

March 21 2012
Beachwood Municipal Complex
1600 Pinewald Rd

7:00 0 PM

Call to Order

Flag Salute:

While we pray for the safe return of our serving men and women, we must remember that 144 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 , 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 and Municipal Web Site on December 31, 2011.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald R. Roma, Jr.

COUNCILMEMBERS:

Beverly Clayton
Gregory Feeney
Steven Komsa

Gerald LaCrosse
Thomas Miserendino
Edward Zakar

Absent:

Snowman Contest Awards



1st Place: Brenda Wilson - 2nd Place: Devina Wilson -3rd Place: Michelle Conover

Mayor Roma – Special presentation to Toms River H.S. South Indian Wrestling Team and Coaches



#18 in New Jersey #3 in Shore Conference
2nd Place District #2 SICS State Sectional Finals
#11 Place A South Walter Woods Tournament Champions
2nd Place NCSJ Title Tournament

Mayor Roma will issue the oath of office as Sergeant to Officer Derek Mussari



TEN MINUTE RECESS –

Motion: Miserendino

Second: Clayton

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

Re-open

Motion: Miserendino

Second: Clayton

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

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Beachwood* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Beachwood* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion: Feeney **Second:** Clayton
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

ORDINANCE

#2012-04

FIRST READING TITLE ONLY

**CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Beachwood in the County of Ocean finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Beachwood hereby determines that a 1 % increase in the budget for said year, amounting to \$ 71,549.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough of Beachwood hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Beachwood, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Beachwood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1%, amounting to \$ 71,549.61, and that the CY 2012 municipal budget for the Borough of Beachwood be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This Ordinance shall be in force after action or inaction of the Mayor as provided by the law or an override of Mayoral veto by the Council, whichever is applicable. Publication will be according to law.

RESOLUTION

#2012-154

RESOLVED by Mayor and Council of the Borough of Beachwood to approve Ordinance #2012-04 as presented on First Reading Title Only.

Motion: Feeney

Second:

LaCrosse

Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

Mr. Lipton requested an explanation of statute referenced as guideline to Ordinance. Mr. Mauder complied.

INTRODUCTION OF THE 2012 MUNICIPAL BUDGET

BOROUGH OF BEACHWOOD			
2012 BUDGET			
Revenues			
	2011	2012	Diff
Surplus Anticipated	1,224,750.00	1,259,600.00	34,850.00
Local Revenue:			
Licenses:			
Alcoholic Beverages	3,800.00	3,800.00	0.00
Fees and Permits	40,800.00	41,000.00	200.00
Fines and Costs			
Municipal Court	142,000.00	131,000.00	-11,000.00
Interest and Costs on Taxes	83,000.00	90,000.00	7,000.00
Beach Badges and Parking Decals	9,500.00	6,800.00	-2,700.00
Mercantile Licenses	8,000.00	8,000.00	0.00
Total Local Revenue	287,100.00	280,600.00	-6,500.00
Misc. Revenues - State Aid			
Legislative Initiative Municipal Block Grant	0.00		0.00
Extraordinary Aid	0.00		0.00
Consolidated Municipal Property Tax Relief Act	102,387.00	102,387.00	0.00
Energy Receipts Tax	562,286.00	562,286.00	0.00
Supplemental Energy Receipts Tax	0.00		0.00
Statewide Municipal Homeland Security Police Assistance	0.00		0.00
Pinelands Property Tax Stabilization	0.00		0.00
Municipal Property Tax Assistance	0.00		0.00
Misc. Revenues - State Aid	664,673.00	664,673.00	0.00
Uniform Construction Code Fees	55,000.00	55,000.00	0.00
Shared Service Agreements	16,948.00	21,216.00	4,268.00
Misc. Revenues - Special Items of General Revenue	69,642.59	0.00	-69,642.59
Misc. Revenues - Special Items of General Revenue Anticipated			
With Prior Written Consent			
Uniform Fire Safety Act	2,800.00	2,600.00	-200.00
Reserve for Waterfront Trust	0.00	0.00	0.00
Reserve for Debt Service	0.00	0.00	0.00
Lease of Mobile Telephone Cell Site	140,000.00	180,000.00	40,000.00
Interfund General Capital	0.00	0.00	0.00
Reserve for Reserve for Recycling Trust			0.00
General Capital Fund Balance			0.00
Total Other Special Items	142,800.00	182,600.00	39,800.00
Receipts From Delinquent Taxes	505,000.00	530,000.00	25,000.00
General Revenue	2,965,913.59	2,993,689.00	23,507.41
Amount to be raised	6,344,243.06	6,629,003.05	284,759.99
Total General Revenues	9,310,156.65	9,622,692.05	312,535.40
			3.36%
			312,535.40
			312,535.40
			3.36%

