUTIVE SESSION

TO ADJOURN

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

Submitted by: E.A. Mastropasqua

Ronald W. Jones
Mayor

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