

February 07, 2007

7:00 PM

Beachwood Municipal Complex
1600 Pinewald Rd.

Call to Order

Color Guard representing Jersey Shore Council Boy Scouts of America

SALUTE TO FLAG

While we pray for the safe return of our serving men and women, we must remember that 74 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 a REMEMBRANCE of OUR HONORED DEAD. In their memory, a moment of silence and a prayer 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 Ocean County Observer and the Asbury Park Press on January 4, 2007

Roll Call Members Present

Mayor Harold R. Morris

Council members:

Beverly Clayton
Gregory Feeney

Steven Komsa
Thomas Miserendino
Ronald Roma

ABSENT: Gerald W. LaCrosse

Jersey Shore Council on Scouting representative Manny Fonseca presented the "Community Leadership Award:" to Mayor Morris. Scout Leader Richard Gearing presented a letter of appreciation to the Mayor for the Borough's cooperation on various projects. Eagle Scout Ricky Rutkowski presented a letter of appreciation to the Borough .

Presentation by Mayor Morris of Proclamation honoring the 97th Anniversary of Boy Scouts Of America

PROCLAMATION

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

WHEREAS, these volunteers selflessly serve young people in their communities through the organization 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 97th anniversary of the founding of the Boy Scouts of America, I, Harold R. Morris, as a citizen of the United States, and a proud resident of the Borough of Beachwood, Ocean County New Jersey, hereby proclaim February 4 through 10, 2007, as Scouting Anniversary Week; and

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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.

#2007-60 RESOLVED by Mayor and Council to approve the permanent title of Police Chief (per DOP Certification) of William Cairns.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-61 RESOLVED by Mayor and Council to approve the promotion of Robert Tapp to Lieutenant (per DOP Certification)

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second	X					
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

RECESS:

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second			X			
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

RE-OPEN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second			X			
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-62 MAYOR'S APPOINTMENTS TO PLANNING BOARD

Phillip Scarpa – 536 Spar Ave (Alternate)

#2007-63 RESOLVED by Mayor and Council to name Michael Campbell CTC 22 Park Street Toms

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River New Jersey as Tax Collector of the Borough of Beachwood effective February 1, 2007.
Salary \$4,500 quarterly..

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-63 RESOLVED by Mayor and Council to appoint Jeannette Larrison as Deputy Tax Collector effective February 1, 2007. Salary increased by \$5,000. Upon completion of Tax Courses, salary increased by \$2,500. Upon certification by State of New Jersey, salary increased by \$2,500.00

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second						X
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-64 RESOLVED by Mayor and Council to appoint Jeannette Larrison as Deputy Municipal Clerk effective February 1, 2007.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-65 RESOLVED by Mayor and Council, effective February 5, 2007 the following employees will move to a 40 hour work week.

James F. Lacey
Elizabeth A. Mastropasqua
Elizabeth A. Sarantinoudis
Bonnie M. Boud
Jeannette Larrison
Donna LeMore

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second			X			
Approved	X	X	X		X	X
Abstain						

Opposed						
Absent				X		

#2007-66 RESOLVED by Mayor and Council to appoint Bonnie Boud as Deputy Registrar effective February 1, 2007. Salary \$500 annually.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second			X			
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-67 RESOLVED by Mayor and Council to approve the 2007 Certified Bills List in the amount of \$1,045,907.04.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second	X					
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-68 RESOLVED by Mayor and Council to approve the minutes of the January 17, 2007 meeting of Mayor and Council

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-69 RESOLVED by Mayor and Council to approve the minutes of the January 24th meeting of Mayor and Council

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion			X			
Second	X					
Approved	X	X	X		X	
Abstain						X
Opposed						

Absent				X		
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#2007-70 RESOLVED by Mayor and Council to approve the Community Center rentals as follows:

2007		<u>Community Center Rental</u>			
Feb	16	Kelly		Rental:	\$350
		537 Pacific Ave		Deposit:	\$500
		Beachwood			
Feb	24	Tapp		Rental:	\$350
		917 Cable Ave		Deposit:	\$500
		Beachwood			
Mar	25	Eberle		Rental:	\$350
		119 Seaman Ave		Deposit:	\$500
		Beachwood			
Mar	30	Toms River South Diamond Club		Rental:	Waive
		c/oVivona		Deposit:	Waive
		762 Steppins Stone Ct. Toms River NJ			
May	13	Baranker		Rental:	\$350
		26 Bowline St.		Deposit:	\$500
		Beachwood			
July	08	Backus		Rental:	\$350
		1245 Seaman Ave.		Deposit:	\$500
		Beachwood			
July	13	Nielsen		Rental:	\$350
		309 Halliard Ave		Deposit:	\$500
		Beachwood			
Aug.	04	Gioia		Rental:	\$350
		1217 Mermaid Ave		Deposit:	\$500
		Beachwood			
Oct.	27	Argyros		Rental:	\$700
		703 Wellesley Road		Deposit:	\$700
		Lanoka Harbor			
2008		<u>Community Center Rental</u>			
May	18	Beachwood Republican Club		Rental:	WAIVE
		P.O. Box 252		Deposit:	WAIVE
		Beachwood			
<u>MAYO PARK 2007</u>					
May	12	Schenk		Rental:	\$125
		301 Ship Ave.		Deposit:	\$175
		Beachwood			
<u>MAYO PARK 2008</u>					
Sept.	13	Beachwood Repub. Org.		Rental:	WAIVE
		P.O. BOX 252		Deposit:	WAIVE