RESOLUTION
#2012-155

TO APPROVE MUNICIPAL BUDGET 2012

Motion: Feeney

Second:

LaCrosse

Approved: Clayton - Feeney - Komsa - LaCrosse- Miserendino - Zakar

#2012-156 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the Certified Bills List in the amount of **\$1,107,492.63**

Motion: Clayton **Second:** Feeney
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

#2012-157 RESOLVED by Mayor and Council to approve the minutes of the March 07, 2012 meeting.

Motion: Miserendino **Second:** Komsa
Approved: Feeney – Komsa – LaCrosse- Miserendino - Zakar **Abstain:** Clayton

#2012-158 RESOLVED by Mayor and Council to approve the following rentals of the Community Center.

2012		<u>Community Center</u>		
April	29	Beachwood Soccer (Liberty) c/o Kirschgessner	Rental:	\$WAIVE
		1120 Cable Ave., Beachwood	Deposit:	\$WAIVE
Sept.	07	Krukowski	Rental:	\$400
		1129 Longboat Ave., Beachwood	Deposit:	\$600
Sept.	29	Robertazzi	Rental:	\$400
		60 Chestnut St. Beachwood	Deposit:	\$600
Dec.	08	Beachwood Library c/o Nancy Voitko	Rental:	\$WAIVE
		126 Beachwood Blvd., Beachwood	Deposit:	\$WAIVE
Dec.	22	Bragg	Rental:	\$400
		1137 Windward Ave., Beachwood	Deposit:	\$600
2013		<u>Community Center</u>		
May	18	Picaro	Rental:	\$400
		636 Mermaid Ave., Beachwood	Deposit:	\$600
<u>2012 MAYO PARK</u>				
Sept.	15	Beachwood Republican Club	Rental:	\$WAIVE
			Deposit:	\$WAIVE

Motion: Feeney **Second:** Zakar
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

#2012-159 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the following requests for conference, training or seminar

Date:	March 23	Fire Company – Thomas Miserendino
Location:	Burlington County	
Subject:	Principles of Modern Building Construction	
Cost:	\$0	
Vehicle:	No	

Date:	March 29	Fire Company – Thomas Miserendino & Robert Tapp
Location:	Ocean County Fire Academy	
Subject:	Conflict of Interest / Ethics for Code Officials	
Cost:	\$0	
Vehicle:	No	

Date:	April 04	Fire Company – Thomas Miserendino
Location:	Ocean County Fire Academy	
Subject:	Report writing for Fire Services	
Cost:	\$0	
Vehicle:	No	

Date:	April 16	Fire Company – Thomas Miserendino
Location:	Ocean County Fire Academy	
Subject:	Flammable & Combustible Liquids	
Cost:	\$0	
Vehicle:	No	

Date:	April 24	Public Works - Gabriel Silva
Location:	Stockton College	
Subject:	N.J. Source Separation & Recovery Act	
Cost:	\$55	
Vehicle:	Yes	

Date:	May 05	Fire Company – Thomas Miserendino
Location:	Middlesex County Fire Academy	
Subject:	Understanding The Complexity of High Rise Buildings	
Cost:	\$0	
Vehicle:	No	

