

April 21, 2010

Beachwood Municipal Complex
1600 Pinewald Rd.

7:00 PM

Call to Order

Flag Salute

While we pray for the safe return of our serving men and women, we must remember that 109 servicemen and women from New Jersey have been killed in Iraq and Afghanistan, most recently on April 9, 2010 U.S. Army Ranger Michael Jankiewicz, Age 23, from Ramsey N.J. He was riding in a CV-22 Osprey aircraft, when it crashed during a combat operation in Zabul Province in Afghanistan. This was his second tour of duty.



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 Asbury Park Press on January 7, 2010.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald W. Jones, Jr.

COUNCILMEMBERS: **Katina L. Clark**
Beverly Clayton
Gregory Feeney

Steven Komsa
Ronald Roma
Bonnie Verga

ABSENT:

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.

The Borough was introduced to the new Beachwood Branch of the Ocean County Library, Ms. Nancy Bonta Voltko who became our Librarian on March 18, 2010. She spoke about the many interesting programs planned for the year. Noted that a "maritime speaker" is scheduled to appear at the Library on June 25.

Mr. David Lipton asked to be recognized in response to the Librarians introduction. He recommended the Borough provide a Posting Board so that they can post notices of their upcoming events.

Mayor's appointments:

Correcting: Appointment to Recreation: Effective April 6. **Jean Herbert Rea** (CLA on file)
 New: Appointment to Environmental: Effective April 21. **Wendi Higgins**. (We have had no response to our letter to Ms. Cherry Gray Gordon. (CLA on file)
 New: Appointment to Shade Tree **Patrick Keenan** (CLA on file) (Filling vacancy of Robert Gugger resigning 3/10/2010)

#2010-142 RESOLVED by Council to approve the 2010 Certified Bills List in the amount of **\$ 1,417,875.82**

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

#2010-143 RESOLVED by Council to approve the minutes of the April 7, 2010 meeting of Mayor and Council.

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

#2010-144 RESOLVED by Council to approve the Community Center Rentals as follows:

2010 Mayo Park			
May	23	Jersey Shore Girl Scouts - Troop 480 and Daisy Troop	Rental: Waive
		c/o Catherine Armstrong - 1201 Seaman Ave	Deposit: Waive
July	17	Lattig	Rental: \$125
		625 Ensign Ave. Beachwood	Deposit: \$175
COMMUNITY CENTER 2010			
June	20	Contreras	Rental: \$700
		1010 Prospect Ave. Pine Beach	Deposit: \$700
August	01	Rutter	Rental: \$700
		104 Pinewood Rd. Toms River	Deposit: \$700
August	15	Colavito	Rental: \$700
		518 Pheasant Lane Toms River	Deposit: \$700
August	20	DePinto	Rental: \$350
		92 Maple St.	Deposit: \$500

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

#2010-145 RESOLVED to approve the following Conference – Training – Seminar

Date:	May 3 to 7	OEM	Chief Cairns – Lt. R. Tapp - Jean Kroutil
Location:	Atlantic City	Subject:	Annual Conf. Emergency Preparedness
Cost:	\$100 p.p.	Vehicle:	Yes
Date:	May 4	JIF :	DPW: A. Bernard –T. Clayton – G. Karacz – L. Starmer – J. Triolo
Location:	Manchester	Subject:	Defensive Driving 6
Cost:	0	Vehicle:	Yes
We could not attend Previous Class is was full.			

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

#2010-146 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 2009) 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 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: Feeney
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga
 Abstain:
 Second: Verga
 Absent:

**RESOLUTION
#2010-147**

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
CERTIFYING INDIVIDUALS, AMBULANCES AND AMBULANCE EQUIPMENT OF THE
BEACHWOOD VOLUNTEER FIRST AID SQUAD**

WHEREAS, N.J.SA 27:5F-27 requires the Governing Body of a Municipality to certify individuals, ambulances and ambulance equipment of Volunteer First Aid Squads as being qualified for emergency medical service programs; and

WHEREAS, the Beachwood. Volunteer First Aid have notified the Governing Body that certain individuals have qualified for membership and that the ambulance equipment and ambulances meet the standards pursuant to statutory requirements; and

WHEREAS, it is now the desire of this Governing Body to act upon said Certification.