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second		X				
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-71 RESOLVED by Mayor and Council to approve the Leave of Absence from the position of Finance Assistant for Elizabeth Sarantinoudis for six months.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second						X
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-72 WHEREAS, Christine R. Dehzn was the custodian of the Financial Administration Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Beachwood is changing custodians to Elizabeth A. Sarantinoudis; and

WHEREAS, Elizabeth A. Sarantinoudis is bonded in the amount of \$150,000 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Beachwood, County of Ocean hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second		X				
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-73 WHEREAS, N.J.S.A. 40A: 5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and

WHEREAS, it is the desire of the Mayor and Council, Borough of Beachwood, County of Ocean to establish such a fund for the Police Department in the amount of \$1,000.00; and

WHEREAS, the custodian for the fund is Police Chief William Cairns, who is bonded for

the amount of \$1,000,000.00. Such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Mr. Roma explained that the funds come from impound yard.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second						X
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-74 RESOLVED by Mayor and Council to approve the hiring of Crossing Guard James Leta, salary \$9.23 per hour as used.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second						X
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

ORDINANCE FINAL READING – PUBLIC DISCUSSION – ADOPTION

#2007-01 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE #2006-07 ENTITLED “AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY SUPPLEMENTING CHAPTER 17 ENTITLED “DEVELOPMENT” TO INCLUDE AN ARTICLE ENTITLED “STORMWATER MANAGEMENT CONTROL”

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second		X				
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second			X			
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

RESOLUTION

#2007-75 RESOLVED BY MAYOR AND COUNCIL to approve and adopt Ordinance #2007-01 as presented and held for public discussion.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second						X
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

ORDINANCE

FINAL READING – PUBLIC DISCUSSION - ADOPTION

#2007-02 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE #2006-08 ENTITLED “AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY SUPPLEMENTING CHAPTER 17 ENTITLED “DEVELOPMENT” TO INCLUDE “STORMWATER MANAGEMENT CONTROL WITHIN THE BOROUGH AND THE BOROUGH’S PINELANDS AREA” IN ORDER TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second					X	
Approved	X	X	X		X	X
Abstain						

Opposed						
Absent				X		

RESOLUTION

#2007-76 RESOLVED BY MAYOR AND COUNCIL to approve and adopt Ordinance #2007-02 as presented and held for public discussion.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second			X			
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

CORRECTING INCORRECT NUMBERS USED IN PRIOR RESOLUTION

RESOLUTION

#2007-77 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING FINAL CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN THE BOROUGH AND HASKELL SITE WORK, LLC FOR THE 2006 ROAD IMPROVEMENT PROGRAM - ELM STREET, MIZZEN AVENUE, LONGBOAT AVENUE, BIRCH STREET, OCEAN AVENUE AND NAUTILUS STREET DECREASING THE ADJUSTED CONTRACT BY \$453.85 TO A FINAL ADJUSTED CONTRACT PRICE OF \$419,678.33**

WHEREAS, the Borough of Beachwood previously awarded a contract to Haskell Site Work, LLC pursuant to the 2006 Road Improvement Program for Elm Street, Mizzen Avenue, Longboat Avenue, Birch Street, Ocean Avenue and Nautilus Street in the amount of \$418,548.10; and

WHEREAS, as a result of Change Order No. 1, said contract was increased to \$420,132.18; and

WHEREAS, the Borough is considering Final Change Order No. 2 reflecting final as-built quantities decreasing the contract by \$453.85; and

WHEREAS, Borough Engineers, Schoor DePalma Engineers and Consultants, have reviewed said Final Change Order No. 2 and recommended the same for approval; and

WHEREAS, this governing body desires to approve Final Change Order No. 2 to said contract with Haskell Site Work, LLC.

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. The Borough Council of the Borough of Beachwood hereby formally approves Final Change Order No. 2 to the contract between the Borough and Haskell Site Work, LLC for the 2006 Road Improvement Program - Elm Street, Mizzen Avenue, Longboat Avenue, Birch Street,

Ocean Avenue and Nautilus Street decreasing the adjusted contract by \$453.85 to a final adjusted contract price of \$419,678.33.