Date:	May 18	Finance – Elizabeth Sarantinoudis
Location:	New Brunswick Law Center	
Subject:	Payroll Workshop for Municipalities	
Cost:	\$99	
Vehicle:	No	

Date:	June 01	Land Use - Morgan Blevins
Location:	East Windsor – Conference Center – Holiday Inn	
Subject:	Current Issues in Planning & Zoning	
Cost:	\$130	
Vehicle:	No	

Date:	June 25 – June 29	Police - Sgt. Derek Mussari
Location:	Manchester	
Subject:	Patrol Rifle Instructor Course	
Cost:	\$550.00	
Vehicle:	Yes	

Motion: Komsa **Second:** LaCrosse
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

#2012-160 RESOLVED by Mayor and Council to approve the one day Liquor License of the Beachwood Republican Club for September 15, 2012.

Motion: Feeney **Second:** LaCrosse
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

TAX COLLECTOR
REDEMPTION REFUNDS AND OVERPAYMENTS & ISSUANCE OF DUPLICATE TAX SALE
CERTIFICATES

#2012-161 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00187 TO LIEN HOLDER, ANTHONY SILVA, IN THE AMOUNT OF \$1,147.89 PLUS A PREMIUM OF \$200.00.**

#2012-162 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00185 TO LIEN HOLDER, ACT LIEN HOLDING INC, IN THE AMOUNT OF \$562.29 PLUS A PREMIUM OF \$200.00.**

#2012-163 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00184 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$739.53 PLUS A PREMIUM OF \$200.00.**

#2012-164 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00175 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$868.65 PLUS A PREMIUM OF \$200.00.**

#2012-165 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00167 TO LIEN HOLDER, VASYL KAVATSIUK, IN THE AMOUNT OF \$778.06 PLUS A PREMIUM OF \$100.00.**

#2012-166 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00164 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$87.58 PLUS A PREMIUM OF \$200.00.**

- #2012-167 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00149 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$895.43 PLUS A PREMIUM OF \$200.00.**
- #2012-168 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00148 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$1,163.75 PLUS A PREMIUM OF \$200.00**
- #2012-169 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00144 TO LIEN HOLDER, ACT LIEN HOLDING INC, IN THE AMOUNT OF \$586.25 PLUS A PREMIUM OF \$200.00.**
- #2012-170 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00131 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$806.45 PLUS A PREMIUM OF \$200.00.**
- #2012-171 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00127 TO LIEN HOLDER, ACT LIEN HOLDING INC, IN THE AMOUNT OF \$1,122.73 PLUS A PREMIUM OF \$1,200.00.**
- #2012-172 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00100 TO LIEN HOLDER, ACT LIEN HOLDING INC, IN THE AMOUNT OF \$835.01 PLUS A PREMIUM OF \$600.00.**
- #2012-173 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00074 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$927.49 PLUS A PREMIUM OF \$200.00.**
- #2012-174 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00068 TO LIEN HOLDER, ROSEHILL FUND 1, LLC, IN THE AMOUNT OF \$1,539.02 PLUS A PREMIUM OF \$100.00.**
- #2012-175 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00060 TO LIEN HOLDER, STI PROPERTIES LLC, IN THE AMOUNT OF \$1,260.17 PLUS A PREMIUM OF \$200.00.**
- #2012-176 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00051 TO LIEN HOLDER, ANTHONY SILVA, IN THE AMOUNT OF \$1,257.17 PLUS A PREMIUM OF \$200.00.**
- #2012-177 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00050 TO LIEN HOLDER, US BANK FOR CRESTAR CAPITAL, IN THE AMOUNT OF \$4,438.32 PLUS A PREMIUM OF \$12,200.00.**
- #2012-178 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00046 TO LIEN HOLDER, ACT LIEN HOLDING INC, IN THE AMOUNT OF \$414.05 PLUS A PREMIUM OF \$100.00.**
- #2012-179 **RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00034 TO LIEN HOLDER, ACT LIEN HOLDING INC, IN THE AMOUNT OF \$561.67 PLUS A PREMIUM OF \$100.00.**

