

May 15, 2013

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 151 servicemen and women from New Jersey have been killed in service to our country in Iraq and Afghanistan and around the world, most recently



Special Forces staff sergeant Eric Christian former Ramsey NJ resident, was killed Saturday May 4th, in Afghanistan during in a "green-on-blue" training incident. Staff Sergeant Christian was with the International Security Assistance Force service with the Afghan National Army when an Afghan soldier turned his weapon against the ISAF service members, killing Staff Sergeant Christian and another soldier from Colorado. Christian was 39 years old and on his fifth 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, we ask for a moment of silence and prayer for all our disabled veterans, those missing in action and a call for 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 January 4, 2013

ROLL CALL MEMBERS PRESENT:

Mayor Roma

COUNCILMEMBERS:

Beverly Clayton
Gregory Feeney
Steven Komsa

Gerald LaCrosse
Thomas Miserendino
Edward Zakar

Absent: None

**MUNICIPAL BUDGET 2013
PUBLIC HEARING**

| | |
|----------------|---|
| CMFO Mauder | Thanked Mayor and Council and Finance Committee for hard work on budget. No one time revenue or deferred school taxes used in this budget. Appropriation increase less than 1%. Tax rate .0675 Assessed \$2.57. No increase in water rates this year. |
| Auditor | Borough did self review this year. Budget meets state requirements. Can adopt tonight . Levy Cap 2%. Pension obligations and debt service increased. Tax Appeals refund...\$132,000. |
| Komsa | Thanked the Finance Committee for their hard work on the budget. |

PUBLIC HEARING ON BUDGET TO OPEN

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

No Questions

PUBLIC HEARING ON BUDGET TO CLOSE

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

#2013-174 TO APPROVE AND ADOPT THE 2013 MUNICIPAL BUDGET AS PRESENTED AND HELD FOR PUBLIC DISCUSSION.

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

#2013-175A RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH AND COMPASS CONSTRUCTION FOR STORM DAMAGE RECONSTRUCTION – PHASE I, BEACHWOOD BEACH AND BEACHWOOD MARINA INCREASING THE CONTRACT BY \$58,912.45 FROM THE ORIGINAL CONTRACT PRICE OF \$908,558.00 TO \$967,470.45

WHEREAS, the Borough of Beachwood previously awarded a contract for Storm Damage Reconstruction, Phase I, Beachwood Beach and Beachwood Marina to Compass Construction in the amount of \$908,558.00; and

WHEREAS, as a result of change in contract reducing and adjusting quantities to provide for storm damage repairs the Borough Engineer, James Oris, has recommended the approval of Change Order No. 1 attached hereto and made a part hereof as Schedule “A” increasing the contract price by \$58,912.45 from \$908,558.00 to \$967,470.45; and

WHEREAS, the Borough's Attorney has reviewed and approved Change Order No. 1; and

WHEREAS, it is now the desire of the Borough Council to approve said Change Order based upon the Engineer's recommendation.

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 Compass Construction for Storm Damage Reconstruction, Phase I, Beachwood Beach and Beachwood Marina increasing the contract from \$908,558.00 to \$967,470.45, an increase of 6.48% or \$58,912.45.

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

Explanation Mr. Oris : Combining a reduction and an adjustment of quantities and additions example: TREX Decking and Electrical Work. Taking advantage of price negotiations.

Mr. LaCrosse : Is this still subject to FEMA reimbursement? Yes -

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

#2013-175B RESOLVED by Mayor and Council to approve the 2013 Certified Bills List in the amount of **A:\$524,124.28**

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

#2013-176 RESOLVED by Mayor and Council to approve the minutes of the May 1, 2013 meeting of Mayor and Council

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

#2013-177 RESOLVED by Mayor and Council to approve the following rentals:

Mayo Park

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|--------|----|-------------------------------------|------------------|--------------------|
| May | 25 | Ventura – 208 Longboat Ave. | Rental: \$125.00 | Deposit: \$ 175.00 |
| June | 01 | Beachwood/Pine Beach Little League | Rental: WAIVE | Deposit: WAIVE |
| June | 21 | TRSchool Transportation Assoc. | Rental: WAIVE | Deposit: WAIVE |
| June | 26 | Troop 70 (Bill Steuber Pine Beach) | Rental: WAIVE | Deposit: WAIVE |
| June | 29 | Cub Scout Pack 114 (Zee Ocean Ave.) | Rental: WAIVE | Deposit: WAIVE |
| August | 10 | Gomberg – Linden Ave. Pine Beach | Rental: \$150.00 | Deposit: \$ 75.00 |

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

#2013-178 RESOLVED by Mayor and Council to appoint Damian Murray as Municipal Magistrate effective June 1, 2013 term ending May 31, 2016.

