

March 4, 2009



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 104 servicemen from New Jersey have been killed in Iraq and Afghanistan, most recently . Spc. Brian M. Connelly, 26, of Union Beach, N.J., died Feb. 26 in Adhamiya, Iraq, of wounds suffered when his vehicle was struck by an explosive device. He was assigned to the 40th Engineer Battalion, Task Force 1-6, 2nd Brigade Combat Team, 1st Armored Division, Baumholder, Germany.

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, posted on the Municipal Website and delivered to the Asbury Park Press on January 10, 2009.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald Jones

COUNCILMEMBERS: Katina L. Clark Steven Komsa
 Beverly Clayton Ronald Roma
 Bonnie Verga

Absent: Gregory Feeney

Time 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 all cell phones and pagers.

Presentation by CGP&H per Mayor Jones (Community Grants Planning & Housing) Mr. David Gerkens

David Gerkens - CGP&H	Mayor Jones - noted that he met the firm at the NJLOM in November, and thought it would be beneficial to have this presentation. Mr. Gerkens gave a brief presentation on the firms services.
Mrs. Clayton	Generally these grants take a year or longer so we would have to project, Bass River - what projects did you bring in for them.
Gerkins	Paris Grants - for Archiving. Crime initiative and Fire programs.
Mayor Jones	A lot of information on stimulus plan coming out. Letter sent to Governor. Is there any mechanism established to get this money?
Gerkins	Only process aware of is Transportation seems to be the priority. It appears they will be first in line to secure those funds.
Mrs. Clayton	Are you familiar with any beach replenishment programs.
Gerkins	Not aware of any.
Mayor Jones	Re: Palmyra - what have you done for them
Gerkins	Approximately 7 or 8 million since starting with them. Currently working on Brown Fields project. Have been very successful with Palmyra.
Mayor	Thanked for presentation.

RESOLUTION

#2009-84 RESOLVED by Mayor and Council to approve the 2009 Certified Bills List in the amount of **\$ 1,843,066.07**

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

RESOLUTION

#2009- 85 RESOLVED by Mayor and Council to approve the minutes of the February 18, 2009 Meeting of Mayor and Council.

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

RESOLUTION

#2009-86 RESOLVED by Mayor and Council to approve the following rentals for the Community Center – Mayo Park

2009		Community Center		
April	03	Gonsiewski	Rental:	\$350
Previously approved for		801 Halliard Ave	Deposit:	\$500
March 22 nd		Beachwood		
April	19	Carta	Rental;	\$350
		912 Neptune Ave	Deposit:	\$500
		Beachwood		

June	05	Decker	Rental:	\$350
		750 Anchor Ave	Deposit:	\$500
		Beachwood		
June	13	Santomenna	Rental:	\$350
		220 Compass Ave	Deposit:	\$500
		Beachwood		
June	26	Humphris	Rental:	\$700
		1652 Whitewater Ct.	Deposit:	\$700
		Toms River N.J.		
July	18	Sowa	Rental:	\$350
		1344 Berkeley Ave	Deposit:	\$500
		Beachwood		
August	01	Rizzo	Rental:	\$700
		1009 Twin Oaks Drive	Deposit:	\$700
		Toms River		
August	02	Meier	Rental:	\$350
		437 Beachwood Blvd.	Deposit:	\$500
		Beachwood		
August	8	McCann	Rental:	\$350
		637 Ocean Ave	Deposit:	\$500
		Beachwood		
August	9	Schremmer	Rental:	\$350
Previously approved		1025 Surf Ave	Deposit:	\$500
For May 9 (#2009-41)		Beachwood		
August	16	Gesser	Rental:	\$350
		73 Locker St.	Deposit:	\$500
		Beachwood		
August	22	Hayes	Rental:	\$350
		652 Neptune Ave.	Deposit:	\$500
		Beachwood		
September	05	Becker	Rental:	\$350
		432 Anchor Ave	Deposit:	\$500
		Beachwood		
MAYO PARK 2009				

May	16	Gruppuso	Rental:	\$150
		1605 First Ave	Deposit:	\$75
		Toms River N.J.		
September	19	Mullen	Rental:	\$125
		1603 Berkeley Ave.	Deposit:	\$175
		Beachwood		

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

#2009-87 WHEREAS the water service at 609 Barnegat Blvd, T. Moran was turned off after the April 8, 2008 Billing at the request of the owner during demolition work at the property; and

WHEREAS, with the issuance of the January 2009 billing the water use was noted in the meter reading and the property was billed in the amount of \$811.20.