- #2012-180 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00012 TO LIEN HOLDER, ROSEHILL FUND 1, LLC, IN THE AMOUNT OF \$1,431.01 PLUS A PREMIUM OF \$400.00.
- #2012-181 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00183 TO LIEN HOLDER, VASYL KAVATSIUK, IN THE AMOUNT OF \$1,859.20 PLUS A PREMIUM OF \$300.00.
- #2012-182 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF OVERPAYMENT OF TAXES ON BLOCK 8.55 LOT 5 TO GMAC MORTGAGE IN THE AMOUNT OF \$1,221.48.
- #2012-183 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00146 TO LIEN HOLDER, ANTHONY SILVA, IN THE AMOUNT OF \$2,652.46 PLUS A PREMIUM OF \$1,000.00
- #2012-184 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00190 TO LIEN HOLDER, JOHN LAFLAMME , IN THE AMOUNT OF \$548.88 PLUS A PREMIUM OF \$100.00
- #2012-185 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00196 TO LIEN HOLDER, JOHN LAFLAMME , IN THE AMOUNT OF \$773.71 PLUS A PREMIUM OF \$200.00
- #2012-186 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00194 TO LIEN HOLDER, TRADE MONEY, IN THE AMOUNT OF \$916.63 PLUS A PREMIUM OF \$200.00.
- #2012-187 RESOLVED MAYOR AND COUNCIL TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A DUPLICATE TAX SALE CERTIFICATE #BT-25-91, in the amount of \$2,777.55 issued by Elizabeth Allaire, Collector of Taxes in the Borough of Beachwood, on property assessed to Robert and Melody Ukl also known as Block 1.28, Lot 5, and dated October 3, 1991, in favor of the Borough of Beachwood and recorded at the County of Ocean, in Book#3536 and Page#977

Motion: Clayton Second: Miserendino
 Approved: Clayton - Feeney - Komsa - LaCrosse- Miserendino - Zakar

ORDINANCE FIRST READING TITLE ONLY
 #2012-03 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY DELETING SECTIONS 2-17 THROUGH 2-17.7 (ENVIRONMENTAL COMMISSION) AND SECTIONS 2-19 THROUGH 2-19.11 (SHADE TREE COMMITTEE) AND FURTHER ESTABLISHING THE "ENVIRONMENTAL AND SHADE TREE COMMITTEE"

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

Section 1. Environmental Commission Repealed. Sections 2-17 through 2-17.7 of the Code of the Borough of Beachwood are hereby deleted in their entirety.

Section 2. Shade Tree Committee Repealed. Sections 2-19 through 2-19.11 of the Code of the Borough of Beachwood are hereby deleted in their entirety.

Section 3. Environmental and Shade Tree Committee Established. There is hereby created within the Borough of Beachwood a Committee to be known as "The Environmental and Shade Tree Committee."

Section 4. Purpose of Committee. The Environmental and Shade Tree Committee are hereby established for the purpose of recommending the promotion of conservation and the protection and development and/or the use of natural resources including water resources within the Borough. It is further the purpose of the Committee to recommend programs and plans for the consideration of the Borough Council with respect to the purchase, plan and care, rearing; trimming, preserving and control of the shade trees and ornamental trees of the Borough. They shall further consult on a regular basis with the Council liaison to the Public Works Department. They shall encourage arboriculture.

Section 5. Powers and Duties. The Environmental and Shade Tree Committee shall review the use and possible use of open lands within the Borough and may advertise, prepare and print pamphlets, charts and maps with the pre-approval of the Borough Council. Those pamphlets, charts and maps shall also be applicable to the purchase, planting and care, rearing, trimming, preservation and control of shade trees or ornamental trees within the Borough. The Environmental and Shade Tree Committee shall prepare, keep and index of all open areas, whether publicly or privately owned, including open marsh lands, swamps and other wetlands in order to obtain information on the proper use of these areas. As part of said index they shall also note any and all significant shade trees and ornamental trees located thereon. They shall not, however, enter upon private properties without the express permission of the property owners.