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

TAX COLLECTOR

#2013-179 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF OVERPAYMENT OF TAXES ON BLOCK 4.12 LOT 4 TO OCWEN LOAN SERVICING, LLC, IN THE AMOUNT OF \$967.16.

WHEREAS, OCWEN Loan Servicing, LLC, inadvertently made a duplicate payment on Block 4.12 Lot 4, in the amount of \$967.16; and,

WHEREAS, OCWEN Loan Servicing, LLC is now requesting a refund of said overpayment;

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 OCWEN Loan Servicing, LLC, in the amount of \$967.16.

#2013-180 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #12-00019 TO LIEN HOLDER, US BANK CUST-PRO CAPITAL I, LLC IN THE AMOUNT OF \$3,906.46 WITH A PREMIUM OF \$6,100.00.

WHEREAS, at the Municipal Tax Sale held on June 29, 2012, a lien was sold on Block 2.37 Lot 2 also known as 233 Mermaid Ave. for 2011 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00019 as sold to US Bank Cust-Pro

Capital I, LLC with a 0% interest rate; and a premium of \$6,100.00;

WHEREAS, Linda Pasquariello; owner, effected redemption, for certificate #12-00019 in the amount of \$3,906.46.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, US Bank Cust-Pro Capital I, LLC , for the redemption of certificate #12-00019 in the amount of \$3,906.46.

RESOLVED by Mavor and Council to approve Resolutions #2013-179 to #2013-180

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

CORRESPONDENCE None

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| Reports | |
| Mayor | Thanked all for participation in budget process most particularly Liz and John. Want to recognize Chief d. Allen, after 17 years with Fire Dept. stepping down ... Congratulating new Chief Bob Risk. Recognizing Bill Hopson - for spearheading cause to secure piece of the 911 Tower... (one of our residents perished in the disaster) Rafaela Scorgia. Will be getting a piece ... size to be determined. Will keep advised. Memorial Day Parade coming up.... looking forward to that. Addressing work at the Community Center and Boat Slips. Mrs. Clayton is lead person working side by side with all involved in the project. Letter from resident extending thanks during Sandy. Letter from O.C. Transportation on Public Hearing on 6/20 1:00 for Transportation Services for County residents. Admin Building Room 119. |
| Council President Zakar | Thanked our Veterans year round but especially on Memorial Day. Dave and Debbie Raimann Congrats to the 1st time grandparents JIF Executive Safety Committee Meeting- Discussed Police injuries historically, putting together a task force of Ranking police officers to create a plan in an effort to reduce injuries. Suggested to the Safety Committee Chief Tapp be considered to serve on that committee. Summer Safety- Propane tanks on your BBQ grill should be turned off after each use to prevent potential gas/fire situations. Thanked Chief Allen for his service as Fire Chief. |
| Councilman Feeney | 1 Executive Session issue. Mr. Oris will report on Well #6 |
| Councilman Komsa | Dennis Allen thank you for service. Memorial Day activities 10:00 Fire Company Service 10:15 Annual Bike Decorating Contest - 11:00 Parade Kicks off. Wreath Laying at Monument – River Fest Craft Fair at 12:00. Includes vendors and antique car show. |
| Councilwoman Clayton | Addressing some issues on Community Center. May be extending the projected completion date. Infrastructure of Community Center is most important issue. Interior design can wait and can be addressed during February March. Fireworks program kicked off. SHOW WILL GO ON. |
| Councilman LaCrosse | Chief Allan - thanks for service - Lifeguards – Would like to Advertise.- contingent upon discussion with Chief Tapp. Mrs. Clayton reminded to check family members of Lifeguards. Resident confined to wheel chairworking on building a ramp with Pastor Hartney have received \$6,000 in pledges. Proud to be a part of this program |
| Councilman Miserendino | Code Enforcement Report Issued 22 notices. 8 Court summons Abated 7 Outstanding 13. |
| First Aid | Inaudible |
| Fire Company | Allan - 63 calls. Parade coming up. |

