

April 18, 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 146 servicemen and women from New Jersey have been killed in Iraq and Afghanistan, most recently



U.S. Marine Cpl. Derek A. Kerns
Age 21 – Woodstown NJ

Marine Cpl. Derek A. Kerns was one of two U.S. Marines killed Wednesday April 11th 2012 during a military training 10-day exercise in Morocco in the crash of a MV-22 Osprey. Kerns was a MV-22 crew chief with Marine Medium Tiltrotor Squadron 261, Marine Aircraft Group 26MV-22 based at New River Air Station in North Carolina.

Kerns graduated from **Woodstown High School** in 2008 and joined the Marine Corps from Fort Dix in September of that year.

Cpl Kerns leaves behind his wife Mechele Nikole Kerns and three (3) month old son Ayden.

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 veterans, 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:

Mayor's appointment (with Council Approval) to Shade Tree/Environmental Committee and Issuance of Oath of Allegiance

RESOLUTION #2012-210

| Last Name | First Name | Address | Date Appt. | Date Exp. |
|------------------|-------------------|------------------------|-------------------|------------------|
| Morrison | Gary (LUB) | 624 Mermaid Ave. | 04/18/12 | 12/31/12 |
| Griffith | Robyn | 222 Anchor Ave. | 04/18/12 | 12/31/12 |
| Raimann | Debra | 620 Neptune Ave | 04/18/12 | 12/31/13 |
| Schmidt | Carl A | 56 Wave St. | 04/18/12 | 12/31/14 |
| Gearity | Edward F. | 1244 Longboat Ave. | 04/18/12 | 12/31/14 |

Mrs. Raimann was not present to take the oath

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

Mayor Roma expressed his thanks to the volunteers to both the former Shade Tree and Environmental and the new Environmental/Shade Tree Committee.

#2012-211 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the Certified Bills List in the amount of **\$1,903,753.52**

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

#2012-211 RESOLVED by Mayor and Council to approve the minutes of the April 4, 2012 meeting.

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

#2012-212 RESOLVED by Mayor and Council to approve the following rentals of the Community Center.

| 2012 Community Center | | | | |
|------------------------------|----|-------------------------------|----------------|--------|
| May | 20 | Beachwood Republican Org. | Rental: | \$WAVE |
| | | P.O. Box 252, Beachwood | Deposit: | \$WAVE |
| July | 06 | Beachwood Republican Org. | Rental/Deposit | \$WAVE |
| July | 22 | Ortiz | Rental: | \$400 |
| | | 1000 Halliard Ave., Beachwood | Deposit: | \$600 |
| August | 25 | Quiles | Rental: | \$400 |
| | | 235 Capstan Ave., Beachwood | Deposit: | \$600 |
| 2013 Community Center | | | | |
| May | 19 | Beachwood Republican Org. | Rental/Deposit | \$WAVE |
| 2014 Community Center | | | | |
| May | 18 | Beachwood Republican Org. | Rental/Deposit | \$WAVE |

| | | | | |
|------------------------------|----|---------------------------|----------------|--------|
| <u>2013 MAYO PARK</u> | | | | |
| Sept. | 21 | Beachwood Republican Org. | Rental/Deposit | \$WAVE |
| <u>2014 MAYO PARK</u> | | | | |
| Sept. | 20 | Beachwood Republican Org. | Rental/Deposit | \$WAVE |

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

#2012-213 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the following requests for conference, training or seminar

| | | |
|-----------|----------------------------------|-------------------------|
| Date: | March 12 -14 | Police - Adam Griesemer |
| Location: | Gloucester County Police Academy | |
| Subject: | Field Training Officer | |
| Cost: | \$60 | |
| Vehicle: | Yes | |

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

TAX COLLECTOR

RESOLUTION

- #2012-214 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00003 TO LIEN HOLDER, ANTHONY SILVA, IN THE AMOUNT OF \$1,502.93 PLUS A PREMIUM OF \$200.00.
- #2012-215 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00055 TO LIEN HOLDER, US BANK CUST FOR ATR FUND NJ & CAP ONE, IN THE AMOUNT OF \$1,113.65 PLUS A PREMIUM OF \$200.00.
- #2012-216 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00007 TO LIEN HOLDER, JOSEF HOFFMAN, IN THE AMOUNT OF \$524.71.
- #2012-217 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00021 TO LIEN HOLDER, JOSEF HOFFMAN, IN THE AMOUNT OF \$132.83.
- #2012-218 AUTHORIZE THE ISSUANCE OF A DUPLICATE CERTIFICATE OF REDEMPTION FOR TAX SALE CERTIFICATE 11-00027.
- #2012-219 AUTHORIZE THE ISSUANCE OF A DUPLICATE CERTIFICATE OF REDEMPTION FOR TAX SALE CERTIFICATE 10-00045.
- #2012-220 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00199 TO LIEN HOLDER, ROSEHILL FUND 1, LLC IN THE AMOUNT OF \$2,728.31 PLUS A PREMIUM OF \$1,900.00.
- #2012-221 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00178 TO LIEN HOLDER, ROSEHILL FUND 1 LLC, THE AMOUNT OF \$1,498.96 PLUS A PREMIUM OF \$200.00.

