

RESOLUTION

#2009-138B RESOLVED by Mayor and Council to approve the 2009 Certified Bills List in the amount of **\$1,851,132.24**

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

RESOLUTION

#2009- 139 RESOLVED by Mayor and Council to approve the minutes of the March 30, 2009 Budget Introduction Meeting of Mayor and Council.

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

#2009-140 RESOLVED by Mayor and Council to approve the minutes of the April 1, 2009 Meeting of Mayor and Council

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

TO TABLE

#2009-141 RESOLVED by Mayor and Council to approve the minutes of the Executive Sessions
 February 18, 2009 - March 4, 2009 – March 18, 2009 and April 1, 2009

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

RESOLUTION

#2009-142 RESOLVED by Mayor and Council to approve the following rentals for the Community Center – Mayo Park

2009		Community Center		
May	22	Spillane	Rental:	\$350
		500 Beacon Ave	Deposit:	\$500
		Beachwood		
July	18	Keri	Rental:	\$350
		513 Beach Ave	Deposit:	\$500
		Beachwood		
2010		COMMUNITY CENTER		

February	20	Brackeen	Rental:	\$350
Previously Approved		1201 Anchor Ave	Deposit:	\$500
For Jan 9, 2010		Beachwood		
<u>MAYO PARK 2009</u>				
June	18	Toms River School Transportation Assoc.	Rental:	\$WAIVE
		2301 Industrial Way South	Deposit:	\$WAIVE
See Letter Below		Toms River		
June	27	Burke	Rental:	\$125
		1510 Cable Ave	Deposit:	\$ 175
		Beachwood		
September	12	Bock	Rental:	\$125
		344 Tiller Ave	Deposit:	\$175
		Beachwood		

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

RESOLUTION
#2009-143

WHEREAS, on March 4, 2009 under Resolution #2009-86 approval was given for rental of the Community Center by Humphris, 1652 Whitewater Court Toms River for June 26, 2009, noting all non-resident fees were posted (\$1,400.00); and

WHEREAS, on March 31, 2009, written notice of cancellation was received by the Borough subjecting the applicant to a \$100 cancellation penalty.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Beachwood to authorize a refund of \$1,300.00 to Humphris, 1652 Whitewater Court Toms River, for rental cancellation said refund reflecting a \$100 cancellation penalty.

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

RESOLUTION
#2009-144

RESOLVED by Mayor and Council to approve the Coin Toss Application for the Beachwood Volunteer Fire Co. #1 Inc. & the Beachwood Volunteer First Aid for the following weekends:

Memorial Day: May 23 -24 – 25
July 4 & 5
Labor Day : September 5-6 – 7

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

ORDINANCE #2009-3 FINAL READING – PUBLIC DISCUSSION - ADOPTION

**CALENDAR YEAR 2009
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 2009 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 \$66,138.91 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 2009 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 \$66,138.91, and that the CY 2009 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 THIS ORDINANCE ONLY

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

No Questions

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2009-145 RESOLVED by Mayor and Council to approve and adopt Ordinance #2009-03 as presented and held for public discussion.

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

RESOLUTION

#2009-146 WHEREAS, The Mandatory Source Separation and Recycling Act, P .L1987, c.102, has established a recycling fund upon which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants (for calendar year 2007) will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Council of the Borough of Beachwood to the *efforts* undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOL VEO by the Mayor and Council of the Borough of Beachwood that the Borough of Beachwood hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates John Behrens to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

RESOLUTION

#2009-147 RETROACTIVE APPROVAL FOR FIRE COMPANY ATTENDANCE AT New York City Fire Academy. Invitation to attend arrived after our April 1st meeting and approval could not be accommodated at that meeting:

Date: April 4th - Dennis Allen – Dominick Roselli – Robert Risk
Location: N.Y. City Fire Academy
Subject: Truck Company Operations/Firefighter Rescues / Tactics at Wind Driven Structure Fires
Cost: \$25 @
Vehicle: Yes

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

CORRESPONDENCE:

RESOLUTION

#2009-148 RESOLVED by Mayor and Council to accept the following report on behalf of the Environmental Commission.