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| Engineer Oris | Well 6 Emergency Repairs under way. Filters 1/2 being worked on should be back in service week of 5/20. Barnegat Water mains should be done over next 2 weeks and 30-45 days trench . Marina repairs on track. |
| Zakar | Resident called re: newly installed water hydrant . |

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| Attorney William Hiering | No report |
| CMFO Mauder | |
| Municipal Clerk | Request from Public Works on obtaining Indelac Control Products for water utility repairs (Actuators) for Filters 1-2-3-4 Indelac is the only provider – Cist \$8068.00 |
| RESOLUTION #2013-181A | Motion: Miserendino Second: Zakar Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino – Zakar |

RESOLUTION #2013-181B

TO Approve the contract between the Borough of Beachwood and Beachwood PBA #253 and to authorize the Mayor and Clerk to execute on behalf of the Borough.

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

RESOLUTION #2013-181B

RESOLVED by Mayor and Council to approve the following requests for Conference – Training – Seminar

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| Date: | June 14 | Morgan Blevins – Land Use Board |
| Location: | Somerset NJ | |
| Subject: | Current Issues in Planning and Zoning | |
| Cost: | \$159.00 p.p. | |
| Vehicle: | No | |

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

PUBLIC DISCUSSION- TO OPEN

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

Stephen Kotzas Esq.
Northern Habitat for
Humanity

Last year we got approval for tearing down a dilapidated building that is on Pine Beach /Beachwood border. The only access to the property is through Beachwood.

Mayor Roma: The property is in Pine Beach ?

Kotzas: Yes , but the only access, it's landlocked on the Pine Beach side (Woods) owned by the School but they have declined to provide us any access from that side. The only access is from Capstan Ave. One of the conditions of approval – I sent the board a package last week (package was hand delivered 5/14) which included among other things the resolution of approval. The relevant condition was that there had to be some inter borough services agreement to get “water, sewer, trash collection, that sort of a thing between the Beachwood and the Borough of Pine Beach. So we are here today to ask the board that this matter be expedited because we have some families that are in need of affordable housing and we would like to start construction on the house but we need the utilities to do so. Has the board seen my package.

Mayor: Yes - If I may – just a little overview the way we understand the project. We are certainly happy with the fact that Habitat for Humanity is taking on the project in Pine Beach. When they first brought it to our attention the request was for us to provide water and a sewer lateral. We agreed as long as they were paying for the water and sewer lateral and they would pay for the service we agreed to provide that. However we made it clear that was all we were interested in providing. We were not interested in providing any other services to the property. Since that time Pine Beach has approached us to perhaps enter into an agreement to provide some services for the property. However, unfortunately, do to the past experience we have had with Pine Beach with our Interlocal services. We are at this time unfortunately, not going to provide any intergovernmental with them on any services other than what we already agreed to. We did however, counter propose to them we would be happy if they wanted to annex the property to Beachwood and cover all costs associated with that, that we would be happy to accept the property and put it on our tax rolls so that the residents of Beachwood would receive the proper taxes on the property and therefore, Beachwood would get the money and then provide the services to this property. Unless Pine Beach is willing to annex to Beachwood, we are not at this time going to entertain any other Interlocal service agreement for that property.

Kotzas: As I understand the annexation process, I believe there was recent litigation in front of Judge Grasso, its quite a complex and convoluted process. Believe it requires referendum of both municipalities. Habitat has no control over that we can't compel either Borough to engage in Annexation / Secession for one piece of property. Litigation involved community on barrier island. We have no control over that ...All we can ask you for the utilities so that we can put a family that needs affordable housing. We don't – have the power to compel either Borough to do that, it's highly unlikely that it would even be feasible given it is just a single family house. So whatever difficulties that may be between the two Borough's we ask that they not involve Habitat which is simply trying to build this single family house for affordable housing. If that's the Boards decision, I regret it, I don't know what we can possibly do to resolve.

Mayor : Its unfortunate, and I understand Habitat is caught in the middle of it.. Certainly, not their issue by any means. However, I did check with our Attorney and I did check with our Land Use Board Attorney and both of those Attorney's have said that, and Mr. Hering is here tonight, that it is a doable process, relatively in their opinions a simple process and its up to Pine Beach to do it. I am saying here on the record tonight, I believe I can speak for everyone here tonight, because we did put it in writing, if Pine Beach approves annexation of that piece of property to Beachwood, we will accept it and do what needs to be done on our end to make it happen. We've already put that in writing to Pine Beach, we are willing to do that, however, that is as far as we are willing to go at this point.