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 pursuant to and in accordance with N.J.S.A, 27:5F-27 the Borough hereby certifies the individuals, ambulances and ambulance equipment as being qualified for emergency medical services programs.
2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Beachwood Volunteer First Aid Squad and any other interest party.

Mr. Hierung explained this resolution was prompted by questions and concerns brought by Mayor Jones regarding certification and format.

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

**RESOLUTION
#2010-148**

**AUTHORIZE LIEN CREDIT OF \$30.00 TO BE PAID FROM GENERAL TRUST, REDEMPTION
TAX TITLE LIEN ACCOUNT TO WATER UTILITY FUND**

WHEREAS, a redemption of Lien #09-00036 for Block 10.15, Lot 9 was made on February 10, 2009 and excess funds of \$30.00 were included for recording fees that the lien holder was not entitled to as he did not have the said certificated recorded with the County Clerk, and;

WHEREAS, the Tax Collector wishes to apply the excess funds to delinquent Water for 2010 since the funds from the mortgage company to bring the account up to date were deficient.

WHEREAS, the credit exists in the General Trust, Redemption Tax Title Lien account and needs to be paid over to the Water Utility account on behalf of Block 10.15, Lot 9 in the amount of \$30.00.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, County of Ocean, and the State of New Jersey to authorize the Tax Collector to have funds in the amount of \$30.00 paid out of the General Trust account to the Water Utility account and applied towards the existing 2010 Water delinquency.

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

RESOLUTION

#2010-149 AUTHORIZED REFUND OF OVERPAYMENT OF TAXES ON BLOCK 1.30 LOT 2 TO JAMES GERESY, IN THE AMOUNT OF \$1,156.37

WHEREAS, The Accurate Group, inadvertently made a duplicate payment on behalf of property owner, James Geresy, Block 1.30 Lot 2, in the amount of \$ 1,156.37; and,

WHEREAS, The Accurate Group is now requesting the refund of said overpayment to be paid directly to the property owner.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to authorize the refund of overpayment caused by duplicate payment to property owner James Geresy in the amount of \$1,156.37

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

RESOLUTION

#2010-150 AUTHORIZED REFUND OF REDEMPTION MONIES FROM LIEN #09-00007 TO LIEN HOLDER N OR D REMICK IN THE AMOUNT OF \$ 619.10

WHEREAS, at the Municipal Tax Sale held on December 11, 2009, a lien was sold on Block 2.15 Lot 6, also known as 118 Tiller Avenue for 2008 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #09-00007, was sold to N or D Remick with a 0% interest rate; and,

WHEREAS, Valerie F. Avrin, Attorney at Law, affected redemption on behalf of property owners, US Bank National, Association for certificate # 09-00007 in the amount of \$619.10.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, N or D Remick for the redemption of certificate 09-00007 in the amount of \$619.10

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

ORDINANCE

**#2010-01 FIRST READING TITLE ONLY
ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XV ENTITLED, "WATER" AS IT APPLIES TO WATER CONNECTION FEES**

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

SECTION 1. Section 15-1.9 of the Code of the Borough of Beachwood entitled, "Rates and Charges", is hereby amended and supplemented to include the following addition to Sub-section 15-1.9e:

Size of Service	Hook-Up Charge
(Inches)	
4"	\$3,000.00

SECTION 2. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 3. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

RESOLUTION
#2010-151

RESOLVED to approve Ordinance #2010-01 as presented on First Reading Title Only

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

#2010-152

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY RECOGNIZING VOLUNTEERS DURING NATIONAL VOLUNTEER WEEK.