The Committee may recommend to the Borough Land Use Board their input on the inclusion of plants or programs for the Borough's Master Plan. They also may recommend to said Land Use Board and the Mayor and Council programs for the use of any areas, marsh lands and wetlands within the Borough, as well as any areas containing or conducive to the planting and maintenance of shade trees and ornamental trees, together with recommendation for their care.

Section 6. Acquisitions by Borough. In the event the Borough acquires any real property, the Environmental and Shade Tree Committee may recommend the use and care of said property in furtherance of the purposes of the Shade Tree and Environmental Committee.

Section 7. Records and Reports. The Environmental and Shade Tree Committee shall keep records of its meetings and activities and shall make an annual report thereof to the Mayor and Council.

Section 8. Appropriations for Staff Authorized. The Mayor and Council may authorize funds for the expenses of the Environmental and Shade Tree Committee. The Committee may appoint such clerks and other employees as it may require and as shall be within the limits of the funds so appropriated by the Borough Council for the operation of the Committee. The Borough Council may also appropriate funds for the purchase of trees and shrubbery, the purchase of necessary equipment and materials and for the costs of any other related service for the preservation of trees and shrubbery.

Section 9. Members, Appointment, Term of Office, Compensation, Removal from Office, Filling of Vacancies. The Environmental Shade Tree Committee shall consist of five (5) members who shall be appointed by the Mayor with the approval of the Borough Council, all of whom shall be residents of the Borough and one (1) of whom shall be a member or alternate member of the Land Use Board. The members of the Committee shall serve without compensation except if provided elsewhere in this Ordinance. The Committee shall designate one (1) of its members to serve as Chairman or Presiding Officer of the Committee. The terms of office of the first committee member shall be appointed for one (1), two (2) or three (3) years, to be designated by the same method as appointment so that the terms of approximately one-third (1/3) of the members will expire each year, and their successors shall be appointed for terms of three (3) years and until the appointment and qualification of their successors. The Mayor and Council may remove any member of the Committee for cause, upon written charges served upon the member and after hearing thereon, at which hearing the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission shall be filled for the unexpired term in the same manner as an original appointment.

Section 10. Powers of the Borough Council. The Borough Council shall have the power to:

- a. Regulate and control the use of the grounds surrounding the shade and ornamental trees and shrubbery, so far as may be necessary for their proper growth, care and protection and to protect all environmental attributes as noted by the Committee;

- b. Move or require the removal of any tree or part thereof dangerous to public safety; and
- c. Administer treatment to or remove any tree situate upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the Municipality, and enter upon private property for that purpose, with the consent of the owner thereof, provided this suspected condition is first confirmed by a certificate of the Department of Agriculture or by a Borough Professional holding a degree in arboriculture

Section 11. Assessment of Costs in Connection with Shade Trees or Ornamental Trees.

- a. The initial costs of all trees planted by the Borough, the cost of planting the same, the cost of the post and boxes or guards used for the protection of the trees, and the cost of the removal of any tree or part thereof dangerous to public safety shall, if so determined by the Borough Council, be a charge upon the real estate in front of which such tree or trees shall be planted or removed as an improvement thereof. No charge shall be made against the property or the owner thereof where a planting to replace a tree or trees previously planted by the Borough is done, or where a planting is made in connection with commemorative ceremony instigated by the Borough, or where a planting is made in connection with any educational demonstration.
- b. Any cost assessed as provided in this section shall be paid by the owner to the Borough Clerk. Upon failure of the owner to make payment to the Borough Clerk, the Borough Clerk shall certify the cost to the Tax Collector, and the cost assessed shall thereupon become a lien upon the real estate and shall be included in the next tax bill rendered to the owner or owners thereof and be collected in the same manner as other taxes against that property.