At the request of the owner, the meter was checked twice and determined to be functioning correctly, but the owner indicated that there was no use from the turn off until the week of September 18, 2008 and the billing was contested; and

After review and discussion with the property owner, neither party could account for when the water was turned on again and the Borough authorized negotiation of the outstanding bill of \$811.20 and in comparing bills for the same period of use for the prior year, the parties agrees to a charge of \$500.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Water Dept to issue a credit to the account of T. Moran, 609 Barnegat Blvd, in the amount of \$311.20.

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

CANCEL #2009-88

#2009-89 WHEREAS, on December 8, 2008 a “Freon” permit was issued to Anthony Vederese 537 Spar Avenue Beachwood (\$20) for pickup of an air conditioner; and

WHEREAS, prior to the pickup, the applicant went to place the sticker on the unit only to notice that someone had removed it from the curb; and

NOW, THEREFORE, BE IT RESOLVED, with the return of the permit and the applicants written request for a refund, to authorize a refund of \$20 to Anthony Vederese 537 Spar Avenue Beachwood

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

#2009-90 RESOLVED by Mayor and Council to approve the renewal agreement between the Borough of Beachwood and Ocean County for the Ocean County Energy Cooperative Pricing System pursuant to the provisions of N.J.S.A.40A:11-11 (5); and

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

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

#2009-91 A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Borough of Beachwood wishes to apply for a project under the Safe and Secure Communities Program; and

WHEREAS, the Mayor and Council have reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Applicant Local Unit of Government, for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood that;

1. As a matter of public policy the Applicant’s Unit of Government wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the Applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

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

#2009-92 RESOLVED by Mayor and Council to approve the Lease/Sublease by the Borough of Beachwood from the Beachwood First Aid Squad real property known as Block 4.26 Lot 14, which will allow the Borough to construct and finance a new First Aid Building upon said real property, including site improvements; and

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

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

RESOLUTION
#2009-93 **RESOLUTION AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE**

WHEREAS, Code violations were determined to exist requiring the clean-up, lawn maintenance and removal of litter, grass, weeds and leaves; and,

WHEREAS, The responsible parties did not perform the work necessary to alleviate the violations. To provide for public health and safety, the Department of Public Works performed the clean-up, maintenance and removal of debris; and,

WHEREAS, Public Works has generated an invoice detailing the cost of clean-up and removal.

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

1. The Tax Collector is hereby directed to place and Added Lien Tax. The lien will be billed against the February 2009 quarter taxes and the Collector will send out a bill upon notification of passage of this resolution and allow a suitable amount of time consistent with tax billing for the payment of said amount without interest. At expiration of that time, interest will accrue at the level established by resolution chargeable from April 1, 2009.

Block 1.27 Lot 10; 432 Ensign Ave

<u> 2 </u> Laborer/Operator	@ \$14.37 per hr. =	\$ 28.74
<u> </u> Use of Dumptruck	@ \$80.00 per day. =	_____
<u> </u> Use of Machine	@ \$290.00 per day =	_____
<u> 1 </u> Use of Weedwacker	@ \$50.00 per day =	\$ 50.00
<u> 1 </u> Use of Pole Pruning Saw	@ \$85.00 per day =	\$ 85.00
<u> </u> Logs/Stumps Recycling fee	@ \$34.00 per ton =	_____
<u> </u> Trash, Landfill fees	@ \$81.16 per ton =	_____
Administrative /Fuel costs/Misc	@ \$75.00 =	\$ 75.00
Other		_____
TOTAL		\$ 238.74

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

RESOLUTION

#2009-94 **AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00004 TO LIEN HOLDER CCTS TAX LIENS II, LLC, IN THE AMOUNT OF \$ 923.13 PLUS A PREMIUM OF \$100.00**

WHEREAS, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 1..43 Lot 11, also known as 320 Beach Avenue, for 2007 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-00004, was sold to CCTS Tax Liens II, LLC, with a 0% redemption fee and a premium of \$ 100.00; and,

WHEREAS, Bank of America, has effected redemption on behalf of property owner, Stephen McHugh for certificate # 07-00004 in the amount of \$923.13.