WHEREAS, the week of April 18 to April 24, 2010, has been so proclaimed National Volunteer Week in recognition of the efforts of volunteers across the country; and

WHEREAS, the recognition focuses “Celebrating People in Action” to honor those volunteers who take action year round to strengthen their communities and for the immeasurable contributions that volunteers make every day and for the positive impact they have at the local, state, and national levels; and

WHEREAS, the Borough of Beachwood Mayor and Council recognizes and appreciates the hard work, dedication and support given by all of our volunteers to the needs of their community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Beachwood, that it hereby proclaims the week of April 18 to April 24, 2010 as National Volunteer Week and honors all our volunteers for their outstanding service and dedication to our residents and our Community; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Ocean County Board of Chosen Freeholders and all Ocean County municipalities.

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

CORRESPONDENCE a) Frank O'Brien

To whom it may concern,

2010 APR 13 AM 11 56

This letter is to inform the Police Department and the Mayor about speeders doing well over 40MPH within the stretch of road from Rt.9 and Wave St. on Ship Ave.

My neighbors and I have a total of 11 kids within this block.

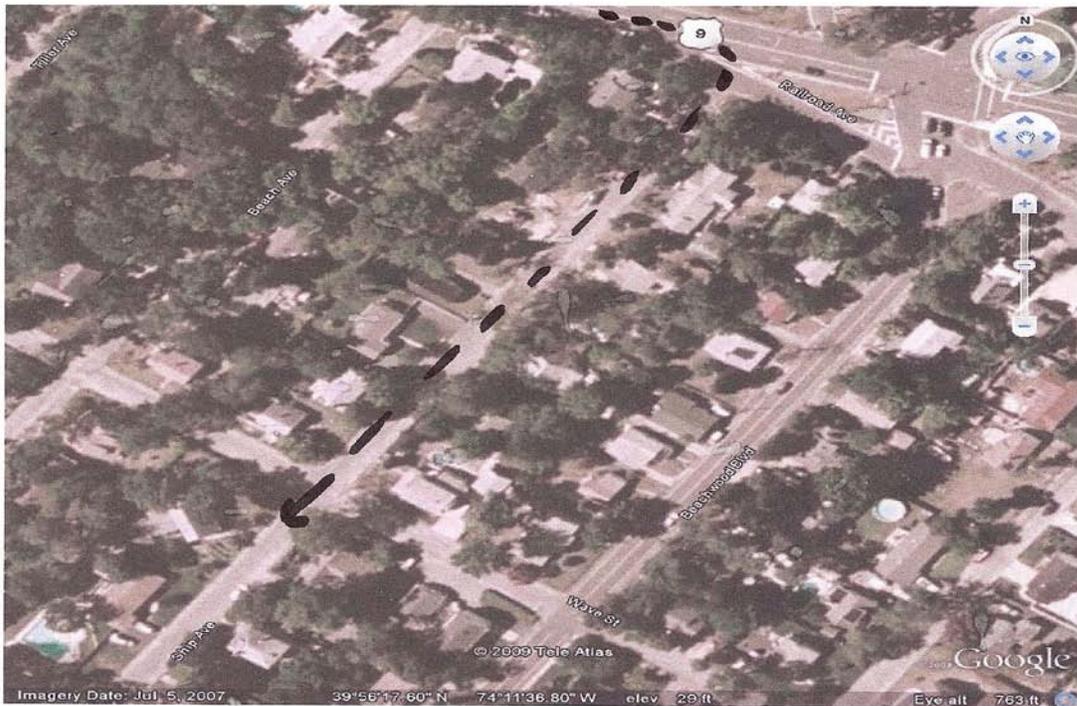
I'm requesting that a sign be put into place "Slow Children at Play" or "Speed Bumps" or even a "Four way stop intersection". I've witnessed children being pulled from the street to the curbside when these speeders come off Rt.9. I've also witnessed and took place in yelling at cars to slow down and I'm sure there will be an altercation sooner or later from road rage. Note: this stretch of road is a "No Outlet"

My Neighbors and I would appreciate any thing the Police and the Mayor can do for us.