Section 12. Authority to Borough Council Not Superseded. Nothing contained in this section shall be held to take away or diminish any of the powers or authority of the Mayor and Council in relation to environmental matters including the preservation, care and protection of shade trees and ornamental trees within the Borough of Beachwood that are within its jurisdiction or to give any other Committee or Board any power or authority with respect to said matters.

Section 13. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 14. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 15. This Ordinance shall take effect immediately.

RESOLUTION

#2012-188 RESOLVED by Mayor and Council to approve Ordinance #2012-03 as presented on First Reading Title Only.

Motion: Miserendino **Second:** Feeney
Approved: Clayton - Feeney - Komsa - LaCrosse- Miserendino - Zakar

Mayor Roma	Explained the reason for streamlining the committees. Hoping that Mrs. Griffith and Mrs. Moorman will continue on after the ordinance is in effect.
------------	---

ORDINANCE FINAL READING, PUBLIC DISCUSSION AND ADOPTION

#2012-02 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ESTABLISHING A LENGTH OF SERVICE AWARD PROGRAM FOR MEMBERS OF THE BEACHWOOD FIRST AID SQUAD AS SPONSORING AGENCY AND IN CONJUNCTION WITH THE BOROUGH OF PINE BEACH

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

SECTION 1. Purpose. The purpose of the within Ordinance is to establish the Length of Service Award Program for the Beachwood First Aid Squad. The Beachwood First Aid Squad serves the Borough of Pine Beach, as well as Beachwood, and contributions will be established on the basis of 70% for Beachwood and 30% for Pine Beach. The program is to reward members of the Beachwood Volunteer First Aid Squad for the years of loyal and devoted service to the residents of the Borough of Beachwood and additionally the Borough of Pine Beach.

SECTION 2. The LOSAP shall provide for fixed annual contributions to the deferred income account for each member of the Beachwood First Aid Squad that meets the criteria set below. Such contribution shall be made in accordance with a plan that shall be established by the sponsoring agency Borough of Beachwood which shall be identical to a similar plan to be adopted by the Borough of Pine Beach and it shall be serviced by a single contractor. The plan shall be administered in accordance with the Laws of the State of New Jersey, the U.S. Internal Revenue Code and this sub-section. Said initial plan point system is attached hereto as Schedule A.

SECTION 3. The length of LOSAP shall provide for annual contributions to each eligible member that meets the criteria as follows:

The annual contribution shall be seven hundred and fifty (\$750.00) dollars per eligible member per qualifying year.

The estimated cost of the program annually has been calculated as follows: 50 members x \$750.00 per member = \$37,500.00

Prorated on the basis of 70% responsibility to Beachwood and 30% responsibility to Pine Beach

A minimum of 50 points per year must be earned in order to qualify for the LOSAP program.

The point system hereby established is attached hereto as Schedule "A".

SECTION 4. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law and further conditioned upon the adoption of a similar Ordinance by the Borough of Pine Beach. Additionally, subsequent to the adoption of the within Ordinance and an Ordinance by Pine Beach it shall not take effect until it is presented as a public question for the voters of both Municipalities at the next general election.

SCHEDULE "A"
POINTS SCHEDULE

ELECTED OR APPOINTED POSITION

1.Completion of one year of service as line officer
(Captain, 1st Lieutenant, 2nd Lieutenant, Sergeant) 30 POINTS

2. Completion of one year of service as Executive Officer (President Vice President Treasurer Secretary)
30 POINTS

TRAINING COURSES

One (1) point applied for each verified one hour of Instruction/training, 20 POINTS MAX
DRILLS

One (1) point per drill attended. A drill must have an attendance of a minimum of one-third (1/3) of the active membership in order to qualify for the point validation 15 POINTS MAX .

MEETINGS

One (1) point per first aid monthly or special meeting attended 05 POINTS MAX

FIRST AID CALLS

A_ Must be in Physical attendance to receive credit
B. The following formula will be used to Determine point total.

