

**April 2, 2008**

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 94 servicemen from New Jersey have been killed in Iraq and Afghanistan, Most recently Staff Sgt. William R. Neil Jr., 38, a decorated Green Beret, was killed Saturday (March 22<sup>nd</sup>.) during combat operations near Sperwan Ghar in Afghanistan, he was assigned to the U.S. Army Special Forces Command



Our war dead must always be remembered. Their Heroism deserves its glory, so too does the bravery of each who entered the unknown of conflict and gave their lives to the cause of Freedom.

The greatest tribute we can give is remembering our Honored Dead. In their memory, a moment of silence and a prayer for all our disabled vets and those missing in action and the swift return of all our serving men and women.

OPENING STATEMENT: Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule for this meeting of Mayor and Council of the Borough of Beachwood is listed in the notice of meetings posted on the Bulletin Board, located in the Municipal Complex and delivered to the Berkeley Times and Asbury Park Press on January 4, 2008.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald Jones

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

A total of 10 minutes has been allocated under Borough Code 2-6.9 for the public discussion by individuals. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda. Citizens must give their name and address when recognized to speak. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.

Also, please turn off or put all cell phones on vibrate.

#2008-130 RESOLVED by Mayor and Council to approve the 2008 Certified Bills List in the amount of \$473,389.45

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

#2008- 131 RESOLVED by Mayor and Council to approve the minutes of the March 17<sup>th</sup> 2008 Budget meeting of Mayor and Council

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

#2008- 132 RESOLVED by Mayor and Council to approve the minutes of the March 19<sup>th</sup> 2008 meeting of Mayor and Council

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

#2008- 133 RESOLVED by Mayor and Council to approve the minutes of the March 26<sup>th</sup> 2008 meeting of Mayor and Council

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

#2008-134 RESOLVED by Mayor and Council to approve the rentals of the Community Center as follows:

April	19	Mika	Rental:	\$350.00
		19 Spruce St.	Deposit:	\$500.00
		Beachwood		
April	25	Anderson	Rental:	\$350.00
Prev. Approv		50 Nautilus St.	Deposit:	\$500.00
For 3/29 Re-sched		Beachwood		
Due to ER Hosp of son				
Who's B'day party it is.				
June	08	Spicciatie	Rental:	\$350.00
		720 Windward Ave.	Deposit:	\$500.00
		Beachwood		
August	30	Ong	Rental:	\$350
		1421 Berkeley Ave	Deposit:	\$500
		Beachwood		

MUNICIPAL COMPLEX		
May	2	Beachwood Girls Softball – Photo session rain location

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

#2008-135 WHEREAS, on February 6, 2008 under Resolution #2008-66, approval was given for rental of the Beachwood Community Center by Ellen Kelleher, 304 Barnegat Blvd, Beachwood for June 8, 2008, noting all resident fees were posted \$850, and

WHEREAS, on March 19<sup>th</sup> written notice of cancellation was received, subjecting the applicant to a \$100 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood to authorize a refund in the amount of \$750.00 to Ellen Kelleher, 304 Barnegat Blvd, Beachwood, said refund reflecting a \$100 cancellation fee.

Motion: Feeney  
 Mrs. Clayton commented on the problem with cancellations of rentals during the busy June wedding time.  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Abstain:  
 Second: Komsa  
 Opposed:  
 Absent;

#2008-136 WHEREAS, on October 17, 2007 under Resolution #2007-311, approval was given for rental of the Beachwood Community Center by Melody Siruk, 845 Sunset Rd, Beachwood for August 23 2008, noting all resident fees were posted \$850, and

WHEREAS, on March 20<sup>th</sup> written notice of cancellation was received, subjecting the applicant to a \$100 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood to authorize a refund in the amount of \$750.00 to Melody Siruk, 845 Sunset Rd,, Beachwood, said refund reflecting a \$100 cancellation fee.