- #2012-222** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00168 TO LIEN HOLDER, ANTHONY SILVA IN THE AMOUNT OF \$1,342.46 PLUS A PREMIUM OF \$200.00.
- #2012-223** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00166 TO LIEN HOLDER, SOHEHA THE AMOUNT OF \$416.02 PLUS A PREMIUM OF \$100.00.
- #2012-224** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00158 TO LIEN HOLDER, STI PROPERTIES LLC IN THE AMOUNT OF \$1,381.86 PLUS A PREMIUM OF \$200.00.
- #2012-225** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00080 TO LIEN HOLDER, VASYL KAVATSIUK IN THE AMOUNT OF \$925.78 PLUS A PREMIUM OF \$100.00.
- #2012-226** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00075 TO LIEN HOLDER, ACT LIEN HOLDING, INC. IN THE AMOUNT OF \$168.71 PLUS A PREMIUM OF \$200.00.
- #2012-227** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00075 TO LIEN HOLDER, ACT LIEN HOLDING, INC. IN THE AMOUNT OF \$168.71 PLUS A PREMIUM OF \$200.00.
- #2012-228** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00072 TO LIEN HOLDER, ROSEHILL FUND 1, LLC IN THE AMOUNT OF \$1,781.49 PLUS A PREMIUM OF \$100.00.
- #2012-229** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00069 TO LIEN HOLDER, JOHN LAFLAMME IN THE AMOUNT OF \$929.87 PLUS A PREMIUM OF \$100.00.
- #2012-230** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00048 TO LIEN HOLDER, ACT LIEN HOLDING INC., THE AMOUNT OF \$586.25 PLUS A PREMIUM OF \$300.00.
- #2012-231** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00044 TO LIEN HOLDER, STI PROPERTIES LLC IN THE AMOUNT OF \$1,755.10 PLUS A PREMIUM OF \$200.00.
- #2012-232** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00041 TO LIEN HOLDER, ROSEHILL FUND 1, LLC, IN THE AMOUNT OF \$2,273.96 PLUS A PREMIUM OF \$100.00.
- #2012-233** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00032 TO LIEN HOLDER, ROSEHILL FUND 1, LLC IN THE AMOUNT OF \$1,265.52 PLUS A PREMIUM OF \$100.00.
- #2012-234** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00025 TO LIEN HOLDER, ANTHONY SILVA IN THE AMOUNT OF \$1,669.06 PLUS A PREMIUM OF \$200.00.
- #2012-235** RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00023 TO LIEN HOLDER, ROSEHILL FUND 1, LLC, IN THE AMOUNT OF \$1,264.75 PLUS A PREMIUM OF \$300.00

REPORTS:

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|---------------------------|--|
| Mayor Roma | Thanked committee members for giving of their time. Thanked Fire Company for Easter Breakfast. No Alliance dance this month because of spring break and com. center rehab. Next May 11. Little League Opener Cancelled. Softball April 28th. |
| Council President Clayton | Held meeting with Turnpike Authority - Sen. Connors - Lentini family and other individuals involving the Birch Street Over pass. Reps. asked borough what it wanted. Very Accommodating. Turnpike Authority replanting 180 trees along the site. Issue of guardrail discussed as it relates to safety. Planting will be done by June. After planting Borough will look at other plantings. . Spoke with Yacht Club and discussed all issues under consideration. |
| Councilman LaCrosse | Commented on amendment to Megan’s Law. Urging all to sign on-line petition. |
| Councilman Miserendino | Beach Clean Up 4/21 9:00 |
| Council President Clayton | Addressed students present on part of scholarship program. |
| Councilman Komsa | Recreation Fundraiser - Ruby Tuesday - \$550 for Recreation. Memorial Day Craft fair 5/28. Thanked new members of Environmental/Shade Tree. |
| Councilman Zakar | Thanked new members of Environmental/Shade Tree - Recreation fund raisers - thanked all volunteers |
| Councilman Feeney | Thanked new members of Environmental/Shade Tree and all volunteers |
| Chief Cairns | No report |
| Engineer Oris | Status of Rt. 9 Water Main - on going - addressing some field changes with contractor. Should be completed early May. |
| Attorney Hiering | No report. |

Municipal Clerk Mastropasqua
RESOLUTION #2012-243

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, RECOGNIZING APRIL 15 - APRIL 21 ,2012 AS NATIONAL VOLUNTEER WEEK

WHEREAS, the week of April 15 - April 21, 2012, has been so proclaimed National Volunteer Week in recognition of the efforts of volunteers across the country; and

WHEREAS, the recognition focuses on the outstanding contributions, service and support of volunteers at the local, state, and national levels; and

WHEREAS, our Volunteers, of all ages, contribute many hours to support the needs of Ocean County residents and in particular residents of the Borough of Beachwood; and

WHEREAS, the Borough of Beachwood recognizes the support given by all volunteers to the needs of the communities of Ocean County, such as increasing the capacity of agencies and organizations to provide services, increasing the ability of the recipients of services to lead more productive and independent lives and fostering the concept of service to the community.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Beachwood , County of Ocean, State of New Jersey, that it hereby proclaims the week of April 15 _ April 21, 2012, as National Volunteer Week and honors all of the volunteers of Ocean County for their outstanding service to the communities of Ocean County, and encourages all our residents to GET INVOLVED – VOLUNTEER.; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Ocean County Ocean County Board of Chosen Freeholders, as well as all County of Ocean municipalities, with a request to acknowledge any and all Ocean County Volunteers.