2. That upon the adoption of the within resolution, the Clerk is authorized to forward a certified copy of it to Borough Engineer, James Oris, and Haskell Site Work, LLC.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

CORRESPONDENCE
None

REPORTS

Mayor Morris
Congratulated Chief Cairns and Lt. Tapp. Thanked Scouts for awards this evening. Will be starting up the drive against Pedophiles. We will be implementing a petition to urge passage of bills to address concerns on Megans Law.

Councilmembers

Beverly Clayton
Marina repairs on hold due to weather issues. Community Center upgrades in progress. Working with Rotary on bench donations. July 4th committee to get together. Attended Rutkowski Eagle Court of Honor.

Gregory Feeney
Congratulated Mayor on awards received from Scouts. Commended Mayor on Megans Law efforts. Thanked employees for job well done and hours changed for the benefit of the residents. Congratulated Chief and Lt. Tapp.

Steven Komsa
Congratulated Chief Cairns and Lt. Tapp. Thanked Boy Scouts and Leaders. Commended Mayor for his efforts on Megan’s Law. Commented on “Family Fun Bingo” night. March 10 – Snow Man Photo Contest Deadline. Announced Easter Egg Hunt and Carousel of Music dates.

Gerald LaCrosse
Absent

Thomas Miserendino
Congratulated Chief Cairns and Lt. Tapp. Congratulated Mayor on Scout award.

Ronald Roma
Supports Mayor on efforts put forth on Megans’ Law. Congratulated him on his award from Scouts. Congratulated Chief Cairns and Lt. Tapp on their achievements and Eagle Scout Rutkowski. Anticipate award of contract for Phase III Drainage Railroad Ave Project. Alliance Dance Friday. Ski trip February sold out.

Administrator Lacey
Executive Session matters.

Municipal Attorney

Verizon is still expressing interest on Cell Tower.

Municipal Engineer

Proposed resolution of award.

RESOLUTION

#2007-78

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BEACHWOOD
AWARDING A CONTRACT TO EARLE ASPHALT COMPANY FOR RAILROAD AVENUE
DRAINAGE - PHASE III FOR THE BASE BID AND ALTERNATE BID IN THE AMOUNT OF
\$244,526.26**

WHEREAS, the Borough of Beachwood previously advertised for the receipt of bids on February 6, 2007 for the Railroad Avenue Drainage - Phase III Project; and

WHEREAS, at the time and place for the receipt of bids, nine bids were received ranging from a low total bid for the Base Bid and Alternate No. 1 of \$244,526.26 to a high Base Bid plus Alternate of \$463,905.50; and

WHEREAS, the Borough Engineer has reviewed and recommended the low bid award to Earle Asphalt Company; and

WHEREAS, the Borough Attorney has reviewed all bid submissions and required documents and found the low bid of Earle Asphalt Company to be in proper form and order; and

WHEREAS, the Borough Treasurer has certified that funds are available for said Base Bid plus Alternate No. 1; and

WHEREAS, it is now the desire of this governing body to award a contract to Earle Asphalt Company in accordance with the Borough's bid specifications for the Railroad Avenue Drainage - Phase III Project.

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 formally awards a contract to Earle Asphalt Company of Farmingdale, New Jersey in the Base Bid amount plus Alternate No. 1 of \$244,526.26 for the Railroad Avenue Drainage - Phase III Project.
2. That upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it to the Borough Engineer and Earle Asphalt Company and to return all bid security to bidders 4 through 9 and the remaining two subsequent to the execution of the contract and supply of all documents by the low bidder, Earle Asphalt Company.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

Clerk Mastropasqua:

No report

PUBLIC DISCUSSION TO OPEN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second					X	
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

Lipton Pennant Ave. **Commended Mayor on his efforts regarding Megan’s Law. Commented on the Legislators’ inability to address.**

Novaky Maple St. **Status of Budget Meeting dates.**

PUBLIC DISCUSSION TO CLOSE

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second			X			
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

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:

Contractual - Engineer -
Personnel - All Departments

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

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second						X
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

TO RE-OPEN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						
Second						
Approved						
Abstain						
Opposed						
Absent						

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

#2007- 79 RESOLVED by Mayor and Council to authorize payment of NJDEP permit fee for Beachwood Water Treatment Plant New Aerator in the amount of \$2,274.00 payable to Treasurer, State of N.J.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second		X				
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-80 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Schoor DePalma for Professional Services on the 2007 NJDOT – Marine Trades I-Boat N.J. Program not to exceed \$4,575.00.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second		X				
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

#2007-81 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and LGA Engineering Inc. for Professional Services Cross Acceptance Report not to exceed \$2,500.00.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second		X				
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

TO ADJOURN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second		X				
Approved	X	X	X		X	X
Abstain						
Opposed						
Absent				X		

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua
Municipal Clerk