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

#2008-137 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AWARDING A CONTRACT TO SCHAEFER PYROTECHNICS FOR JULY 4, 2008 IN THE AMOUNT OF \$23,000.00 AND FOR JULY 4, 2009 IN THE AMOUNT OF \$26,000.00 IN ACCORDANCE WITH THE BOROUGH SPECIFICATIONS AND BASED UPON COMPETITIVE CONTRACTING REQUIREMENTS**

**WHEREAS**, the Borough of Beachwood previously advertised for the receipt of proposals pursuant to Competitive Contracting requirements for the 2008 and 2009 fireworks displays; and

**WHEREAS**, at the time and place of the receipt of proposals two (2) were received; and

**WHEREAS**, a proposal was submitted by Zambelli Fireworks quoting \$35,000.00 for manually fired land shells and \$60,000.00 for electronically fired barge display for each of the years 2008 and 2009; and

**WHEREAS**, said Zambelli Fireworks did not list the number of shells to be fired but mathematically they total 2,873; and

**WHEREAS**, Zambelli Fireworks did not provide the name of pyrotechnical technicians and listed no references within the State of New Jersey; and

**WHEREAS**, a second bid was received from Schaefer Pyrotechnics, Inc. providing for a manually fired display for the year 2008 for the sum of \$23,000.00 and for 2009 for the sum of \$26,000.00; and

**WHEREAS**, Schaefer Pyrotechnics, Inc. supplied a "custom designed display" reflecting the total shell count of 2,528; and

**WHEREAS**, said proposal also provided the names of the lead pyrotechnic and assistants and supplied the name of four (4) Towns and a County located in New Jersey as references; and

**WHEREAS**, said proposals were submitted to the Beachwood Fireworks Committee; and

**WHEREAS**, said Committee has submitted a report and recommendation as attached hereto and made a part hereof as Schedule "A"; and

**WHEREAS**, said recommendation is for the award to Schaefer Pyrotechnics, Inc. in accordance with their bid submission; and

**WHEREAS**, it is now the desire of this Governing Body to act upon the recommendation of the Fireworks Committee.

**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 awards a Contract to Schaefer Pyrotechnics, Inc. for the 2008 and 2009 4<sup>th</sup> of July fireworks for the sums of \$23,000.00 and \$26,000.00 respectively.
2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Treasurer, the Fireworks Committee and Schaefer Pyrotechnics, Inc.
3. That upon the adoption of the within Resolution the Borough shall advertise a Notice of Contract Award in an official newspaper of the Borough of Beachwood.

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

#2008-138 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY Approving the Coin Toss Application of the Beachwood Volunteer Fire Company for May 25-26-27 , July 4-5-6 and September 1, 2008 pending all necessary County approvals.

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

#2008-139 WHEREAS, Block 4.38, Lot 5 owned by Salcat LLC was overbilled for water usage in the second quarter of 2008; and

WHEREAS, the meter reading was posted for 439 and should have been 359.

NOW, THEREFORE, be it resolved by Mayor and Council of the Borough of Beachwood to credit the account of Salcat LLC in the amount of \$377.40.

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

#2008-140 **Resolution Approving a Disabled Veteran Exemption Block 5.06 Lot 13**

**WHEREAS**, The Department of Veteran Affairs determined that Johnnie R. Adams at 832 Sunset Road, Block 5.06 Lot 13 to have a service connected disability that is totally disabling and has owned the above listed parcel as of December 30, 1993; and

**WHEREAS**, Mr. Adams has made application to the Borough as a totally disabled veteran, which has been approved by the Tax Assessor as of March 11<sup>th</sup>, 2008.

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

- 1. The Tax Collector is directed to cancel taxes as follows as follows:

2008- \$3,186.89

- 2. The Tax Collector is directed to process any refund due as a result of the cancellation of taxes
- 3. The parcel is exempted on the 2009 tax list.

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

#2008-141 **AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-035 TO LIEN HOLDER N or D REMICK**

**WHEREAS**, at the Municipal Tax Sale held on December 14, 2007, a lien was sold on Block 10.15 Lot 3 also known as 1037 Spray Avenue, for 2006 delinquent sewer charges; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #07-035, was sold to N or D Remick with an 7% redemption fee; and,

**WHEREAS**, Joseph & Victoria Buchko, owners, have effected redemption for certificate # 07-035 in the amount of \$593.71.

**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 \$593.71, payable to N or D Remick, PO Box 39, Barnegat, NJ 08005 for the redemption of Tax Sale Certificate #07-035.

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

**ORDINANCE – FINAL READING – PUBLIC DISCUSSION – ADOPTION**

**#2008-03 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 10 ENTITLED, "ENFORCEMENT OF STATE UNIFORM CONSTRUCTION CODE", TO ESTABLISH A DEPARTMENT OF UNIFORM CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT, ESTABLISH FEES THEREFOR, AND PROVIDE FOR ENFORCEMENT AND PENALTIES**

OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

#2008-142 A, WHEREAS, the within ordinance was adopted on first reading March 5, 2008; and  
  
WHEREAS, typographical errors were published subsequent to said ordinance  
  
introduction.