Sincerely,

Frank O'Brien

248 Ship Avenue Beachwood, N.J. 08722 Home Phone 732-341-0443



Turned over to Chief Cairns

b. Francine Babcock - Re; Scouts use of Beach and Bon Fire

Dear Beachwood Mayor and Council,

4/20/10

Cub Scout Pack 70 is having our annual bon fire on the beach and graduation on May 20, 2010. We are requesting permission to use Beachwood beach from 6pm – 9pm. We will obtain the proper fire permits to have the bon fire.

2010 APR 19 PM 1 07

Thank You,
Francine Babcock

Francine Babcock
Pack 70 Committee Chair

RESOLUTION

#2010-153 Approved Pending proper permit and with knowledge of clean up responsibilities.

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

REPORTS

Mayor	Flyer received at Environmental Com. meeting about "sustainable growth" - partnership between Municipality - DEP - NJLOM - PUC. Goal is to build points to become a certified community. When goals are reached you become a priority in receiving grants. Points would be eligible from our Energy Audit. Looking for resolution to support. Commitment to environment is here want to see it continue
Mr. Feeney	Suggested having Attorney review and prepare resolution for next meeting.
Mayor	Beach sweep Saturday 24th. Last two months at League Legislative Committee intense. Many changes proposed for pensions. Should be beneficial to communities.

Mrs. Clark	Beach clean up Saturday. Staff meeting with Lifeguards second week of May. Shade Tree will meet with Land Use on 2:19.
Mrs. Clayton	Preparing waterfront for summer season. Sink holes are being fixed at T Dock. Decking is being painted and fitted with hand rails. Monument Park was vandalized over last few days. Vandalized cannon. Will attempt to address repairs. Addressing "ants" at Community Center.
Mayor	Thanked Mrs. Clayton for addressing the Community Options program. Work at Community Center beautiful
Mr. Feeney	Single Stream recycling began 4/20. Put everything at curb.
Mr. Roma	Newspapers with cans???
Mr. Feeney	Suggested doing what doing now.
Mr. Komsa	Energy Audit completed and waiting on State approval. Once approved can submit for 75% reimbursement. Mayo Park Craft show May 31 - Carousel of Music Jersey Gold
Mr. Roma	Unusual amount of water main breaks over past few weeks. Water Plant improvement. Mr. Oris will address.
Mrs. Verga	No report
Mr. Hiering	Finalizing Verizon
Mr. Oris	Water Tank ongoing90% complete. Existing Locker elevated tanks contracts back from vendor and will move forward. These projects are funded by NJEIT. Minimal cost to Borough. Plant is undergoing Flow meter project and moving forward. Working with Cliff Schiel on some issues , breaks. Looking at them as priority. Bike project will be resurfaced with schedule "C". No timeline as of yet. County finishing drainage work on Walnut.

Municipal Clerk: Read Chief's Notice

Effective April 1, 2010, the Beachwood Police Department will implement a community information and notification service for broadcasting cell phone text messages and/or E-mails to community members interested in obtaining information on events in the Borough of Beachwood.

This information will include broadcasts to be on the lookout for vehicles wanted in various crimes, such as burglaries or robberies. Broadcasts on crimes will occur when there is sufficient distinctive information available, such as a vehicle license plate number. Information on events such as road closures or other events may also be periodically distributed. Information will be released in accordance with the provisions of privacy laws.

This service will be provided through a partnership with the Nixie firm, a technology company. Interested persons can subscribe to the service by accessing the website at www.nexle.com. Registration for the website is free, but text messaging fees will apply to subscribers' telephones. The link for signing up for this service and more information is available at the Beachwood Police Department's website; ww.beachwoodpolice.co.

The Beachwood Police Department has implemented this service in the interest of providing to community members timely notification on crime and important events and to enhance public safety.

For further details, contact Lt. Robert Tapp at 732-286-6000, Ext. 106.

