

May 19, 2010
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 111 servicemen and women from New Jersey have been killed in Iraq and Afghanistan . 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.

We ask you all to include in your thoughts and prayers the recent loss of our family members

Chief Cairns – Loss of his Mother
Officer Roselli - Loss of her Mother

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:

Gregory Feeney

**Steven Komsa
Ronald Roma
Bonnie Verga**

ABSENT: Katina L. Clark - Beverly Clayton

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.

Presentation by Beachwood Recreation Commission

Proposal for Summer Basketball Program – 2010

The commission is seeking approval to run a summer basketball program which would run for 6 weeks from July 13 to August 16. It would be open to students in grades 4 through 7 from Beachwood and Pine Beach schools. Cost per student would be \$10 per child up to max of \$30 per family. Looking to use the T.R. I. S. South school or Birch and Surf park. Anticipated cost for supplies \$150 . Tuesdays for 4th – 5th grades (6:30 – 7:30 Wednesdays for 6th – 7th – 8th grades 6:30 to 7:30

TO ENDORSE PROGRAM: Motion: Roma Second: Komsa Approved: Feeney – Komsa – Roma - Verga

**ORDINANCE
#2010-02**

**FINAL READING AND ADOPTION
CALENDAR YEAR 2010 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 2010 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 \$68,870.50 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 2010 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 \$68,870.50, and that the CY 2010 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:	Komsa
Approved:	Feeney – Komsa – Roma - Verga	Absent:	Clark – Clayton
Abstain:			

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION
 #2010-176 RESOLVED to approve and adopt Ordinance #2010-02 as presented and held for public discussion.

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

#2010-177 IF NEEDED - EMERGENCY TEMPORARY RESOLUTION

#2010-178 RESOLVED by Council to approve the 2010 Certified Bills List in the amount of **\$ 1,941,029.04**

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

#2010-179 RESOLVED by Council to approve the minutes of the May 05, 2010 meeting of Mayor and Council.

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

#2010-180 RESOLVED by Council to approve the Community Center Rentals as follows:

COMMUNITY CENTER 2010			
July	30	Williams	Rental: \$350
		917 Pacific Ave Beachwood	Deposit: \$500
September	05	Perez	Rental: \$350
		800 Pacific Ave. Beachwood	Deposit: \$500
September	11	Sowa	Rental: \$350
		1344 Berkeley Ave Beachwood	Deposit: \$500
September	19	Boud	Rental: \$350
		9 Beachwood Blvd., Beachwood	Deposit: \$500
September	24	Scola	Rental: \$350
		127 Beach Ave., Beachwood	Deposit: \$500
September	26	Resendes	Rental: \$350
		346 Ocean Ave., Beachwood	Deposit: \$500
October	10	Fay	Rental: \$700
		132 Heatherington Ct. Lanoka Harbor	Deposit: \$700

2010 Mayo Park			
June	15	Troop 70 (Scouts) Court of Honor and Family Picnic	Rental: \$WAIVE
Rain Date	22	c/o Vallo 1300 Spray Ave Beachwood	Deposit: \$WAIVE
June	18	T.R. Regional School Transportation Assoc. 230 Industrial Way - TRNJ	Rental: \$WAIVE Deposit: \$WAIVE
June	27	Shore Vineyard Church Compass Ave	Rental: \$125 Deposit: \$175
August	15	Pack 70 (Cub Scouts) annual picnic c/o Geerinck 929 Pacific Ave, Beachwood	Rental: Waive Deposit: Waive
September	11	Bock 344 Tiller Ave, Beachwood	Rental: \$125 Deposit: \$175
September	18	Ackerman 45 Locker St., Beachwood	Rental: \$125 Deposit: \$175

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

Mr. Roma advised that he was approached by reps of Oceans of Love about holding a benefit ball game. He advised them to contact the Borough.

#2010-181 RESOLVED to approve the following Conference - Training - Seminar

_Date:	May 13 to July 29	Fire Co.	J. Rosen - C. Davis - W. Wojcik
Location:	O.C. Training Academy	Subject:	Basic EMT Course
Cost:	\$550 (Funded by State EMT	Vehicle:	Yes

_Date:	May 20 & 27	Land Use:	Morgan Blevins (Land Use Board approved)
Location:	Rutgers - Brookdale Campus	Subject:	Understanding Plans - and Sub Division Review
Cost:	\$340	Vehicle:	No

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

#2010-182 RESOLVED by Mayor and Council, pursuant to correspondence from the Land Use Board Chairman Robert Clark to authorize the Treasurer to establish an Escrow Account on behalf of Block 11.44 Lots 1 and 2 previously addressed under the name of Kevin Bell (LUB 2004) and now in the name of Gordon Soos and Julile Doherty.

BE IT FURTHER RESOLVED that said property owners have assumed the conditions of the approval granted by the Board and that the Treasurer is authorized to establish as follows:

Cash Guarantee	(10%) \$2,054.00
Inspection Escrow	\$ 1,027.00
Surety Bond/Letter of Credit	\$18,490.00

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

#2010-183 TO TABLE DISCUSSION OF CHANGE OF HOURS CODE ENFORCEMENT

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

CORRESPONDENCE

- a) **O.C. Dept. Transportation Services Re: Ocean Ride public hearing on application for funding. June 17, 2010 – Rm. 119 County Admin Building 1:00 p.m.**

ORDINANCE FIRST READING TITLE ONLY
#2010-03 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY REQUIRING DUMPSTERS AND OTHER REFUSE CONTAINERS THAT ARE OUTDOORS OR EXPOSED TO STORMWATER TO BE COVERED AT ALL TIMES AND PROHIBITS THE SPILLING, DUMPING, LEAKING, OR OTHERWISE DISCHARGE OF LIQUIDS, SEMI-LIQUIDS OR SOLIDS FROM THE CONTAINERS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM(S) OPERATED BY THE BOROUGH OF BEACHWOOD AND/OR THE WATERS OF THE STATE SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