NOW THEREFORE BE IT RESOLVED THAT Ordinance No. 3-2008 is hereby  
  
amended as follows:

A. SECTION 10-2 A. (1) Subsection "(b) Additions" should read "(c) Additions,"

B. Section 10-2 A (1) (f) Pools [3] Commerical \$125 "should read" Commercial: \$225.

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

RESOLUTION

#2008-142B RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-03 as presented and held for public discussion and amended

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

ORDINANCE FINAL READING – PUBLIC DISCUSSION – ADOPTION

#2008-04 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY REPEALING SECTION 2-18 OF THE CODE OF THE BOROUGH ENTITLED "BOARD OF HEALTH" IN ORDER TO DISSOLVE SAID BOARD

OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

LaCrosse
Forecastle

The dissolution of the Board of Health vs the "Cancer Cluster"

Mrs. Clark: Beachwood no longer identified in "cancer cluster". Board dissolved because of inability to meet .

CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

Mrs. Clayton asked that a Thank you be sent to the board members and Secretary for their service.

RESOLUTION

#2008-143 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-04 as presented and held for public discussion

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

ORDINANCE FINAL READING – PUBLIC DISCUSSION – ADOPTION

#2008-05 CALENDAR YEAR 2008 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 to 2.5 percent unless authorized by ordinance to increase it to 3.5 percent 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 2008 budget by up to 3.5 percent over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a one percent increase in the budget for said year, amounting to \$60,752.65 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Council hereby determines that any amount authorized herein above 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 2008 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 one percent, amounting to \$60,752.65, and that the CY 2008 municipal budget for the Borough of Beachwood be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized herein above 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 by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

Mr. Lipton  
Pennant Ave Requested that in future public copies be larger print.

CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

RESOLUTION

#2008-144 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-05 as presented and held for public discussion

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

#2008-145 A RESOLUTION APPROVING PARTICIPATION 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 has 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: Verga Second: Feeney
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga Opposed:
Abstain: Absent;

#2008-146 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and the County of Ocean Solid Waste Advisory Council for the Recycling Min-Grant Program in the amount of \$27,000.00

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

CORRESPONDENCE:

REPORTS:

Mayor Jones: Acknowledged Mrs. Claire Fitzgerald for action on behalf of soldiers. Asked Mrs. Clayton who donations are made to for Fireworks. Presenting resolution at next meeting for National Autism Day. Noted that he has taken stand on issues before the League of Municipalities as it relates to “salute to flag” and “tax exemption for disabled vets.”

Councilmembers:

Katina Clark April 26<sup>th</sup> – beach clean sweep - 09:00 to 12:30. Attended Shade Tree meeting at Sandy Hook. State Shade Tree notes that our ordinance may need updating.

RESOLUTION #2008-147 RESOLVED to authorize the Municipal Attorney to report on updating the Shade Tree Ordinance.

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

Working on Health programs for fall.  
 Environmental Commission underwent training over last weekend.

Mayor: Commented on grants available for “Shade Tree”.

Beverly Clayton Thanked all for help on Fireworks bidding process. Happy with award to Kimble Schaefer and will now move forward. Easter Egg Hunt was a great day. Congratulations To Deanna Hammyck for her hard work on the event during absence of Robin Clayton. First Aid building was given courtesy review last week. Marina opened April 1. American Flag Banner program under way again. DPW moving forward on Spring clean up.

Gregory Feeney First Aid building moving forward. Meeting with Fire Company regarding LOSAP. Receiving Mini Recycling Grant of \$27,000.

Steven Komsa Thanked Recreation for hard work on Egg Hunt. April 28<sup>th</sup> – Public Information session on Wind Turbines. May 26<sup>th</sup> town Picnic and Memorial Day Parade. July 13<sup>th</sup> and August 10 – Bands at the Beach.

Ronald Roma No report

Bonnie Verga New construction official started April 2. Borough on path forward. Site Obstructions – reminder it’s Spring – clean up property corners.