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

3/22/ 2009

Dear Mayor and Council,

Please find enclosed the 2008 Yearend report for the Environmental Commission.

This was the Commissions first year and we are all proud of the accomplishments we have made in one year. In 2008 the commissioners received training with NJ ANJEC. We also worked with Clean Ocean Action and Barnegat Bay Buddies to start our first organized Beach Sweep Clean Ups. These clean ups were held on April 19 and Oct 19 2008. The cleanups also helped with credits towards Beachwood Clean Community NJ Grants. We had Guest Speakers at our meetings to help educate the resident on storm drain management, Robin Clayton. We also had the Sierra Club to discuss nitrates and fertilizer issues present with lawn care and storm drains. As Chairman, I attended the Toms River Cancer Cluster meetings to assure that the Borough of Beachwood was not at risk in the discussed areas. I presented the report the Borough of Beachwood; Mayor and Council for review. On Sept 15, 2008 The Environmental Commission and Greenpeace worked with Intermediate South School to introduce the Rolling Sunlight Tour. We were the only stop in the State of NJ. This Solar Panel Truck went across the country to educate all on solar energy. This took place at the Int. South School parking lot on Sept 15, 2009 with the schools eighth grade classes. The School also incorporated this into their curriculum. Also, in the evening the parents were all invited back for a tour. We the Commission were honored to be chosen to represent the Tour in the State of NJ and were excited to introduce for the first time to Beachwood Solar Energy. Enclosed you will find attached our 2008 Budget Account Status Report. The Governing Body approved \$1000 for the Commission in 2008. We the commission voted on the expense of the ANJEC membership Dues and Books at our first meeting. There are a few expenses that we the commission were unaware of when reviewing this report. Can the Governing Body please inform me on who authorized purchased without the Environmental Commissions knowledge or Approval.

Mr. Clark

Sincerely,



Robert Clark

With an OPRA request for copies of recordings of Environmental Commission meetings, Mrs. Clark advised me, that your home PC, which contained the recordings, crashed and they were no longer available. Following discussion with Mrs. Clark, who was concerned about the need to record the meetings, I advised her I would check with Staples and secure a recording device (which would be held here in the Borough) as soon as I could. As the Liaison to the Commission, one would assume that this was relayed to the Commission especially considering the inability of the Commission to honor the OPRA request.

Elizabeth A. Mastropasqua RMC

Regarding statements of Mayor at earlier meeting referencing comparison to former Mayor Hornidge. Asked if he wore a hat at the Egg Hunt with "MAYOR" emblazoned across the front?

No response

Cimocheski

Asked Mayor if he called any members of the board and asked them not to attend the April 13th Land Use Meeting.?

Mayor: No

DiBella

Halliard Ave:

Update on OPRA request for copy of letter filed by Mrs. Clark with Ethics board.

Update on OPRA request for copies of tapes of Environmental Commission meetings.

Borough hired conflict Judge Brad Collins. He had a conflict of interest in that he had a business relationship with the Mayor and members of his family. Requested Governing Body to address the issue.

Asked Mayor to explain Open Public Meetings Act.

Mayor: No Response

Scout Leader
Troop 114

Seeking permission to use Beach on May 14th - No bon Fire

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

PUBLIC DISCUSSION: To Close

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

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 :
Contractual - Teamsters

Litigation -

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

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

RE-OPEN

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

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION THIS DATE:

Contractual:

#2009-151 RESOLVED by Mayor and Council to approve the contract between the Borough of Beachwood and Teamsters Local 469 retroactive to January 1, 2008 and ending December 31, 2010.

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

Terms and Condition of Employment:

#2009-152 RESOLVED by Mayor and Council to approve the pro-rated Clothing Allowance of \$300 for Nino LaCalandra (DPW)

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

#2009-153 RESOLVED by Mayor and Council having received an inquiry from Construction Department concerning a request to waive permit fees for Habitat for Humanity (as per Ordinance) to approve the waiver.

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

TO ADJOURN

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

Submitted by : E.A. Mastropasqua

Ronald W. Jones, Jr.
Mayor

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