RESOLUTION
#2010-184 RESOLVED to approve Ordinance #2010-03 as presented on First Reading Title Only

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

ORDINANCE FIRST READING TITLE ONLY
#2010-04 **AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY REQUIRING THE RETROFITTING OF EXISTING STORM DRAIN INLETS WHICH ARE IN DIRECT CONTACT WITH REPAVING, REPAIRING, RECONSTRUCTIN, OR RESURFACING OR ALTERATIONS OF FACILITIES ON PRIVATE PROPERTY, TO PREVENT THE DISCHARGE OF SOLIDS AND FLOATABLES (SUCH AS PLASTIC BOTTLES, CANS, FOOD WRAPPERS AND OTHER LITTER) TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM(S) OPERATED BY THE BOROUGH OF BEACHWOOD SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY**

RESOLUTION
#2010-185 RESOLVED to approve Ordinance #2010-04 as presented on First Reading Title Only

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

Reports

Mayor No Report

Councilmembers

K. Clark Absent

B. Clayton Absent

G. Feeney No Report

S. Komsa Thanked Rec Com. May 31 Riverfront Craft Show June 28 Summer Camp - July 21 Concert on Beach. Bonfire date changed.

R. Roma Alliance dance schedule coming to close. Looking forward to working with recreation on basketball. Report on Filter #5

B. Verga Memorial Day - take a moment to remember those who gave their lives.

Engineer J. Oris. Emergent condition on Filter five. On site working since Monday. Expect to be working by Friday. Baffle system (2) malfunction...has been repaired. Water quality suffered since baffle system off line. C. Schiel doing a good job trying to manage the situation. Not a health and safety issue. Simply a higher iron content. If necessary have option to secure potable water from Pine Beach. Several grant announcements received over last few days. Energy Rebate (Beachwood on list of qualified towns) Green Acres - low interest loans for parks, recreation. Beach (situation) have not heard from Shore Protection yet. Hoping for positive news. Laid out game plan to address, which will take time (permit process) maybe 4/5. Letter from Childers on Schedule C request indicating they are reviewing the list. Some smaller areas will not be addressed. Will have to determine how to respond.

Attorney W. Hiering Letter coming on new water tower, Verizon, want to get on board again. Engineer Oris will present something to council. REPORTS

Municipal Clerk:

#2010-186 RESOLVED by Mayor and Council to approve the Agreement between the Borough of Beachwood and the N.J. Dept. Law and Public Safety Division of Alcoholic Beverage Control for "Cops in Shops" ; and

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

Motion: Feeney

Second: Roma

Approved: Feeney - Komsa - Roma - Verga

Abstain:

Absent: Clark - Clayton

RESOLUTION

#2010-187 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and A Academy for Animal Control Services for the years 2010 and 2011. There is no increase in the cost of service for the two year period; and

FURTHER RESOLVED that the Clerk is authorized to execute on behalf of the Borough of Beachwood.

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

Second: Verga
Absent: Clark – Clayton

RESOLUTION
#2010-188

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AWARDING AN EMERGENCY CONTRACT TO LAYNE CHRISTENSEN COMPANY IN THE AMOUNT OF \$28,360.00 FOR THE WATER TREATMENT PLANT FILTER NO. 5 REHABILITATION

WHEREAS, the Beachwood Borough Water Treatment Plant has experienced operational difficulties as a result of the failure of filter number 5 causing water quality issues; and

WHEREAS, Layne Christensen Company performed a filter inspection and media analysis dated May 6, 2010 explaining the deficiencies in said filter number 5 as set forth in the attached Exhibit A report of said date; and

WHEREAS, the Borough Engineer, James Oris, of T & M Associates immediately forwarded said report with an explanation to the Mayor and Council stating that said filter number 5 represents approximately 50% of the filtration capacity of the Borough's Water Treatment Plant; and

WHEREAS, the deterioration of said water quality would have an adverse affect on the health, safety and welfare of the Borough's water utility users and would be accentuated if said repairs are not completed prior to the upcoming high demand summer months; and

WHEREAS, based upon said professional opinions, Layne Christensen Company has proposed the emergent repair of said filter number 5 as per their proposal dated May 7, 2010 attached hereto as Exhibit C (setting forth their cost of \$28,360.00); and

WHEREAS, it is now the desire of this governing body to confirm the emergent contract with Layne Christensen Company in accordance with N.J.S.A. 40A:11-6 and the corresponding New Jersey Administrative Code.

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 hereby confirms an emergency contract with Layne Christensen Company in the amount of \$28,360.00 as set forth in their proposal of May 7, 2010 attached hereto as Exhibit C.
2. That the Mayor and Clerk are authorized to execute any and all contracts to confirm the award to said Layne Christensen Company.
3. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer, the Borough Engineer and Layne Christensen Company.

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

Second: Feeney
Absent: Clark – Clayton

OPEN TO PUBLIC DISCUSSION

Motion: Second:
Approved: Absent:
Abstain:

Terms & Condition of Employment – Code Enforcement - Municipal Court

Contractual - Engineer

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

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

RE-OPEN

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

ACTION TAKEN FROM EXECUTIVE SESSION:

#2010- 189 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and T & M Assoc. (James Oris) for overseeing the work of Layne Christensen (Filter Well #5) not to exceed \$4,900.00 pending certification of availability of funds.

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

ADJOURN

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

Prepared by: E.A. Mastropasqua

Ronald W. Jones, Jr.
Mayor

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