#2012-244

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 2011) 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 RESOLVED 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 Gabriel Silva 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: Feeney

Second: Komsa

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

OPEN TO PUBLIC DISCUSSION

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

| | |
|-------------------------------------|---|
| Renee Fisher 944 Beachwood Blvd. | Knows council discussing issue in Exec Session and asked if could be included. |
| Griffith; Robyn – Anchor Ave | Thanks for appointment. Second Year designation for Tree City. Should be getting plaque for designation. Arbor Day celebration today - left message for Mr. Miserendino. Very successful. Planting at school April 27th. Schools agreed to have it continue she will discuss with new committee. |
| Justin Pierre 1026 Berkeley | Problem residents having 600 block to 1500 block. Problem (ATV'S) Pit entrance on Berkeley - noise never stops. Violating all codes of NJ. Has violators on video. Has reported to Police and told nothing can be done about it. Violators have no regard for laws. |
| Mayor Roma | Thanked for expressing concern about issue. All are aware of problem. Property not Beachwood... Pit itself would be in the jurisdiction of Berkeley. Unlicensed/unauthorized vehicles, chief taking it all in - certain he will be looking into solution. They will handle any legal matters they can handle. |
| Chief Cairns | Several years ago walked the entire stretch with DPW - put up Jersey Barriers - it worked for a while. Pit is a problem, but it's jurisdiction of Berkeley Twp. Invited Mr. Pierre to come in speak with him and assured him it will be addressed. |
| Councilman LaCrosse | Clarification from Mr. Pierre. Asked if we could contact Berkeley Twp and work in conjunction with them to take away the access created. |
| James Horn - First Aid | Two turnovers for year. Doing good. May be getting more members. |

CLOSE TO PUBLIC DISCUSSION

Motion: Komsa **Second:** Miserendino
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 – Public Works - Admin/Tax – Assessor - Code Enforcement
 - Contractual - Engineer Filter 3 rehab.
3. It is anticipated that the subject matter discussed may be made public in (90) days.

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

RE-OPEN _____ During the ending portion of the Executive Session Mr. LaCrosse experienced a Medical Emergency and had to be transported to Hospital.

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

ACTION TAKEN

#2012-245 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE BOROUGH AND KRS SERVICES, INC. FOR THE BOROUGH’S FILTER NO. 3 REHABILITATION PROJECT BASED UPON UNFORESEEN CONDITIONS INCREASING THE CONTRACT FROM THE ORIGINAL AMOUNT OF \$49,858.00 to \$82,424.50 IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C. 5:30-11.9 ENTITLED, “PROCEDURES FOR CHANGE ORDERS WHICH EXCEED 20% LIMITATION”**

WHEREAS, the Borough of Beachwood previously awarded a contract to KRS Services, Inc. for the Filter No. 3 Rehabilitation project in the contract amount of \$49,858.00; and

WHEREAS, as a result of unforeseeable circumstances it is now necessary for the Borough to have under drain installation in filter number 3 and 4 due to damage that could not be determined prior to the award of the contract and removing of all the filter materials; and

WHEREAS, said additional work will require the contract to be increased from \$49,858.00 to \$82,424.50; and

WHEREAS, said increase of \$32,566.50 well exceeds the 20% change order limitation as set forth in New Jersey Administrative Code; and

WHEREAS, the Governing Body has reviewed the Certification of the Borough Engineer and the change order and received a full explanation of why this change order must be approved based upon N.J.A.C. 5:30-11.9; and

WHEREAS, without the immediate authorization of said work the filters would not be ready for the high demand water usage of the summer season resulting in the Borough’s being unable to supply adequate potable water to it’s residents; and

WHEREAS, it is now the desire of this Governing Body to act upon change order number 1 to the contract for the Filter No. 3 Rehabilitation project; and

WHEREAS, the Borough’s CFO has certified that funds are available for said project amendment.

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 approves Change Order #1 to the contract between the Borough of Beachwood and KRS Services, Inc. for Filter No. 3 Rehabilitation increasing the contract by \$32,566.50 to a contract price of \$82,424.50.

2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the KRS Services, Inc., the Borough Engineer, the Borough Treasurer, and the Borough CFO.

Motion: Miserendino **Second: Clayton**

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

#2012-246 RESOLVED by Mayor and Council to approve payment for Medical Evaluations in connection with employment terms and condition .

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

#2012-247 RESOLVED by Mayor and Council to name Ray Hall as Interim Assessor from May 1st. to June 30th

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

ADJOURNMENT

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

Prepared by: E.A. Mastropasqua

Ronald F. Roma
Mayor

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