OPEN TO PUBLIC DISCUSSION

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

R. Miller Barnegat Blvd.	Park - lights timer - coverage of hedges (vandals). Beach clean up under boardwalk. seawall at end of beach beginning to collapse. Re: Shore Vineyard Church..... nothing done to date.
Mrs. Clayton	Have addressed some issues of parking.
R. Miller	Silence gives them approval.
Mr. Knapp (Code Enforcement)	Went to Church. Met with staff. The issues of parking unless they are blocking roadways, or on driveways nothing wrong. As far as congregating on street / littering, they were advised. They are not assembling for unlawful purposes. They are not in violation.
Mr. Miller	Then I'll have to go to Land Use Board and my Attorney. These meetings do not belong in a residential neighborhood. By saying nothing we are giving them approval to do what they want to do. He's holding narcotics anonymous and alcohol anonymous every day three times a day.
Mr. Knapp	Some of these types of meetings get a bad rap, and they are just like services. These are legal and you cannot differentiate between them (services or meetings).
Mr. Roma	Mr. Hiering will look into the expanded use of the church.
G. LaCrosse Forecastle	School board election. Highest turn out in last 30 years. Has to do with taxes. Council has to be careful how they spend Tax Payers money. Had an idea a few weeks ago about not spending money on Press for advertising.
R. DiBella Halliard Ave	Vandalism ?? Notice OEM no longer patrols town.... What happened to the patrol?
Mr. Roma	There were some concerns about the operations of OEM, believes the Chief re-organized services.
R. DiBella	Should look into "Auxiliary Police". Do we know why the Chief decided to re-evaluate. ??
Mr. Roma	Can't speak for the Chief on this.
R. DiBella	Appointment to Recreation repeat why. (Explanation from Clerk) Anyone know how much health benefits cost (Mrs. Clarks) (About \$15,000.) Mrs. Verga about people putting out Bulk Trash before schedule. Example set by Governing Body followed by residents. Land Use Board ? What is the policy of asking question to Attorney . LUB new policy put question in writing and answered at next meeting. Question on Master Plan. Borough Budget meeting did LUB request funding for Master Plan.
Mr. Roma	Finance Com. meets throughout the year, instructed Treasurer to send letters out to all departments about budget requests. We did not receive any request for funding from LUB.
DiBella	April 10 - Hiring Prof. Services for Master Plan. LUB hired Birdsall Eng. to prepare a proposal.
Roma	We do not guide the LUB
Clayton	? on RFP's on file and issue of contacting Attorney.

DiBella	Paying bills late affects credit rating. More than 30 days late.
DiBella ; Linda	LUB wants to save money, but they hired Attorney who charges \$50 more an hour than others. Mrs. Clark finds time to attend LUB but not Council. Council should find way to cut her benefits.

CLOSE TO PUBLIC DISCUSSION

Motion: Roma Second: Komsa
 Approved: Clark – Clayton – Feeney – Komsa – Roma – Verga.
 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 – PBA Negotiations
 Contractual -

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

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

Re-Open
 Motion: Roma Second: Clayton
 Approved: Clark – Clayton – Feeney – Komsa – Roma – Verga.
 Abstain: Absent:

The Following Action was part of the regular agenda but overlooked.

RESOLUTION
 #2010-154

RESOLVED by Mayor and Council to approve the agreement for “construction observation services” during the Rehabilitation of the 300,000 Gallon ELEVATED Tank, between the Borough of Beachwood and Mumford Bjorkman Associates Inc. in the amount not to exceed \$11,900.00

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

ACTION TAKEN FROM EXECUTIVE SESSION:

RESOLUTION
#2010-155

RESOLVED to correct the 2010 Schedule C Resolution as follows:

To approve the 2010 Schedule C agreement between the Borough of Beachwood and the County of Ocean in the amount of not to exceed \$235,000 (to be overseen by Engineer Oris) for priority road improvement and not to exceed \$15,000 for Public Works projects (to be overseen by Supervisor John Behrens) which include but are not limited to "Street Sweeping" and other uses.; and

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

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

RESOLUTION
#2010-156

RESOLVED to hire the following as employees in Public Works to fill vacancies created.

Eric Manna – 1008 Beachwood Blvd. - James Cassidy – 616 Ship Ave.

Salary is commensurate with contractual obligation and employees are subject to 90 day working test period.

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

ADJOURN

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

Prepared by: E.A. Mastropasqua

Ronald W. Jones, Jr.
Mayor

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