Attorney Hiering Executive Session

Municipal Clerk:

RESOLUTION #2008-148 TO APPROVE THE FOLLOWING FOR CONFERENCE TRAINING SEMINAR

DATE:	April 21 – April 25 - Police Dept: Lt. Tapp – Ptl. O’Connor
LOCATION:	Atlantic City
SUBJECT:	Combating Community and School Violence
COST:	\$125 @ Applying to O.C. Pros to utilize forfeiture monies
VEHICLE:	YES

DATE:	April 22	Municipal Court – Linda Felton
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LOCATION:	Mt. Laurel
SUBJECT:	Domestic Violence Training
COST:	\$0
VEHICLE:	NO

DATE:	April 9 & 12	Fire Company – J. Diehl	“Fire Attack – Single Family”
	May 15 & 22	Fire Company – J. Diehl - T. Miserendino	“I-400”
	May 28 & 31	Fire Company – J. Diehl	“Ventillator Operations”
	June 18	Fire Company – J. Diehl – T. Miserendino	“Incident Response to Terrorist Bombings”
	July 10 & 12	Fire Company – J. Diehl	“Fire Fighter Self Rescue – Rope Bail
LOCATION:	O.C. Training Ctr.		
COST:	\$0		
VEHICLE:	YES		

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

OPEN TO PUBLIC DISCUSSION

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

Lipton  
 Pennant Ave. Commented on Mayors report on activities of the League of Municipalities.

Schiffermiller  
 Windward Ave Questioned status of minutes and availability from Executive Session February 6<sup>th</sup> and action taken after meeting.

Mr. Hiering: Explained error as did Mr. Feeney.

Balazinski Commented on anonymous call to police – prompting them to search him for knife. WHY?

LaCrosse  
 Forecastle Ave Charges filed last November in court against him while acting as a member of council. Believes he is entitled to legal counsel.

Mr. Hiering: Council should discuss. Mr. Roma: Need to clarify with Council.

Mrs. Verga: Clarifying that action took place as Council President.

#2008-149 RESOLVED to consult with Conflict attorney to see if Mr. LaCrosse is entitled to legal representation for possible defense.

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

Byrnes  
Pinewald Rd. Does not believe action is correct (Res. #149) If It goes beyond the question of information, he will persue.

DiBella; R.  
1008 Halliard Ave Questioned text message from Mayor.

Aker  
Lacey Twp. Comments on Mayor and actions of council.

Bucca  
Neptune Ave Still sees animosity among those present.

DiBella; L  
1008 Halliard Ave Commented on Mayors stand on pedophiles.

Bucca  
Neptune Ave Hired Mayors' son

Jansen  
1228 Mizzen People have to work together.

Timminy  
Seaman Ave Looking for Ordinance to address leaves being blown into street.

Morris; G  
Beach Ave Pedophile in town and working in town.

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 - Public Works – Fire Prevention  
Contractual – Engineer – (DOT) (NJDEP-EIT)  
COAH Planner

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

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

**RE-OPEN**

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

**ACTION TAKEN FROM EXECUTIVE SESSION THIS DATE FOLLOWING DISCUSSION**

#2008- 150 RESOLVED to approve MANZO constructions installation of 10lf – 24” perforated HDPE pipe and construct new “E” Inlet and necessary connections not to exceed \$4,750.00

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

#2008-151 RESOLVED by Mayor and Council to approve the CMX Construction observation (Nautilus St. Ord. 2007-09) not to exceed \$16,000.00

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

#2008-152 RESOLVED by Mayor and Council to authorize CMX to advertise notice to bidders on DOT 2007 Roadway Improvement Nautilus St.

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

#2008-153 RESOLVED by Mayor and Council to authorize CMX to perform extra work on NJDEP EIT grant.

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

#2008-154 RESOLVED by Mayor and Council to approve a \$200 increase in salary of Fire Prevention Official T. DiMichele.

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

#2008-155 RESOLVED by Mayor and Council to correct the salary for substitute fire inspectors to read \$20 per hour not inspection.

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

#2008-156

RESOLVED by Mayor and Council to approve the 2008 Clothing Allowance of \$300 for Nino LaColandra

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

Second: Feeney  
Opposed:  
Absent:

Clerk was authorized to request COAH Planner (Birdsall) to attend the Borough Workshop to update council on COAH.