50 divided by the total number of calls available
Times the number of calls actually attended
Equal the number of points applied

COMPANY FUNCTIONS

Any active member who becomes temporarily disabled
During a calendar year due to a first aid related injury 50 POINTS

Any active member called to "active" military duty.
(Four (4) year limit on Active Duty) 50 POINTS for time of service.

A MINIMUM OF 50 POINTS PER YEAR MUST BE EARNED IN ORDER TO QUALIFY FOR THE L.O.S.A.P. PROGRAM

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

Motion: Clayton Second: LaCrosse
Approved: Clayton - Feeney - Komsa - LaCrosse- Miserendino - Zakar

Fitzgerald ; C 709 Compass	Spoke of this before. Volunteer is volunteer without pay. Feel you are setting a precedence for other volunteers. First Aid Squad great people, They are not a paid organization.
-------------------------------	---

Mr. LaCrosse Attempted to provide an explanation of paid service and the cost associated with LOSAP being minimal compared to having a paid service.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

Motion: Feeney Second: Komsa
Approved: Clayton - Feeney - Komsa - LaCrosse- Miserendino - Zakar

RESOLUTION
#2012-189

RESOLVED by Mayor and Council to approve and adopt Ordinance #2012-02 as presented and held for public discussion..

Motion: LaCrosse **Second:** Komsa
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

RESOLUTION
#2012-190

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, correcting Resolution #2012-21 authorizing the execution of a Schedule “C” agreement with the County of Ocean for 2012

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 \$3,000.00

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 Mayor Ronald Roma and the Municipal Clerk are 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, 2012 to December 31, 2012.
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:** Zakar
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

CORRESPONDENCE:

- a. Slomins - Seeking refund of monies paid \$46 for permit (Tabled from March 7th 2012)

RESOLUTION
#2012-191

RESOLVED by Mayor and Council to authorize a refund in the amount of \$46 for permit fee to Slomins-Hicksville N.Y. as a result of a cancelled account. (1245 Neptune Ave)

Motion: Clayton **Second:** Miserendino
Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar

REPORTS:

Mayor Roma	Congratulated snowman contest winners (3). Congratulated TRHS Wrestlers - Congratulations to Sgt. Mussari (promotion) Thanked Mrs. Voitko (Library) Meet the Mayor night 3/19. Looking forward to more. Reminder no Alliance dance April. Thanked John - Liz and Finance Com. for budget process. Lap Top in lobby for registering for Reverse 911. 08:30 daily
Councilman Miserendino	No report
Councilman LaCrosse	Unable to meet with OCBH on storm drains. If you get an opportunity to go to O.C. Library you can see artwork from various schools. Maybe we can bring them to the Borough.
Councilman Feeney	Items for Exec. Sess. Thanked John Mauder and Liz. Cong. Sgt. and South athletes.
Councilman Zakar	Happy Birthday - Beachwood 95 th March 22, 2012
Councilman Komsa	Congrats wrestlers - Sgt. Mussari - John-Liz and Finance - Snowman contest entries. . Easter Egg Hunt April1.
Council President Clayton	Thanked Liz and John. Working on Fireworks - looking for new sponsors. Working with Fire Prevention Official and Pyrotechnical company. In final year of three 3 year contract. Re: Lentini - Turnpike Authority. Have not received any official reply. Property location is steep. Need Turnpike Auth. Seeking approval from council on plantings...in area. New flags for marina.(Blue/Anchor) 11 slips will be available. DPW (Bldg. n Grounds) Community Center closed for maintenance. Rec'd info on solar power turned over to Feeney/Komsa. Com. Center - painted inside. One slip #46 needs new brackets. Birch/Surf bathrooms re-done. Mayo Park - pavilion sandblasted and painted. Busy month in B n G.
Resolution #2012-192	Authorizing Mrs. Clayton to buy shrubs for planting on Cranberry property area along Parkway.
Motion: Miserendino	Second: LaCrosse Approved: Clayton - Feeney - Komsa -LaCrosse-Miserendino - Zakar
Engineer	Filter 3 rehab should begin shortly.
Hiering.	Estimated cost to address Wind River - to proceed with Bonding Company
Resolution #2012-193	<p>RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PLACING CRANBERRY ROAD, LLC, A/K/A WIND RIVER DEVELOPERS IN DEFAULT AND DEMANDING THAT LEXON INSURANCE COMPANY (SURETY) COMPLETE THE PROJECT OR PAY THE SUM OF \$166,059.70 TO THE BOROUGH FOR THAT PURPOSE</p> <p>WHEREAS, the Borough of Beachwood previously received Performance Bond 1012437 issued by Lexon Insurance Company in connection with site improvement work on sixteen (16) residential lots on Cranberry Road, Beachwood under date of November 7, 2005; and</p> <p>WHEREAS, the Borough further received a Rider to said Bond in the original amount of \$273,700.00 increasing the bond amount to \$358,300.00 by Rider dated November 7, 2005; and</p> <p>WHEREAS, the Developer has failed to complete said improvements as set forth in the attached Schedule A being the Borough Engineer's estimate of costs in the amount of \$166,059.70 dated March 15, 2012; and</p>