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 \$1023.13, payable to CCTS Tax Liens II, LLC, 141 Shreve Avenue, Barrington, NJ 08007, for the redemption of Tax Sale Certificate #07-00004 and refund of the premium

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

RESOLUTION

#2009-98

RESOLVED by Mayor and Council to approve the application for membership into the Beachwood Volunteer Fire Company #1 of Megan Dougherty – 1308 Neptune Avenue – Beachwood

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

CORRESPONDENCE

- a. **O.C. Prosecutor Marlene Lynch Ford to Chief Cairns**
Re: Megan’s Law Notification.
- b. **N.J. Dept. Treasury – Div. Public Contracts**
Re: Compliance with Affirmative Action
- c. **O.C. Saint Patrick’s Day Parade Committee**
Re: Invitation to participate
- d. **Beachwood Elementary PTO**
Re: Donation of Robo Can for Fund Raising Program

APPROVED

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

Reports	
Mayor	No report
Mrs. Clark	Girls Softball request for field work. Submitted letter and asking Council to move forward.
	Roma: Mayor was going to gover over with league and make application to Planning Board.
	Clark: If Planning Board approves we can move forward.
	Clayton:If you have the funding for it.!
	Clark: Review of Environmental Proposal. Can Finance Committee discuss with regard to matching grant for ERI a.s.a.p. this is due by 3/31. Non-Smoking signs re: Soccer. Will address other locations at another meeting.
	To Approve Soft Ball Field Motion: Roma Second: Clark Approved:
Beverly Clayton:	Fire works committee has yet to meet. 2009 finalized, but working on 2010. Donations seem to be coming in 1/2 or less. First Aid building - weather delay. Second floor is up. Meeting Monday with Pine Beach. Status of Rt. 9 Gazebo. victim of vandalism, has been done over. Fire Company Corned Beef Dinner March 14th. 5:00.
Steve Komsa	March 11 deadline for Snowman Contest. Looking at ideas for renewable energy. Looking at Solar tubes, for public works. Spoke with Engineer, and would like to set up appt. for him to meet with outside vendor. Sustainable Jersey Certified, new state program. Try to accumulate points related to renewable energy. Library has new Librarian. DPW did great plowing job during storm.
Ronald Roma	Congratulated Komsa's on birth of Andrew Peter.
Bonnie Verga	No report Commended DPW on storm clean up. Great job.

PUBLIC DISCUSSION – To Close

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

EXECUTIVE SESSION

WHEREAS, SECTION 8 of the N.J. 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 of the subject matter to be discussed is as follows:

Terms and Condition of Employment : - Teamsters Contract
Contractual - Engineer
Litigation - Clark vs. Borough of Beachwood
DiBella vs. Clark/Land Use Board

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

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

Re-Open

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

ACTION RESULTING FROM EXECUTIVE SESSION

2009-100 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 2009 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: Clark – Clayton – Komsa – Roma - Verga
 Opposed: Absent Feeney

#2009-101 Resolved by Mayor and Council to approve the agreement between the Borough of Beachwood and CMX Engineering for NJEIT Submittal Totaling \$20,000 based on proposal submitted February 3, 2009

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

#2009-102 Resolved by Mayor and Council to approved CMX Engineering to submit application to N.J. DEP Environmental Infrastructure Trust Fund for Railroad Drainage Phase VI and Cable Avenue Water Main Replacement – Maple Street to Railroad Avenue.

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

TO ADJOURN

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

Submitted by: E.A. Mastropasqua

 Ronald W. Jones, Jr.
 Mayor

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