TO ADJOURN

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

Second: Clark  
Opposed:  
Absent:

Submitted by: E.A. Mastropasqua

\_\_\_\_\_  
Ronald W. Jones Jr.  
Mayor

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

*From The Desk Of*

*Richard J Rutkowski*

825 Ocean Ave

Beachwood NJ.08722

Home Phone 732-473-0319

Fax number 732-349-8190

MSHELLRIC@AOL.COM

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*Dear, Mayor and Council*

*March 21, 2008*

*This letter is to dispute my water bill charges for the period of the fourth quarter of 2007 calendar year. Account Id # 4141-0. As you are well aware of the water main and storm sewer projects that are under way in our town. Well during the replacement of our water main and installation of the new water shut off valve the contractor choose not to try and remove my railroad tie retaining wall and hand dug a trench to enable the work that needed to be done . The trench was way to narrow. In doing so the contractor got sand and gravel in my water lines in witch my screen on the cold water side of my washing machine was clogged with gravel and I only could wash with hot water. It is the first water supply point from the shut off valve in the house, and my sprinkler system was leaking. I called the public works department they sent someone over and they looked at the problem they told me that it was not a township problem but the contractor's problem and gave me the name of his supervisor. I called him and left a message. When he called back I explained my problem he very promptly gave me the engineer's number who is in charge of that project, I called him and again had to leave a message with another person. When he called back I explained my problem he intern gave me the contractor's number. So I called him and yes you might have guessed it left a message. When he returned my call I explained my problem to him and he said he would send someone over to look at it. Which he did a man came to my house who spoke very poor English and said his boss sent him here to look at something so I showed him the washing machine screen and all the gravel logged in it and that my sprinkler system was leaking from all the heads. I will quote him " THIS IS NOT MY PROBLEM HE DID NOT KNOW HOW THE SAND AND GRAVEL GOT INTO THE WATER LINES AND THEY DID NOT TOUCH MY SPRINKLER SYSTEM"*

*This was at the end of the work day on a Friday so Monday I called the contractor and told him that I was unhappy with the answer I had gotten from the man he sent over and that I did not think he fully understood what I was talking about. He told me that his foreman spoke perfect English and he would check into it. Two days later he called me back and told me his foreman sent a worker over and he apologized for the confusion and that his foreman would be personally over to look at it, and he did come over the end of the day. He explained that "sometimes dirt, sand or gravel get in the lines even though they put there best effort not to allow this to happen." I told him I was not worried about the washing machine screen I had already fixed it that was only a \$5.53 repair. But I showed it to him anyway. He then said that he was unsure of why my sprinklers were leaking to call my sprinkler guy and let him look at it. So I did and made an appointment for a service call.*

*When the service man came out he discovered that all the zone valve diaphragms were bad, They had sand and pit marks in them and that was allowing the water to leak by. I called the contractor and explained what the service man had found. He said to give a copy of the estimate to his foreman and told me where to find him so I ran a copy down to him. At least a week went by and I did not hear from him so I called and left a message. He called back apologized something of a personal nature came up. He told me to get it repaired and have the sprinkler guy bill him for it. I called my sprinkler guy and made arrangements for him to come fix the problem.*

*When he showed up for the repair he explained he had gotten at least a dozen service calls for the same problem in our town and that he would prefer I had paid him due to the amount of service calls for the same problem. I told him to repair it and I called the contractor and left a message stating I had to pay for the service call and I would forward the bill to him. He called back the next day and said that would be fine. We then got our water bill we decided to wait for the next quarter's bill to come in and compare the bills and when it came in it was our average usage. Not double like the previous bill.*

*In March we called the water department to have the meter tested for the proper metering, John down there was more then accommodating he said he understood my problem and was willing to assist me John made an appointment with me and he sent one of his men out while I was home so I or a family member could witness the test so the man removed the meter and took it to the water department testing bench. It had two test preformed on it and it came back well with in allowable tolerances.*

*The test was performed in front of my 19 year old son Mark*

*So now we now know that there is nothing wrong with the metering equipment and its not the towns fault and its not my fault the contractor was working for the town of Beachwood not Me it stands to reason that you back charge the contractor for the additional water used not me!!*

*THE MORAL OF THE STORY IS THAT I FOLLOWED THE PROPER PROTOCALL AND DID EVERTHING I WAS ASKED TO DO.*

*SO FOR 16 CONCECUTIVE DAYS MY SPRINKLER SYSTEM WAS LEAKING. I HAD A PUDDLE OF WATER IN FRONT OF MY HOUSE AND A VERY MUCH SOAKED LAWN. THAT I HAD NO PART IN DOING!!*

*I AM RESPECTIVLLY ASKING YOU TO AMMEND THE BILL TO THE USAUL AVERGE AMOUNT OF GALLONS USED. NOTHING HAS CHANGED ON MY PART THERE IS STILL THEY SAME FOUR PEOPLE LIVING IN THE HOUSE SINCE WE PURCHASED OUR HOME*

*Sincerely,*

*Richard J. Rutkowski*