	<p>WHEREAS, it is the desire of this Governing Body to act upon the Engineer's recommendation.</p> <p>NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey as follows:</p> <p>1. That the Borough of Beachwood hereby places the Developer, Cranberry Road, LLC, also known as Wind River Associates, in default and requires Lexon Insurance Company, the Surety, to complete the project or pay to the Borough the sum of \$166,059.70 so that they may complete the project.</p> <p>2. That upon the adoption of the within resolution, it shall be forwarded, together with the Borough Engineer's estimate to Lexon Insurance Company.</p>
	<p>Motion: Feeney Second: Komsa Approved: Clayton - Feeney - Komsa -LaCrosse-Miserendino - Zakar</p>
Chief Cairns	In last few weeks - arrests made in burglaries. Dare in Elementary School. Class II Special (Prince) one of candidates in Jr. Police Academy
CMFO Mauder	One item closed session

OPEN TO PUBLIC DISCUSSION

Motion: Komsa **Second:** Zakar
Approved: Clayton - Feeney - Komsa -LaCrosse-Miserendino - Zakar:

Griffith; R. Chair Shade Tree	Re: Proposed Ordinance - combining committee takes away 5 seats away from people volunteering. You're concerned about people volunteering and your taking away volunteers.
Mayor Roma	Provided and explanation of the intent of the ordinance.
Griffith	Re: Plantings at Sunset. Are the indigneous to this area.
Cimowski - Beachwood Blvd	Flags - Marina - why not American Flags.
Clayton	Explained choices of flags.
Cimowski	Don't you think it these times you may want to consider replacing American Flags.
Councilwoman Clayton	Based on comments from public about lighting flags. Decided this was way to go.

CLOSE TO PUBLIC DISCUSSION

Motion: Zakar **Second:** Komsa
Approved: Clayton - Feeney - Komsa -LaCrosse-Miserendino - 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- Construction
 - Potential Litigation - Schena
 - Contractual - Engineer - Labor Counsel
3. It is anticipated that the subject matter discussed may be made public in (90) days.

Motion: Feeney **Second:** Clayton
Approved: Clayton - Feeney - Komsa -LaCrosse-Miserendino - Zakar:

RE-OPEN

Motion: LaCrosse **Second:** Komsa
Approved: Clayton - Feeney - Komsa -LaCrosse-Miserendino - Zakar::

NO ACTION TAKEN FROM EXECUTIVE SESSION

ADJOURN

Motion: Miserendino **Second:** LaCrosse
Approved: Clayton - Feeney - Komsa -LaCrosse-Miserendino - Zakar::

Prepared by: E.A. Mastropasqua

Ronald F. Roma, Jr.
Mayor

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