Kotzas: Just so it's clear, the Borough of Beachwood is not going to offer water or sewer to Habitat.

Mayor: We have already agreed to offer water and sewer laterals. We are not going to provide any other services though.

LaCrosse; They wanted us to do “trash pick up” “recycling”

Kotzas: I can address that concern. We will pay for private trash pickup if that’s the issue.

Mayor: Water and Sewer laterals, we have already agreed to provide if they put in an application. I believe we sent correspondence to that.

Clayton: Have you exhausted the possibility of extending through Pine Beach / Washington Ave. an easement through that. . . .They would have access there, and we wouldn’t be involved at all. They have water, sewer. (Washington Ave)

Several people speaking ----- inaudible....

Diana Giuliano – Habitat Humanity. Program Director
Spent many months trying to get school property. It’s technically not landlocked..because we do have access on Capstan Ave. We did try..... There is no other way or place for us to go.

NOT SPEAKING INTO MICROPHONE.....inaudible. Comments on water and sewer connections... what started thiswhen we tried to finalize.....we received this e-mail (from Borough) so we have no indication that you did approve it

Clerk: Noted that there is an e-mail in their package **re: 11/11/2011** where we advised them they needed to contact water utility to begin the process of application. Conditioned up permits from all agencies, Beachwood/Pine Beach. They have never come in to put in an application as far as I know.

Diana Giuliano: Comments on language of e-mail confusionin audible

Mayor: Well we are telling on the record here tonight that we are willing to provide water and sewer we stated that before, there are several letters here stating that. So we will provide water and sewer so long as criteria is met, whatever that criteria may be.

Diana Giuliano: Explained confusion.

Feeney: Commented on communication from Clerk ...regarding their request. We have agreed in the past on the water (April 2nd) .

Giuliano: Was trying to explain why they thought Beachwood was denying service.

Mayor: We will make it understood that there are ..whatever the fee is for hookups, you have to pay that fee we are not going to waive that fee.

Giuliano: Went to Sewer Authority meeting and have not had a response for that.

Mayor: Cannot speak for the Sewer Authority, but the water is under our privy, and we will provide the water I do see correspondence from Sewer Auth, that they will do it with payment of fees.

Giuliano: We requested that fees be waived.

Mayor: We are not going to waive the Beachwood water fees. What the Sewerage Authority does that is there thing.

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| | <p>Someone in audience spoke...inaudible.</p> <p>Mayor ... Well certainly, normal course of action would be if Pine Beach residents were to call for services they would call police. Understand I'm not say that we wouldn't provide emergency services because we do help each with those services. That is not on the table here. Just talking about tax paying services such as trash pick up and stuff like that.</p> <p>Clayton: Know you are waiting for response from Sewer that have to be addressed. There was more discussion needed. I'm not going to discuss that part here. My one concern is Capstan Ave, with this small piece of property you are putting a 2 story 3 bedroom house, concerned about if there is not enough parking for every driver in that home or will be in the home. Where are they going to park.on Capstan Ave. In front of neighbors who are there. That is my concern.</p> <p>Habitat Rep: We will maximize the driveway space, We can address 2 cars on the site plan.</p> <p>Mayor: They would have to comply with ordinance on "no parking on streets during snow storm.</p> <p>Kotzas: Neighbors that actually physically live there, <u>testified in support of the application, and they were all in favor</u></p> <p>Comments from members of council on SPECIAL COUNSEL for Pine Beach.</p> |
| Mayor | Confirming access to water and sewer and required appropriate fees. |
| Giuliano | Advised Mr. LaCrosse of services they perform in connection with "ramp" |

PUBLIC DISCUSSION- TO CLOSE

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

Contractual - Engineer
Terms & Condition - DPW – Clerk.

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

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

RE-OPEN

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

ACTION TAKEN FROM EXECUTIVE SESSION

#2012-182 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and T&M Associates for Water Plant Operator Assistance not to exceed \$4,800.

Motion: LaCrosse

Approved: Feeney –Komsa – LaCrosse – Miserendino - Zakar

Second: Miserendino

Absent: Clayton

ADJOURN

Motion: Zakar

Approved: Feeney –Komsa – LaCrosse – Miserendino - Zakar

Second: Miserendino

Absent: Clayton

Prepared by: E. Mastropasqua

Ronald F. Roma; Jr.
Mayor

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