

June 25 2008

7:00 Mayor and Council Meeting  
Beachwood Municipal Complex  
1600 Pinewald Rd.

Call to Order

Flag Salute

While we pray for the safe return of our serving men and women, we must remember that 94 servicemen 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.

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 Berkeley Times and Asbury Park Press on January 4, 2008.

ROLL CALL MEMBERS PRESENT:

COUNCILMEMBERS:	Katina Clark	Steven Komsa
	Beverly Clayton	Ronald Roma
	Gregory Feeney	Bonnie Verga

Absent: Mayor Ronald Jones

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.

COAH

Borough has asked Ms. Jean Cipriani (Gilmore, Monahan) COAH Attorney and Peter Van DenKooy (Birdsall) COAH Planner to discuss COAH (third round obligations)

Jean Cipriani	COAH -
Mr. Feeney	Borough has been inundated recently with third round information. Want to make sure the Borough is proceeding in proper manner.
Jean Cipriani	Many municipalities are fighting this. Some have filed with the Appellate division to stay some actions. Prepared handout for council to guide council. Third round cycle went from 2004 to 2014, then changed to 2018. Changes - 1 to 5 units and 1 affordable unit for every 16 jobs from previous rations.
	Development fees can be increased on new construction from 1% to 2% to 3% for non-residential development. There are still bonus credits for rental units in excess of the obligaton.
Mr. Feeney	We have been given a number (non-realistic) will that change.
Jean Cipriani	Numbers are as is unless you can show COAH an appeal on numbers. Can report in few weeks on the feasibility of joining in on 'fight'. Will advise what other municipalities are doing in correspondence.
Peter VandenKooy	New obligation 71.4 (52 New Construction and 19 Rehabilitation units.
Mr. Roma	Do we have 52 buildable lots. How does COAH calculate buildable lots.
VandenKooy	They didn't look at individual municipalities. Just blanket ruling.
	Undersized lots can be taken out of the equation.
<b><u>Motion: Roma</u></b>	<b><u>Open to Public Discussion</u></b>
<b><u>Second: Verga</u></b>	-
<b><u>Approved:</u></b>	-
Lipton Anchor Ave.	Didn't know these people would be present. Follow issues. Have an interest in "vacant" land. Spent a lot of time reading COAH website. In this particular case, and I do understand COAH, there were a lot of calculations taken into affect. What they did do, the state spent a lot of time with all the planning departments of the counties, gathered a lot of information on each town. They hired a consulting company who developed the "growth share". There's a table on the Website - which shows Beachwood's obligation. There is an area along Pinewald that is vacant, which is what they used to compute Beachwood's number. Not sure if each town will sit and go to COAH and reasonably communicate their concerns. They adopted the rules, we were not involved in it. Many towns are prepared to challenge in court and until it's challenged in court it is what it is. Everyone is unhappy



ORDINANCES - FIRST READING TITLE ONLY:

#2008-12

ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING FOR VARIOUS ROADWAY AND DRAINAGE IMPROVEMENTS IN CONNECTION WITH THE RAILROAD AVENUE DRAINAGE, PHASE IV AND PHASE V PROJECT AND THROUGH THE COUNTY OF OCEAN SCHEDULE C ROADS AND DRAINAGE PROGRAM COVERING VARIOUS STREETS AND ROADWAYS WITHIN BEACHWOOD APPROPRIATING THE SUM OF \$1,040,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$988,000.00 TO FINANCE THE COSTS THEREOF

#2008-256 RESOLVED by Mayor and Council to approve Ordinance #2008-12 as presented on First Reading by Title Only.

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

ORDINANCE - FIRST READING TITLE ONLY

#2008-13

ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING WATER MAIN REPLACEMENT WITHIN MIZZEN AVENUE FROM WAVE STREET TO LOCKER STREET AND AUTHORIZING THE RECONNECTION OF TWO INTERSECTIONS THAT WERE RECENTLY DEACTIVATED AND ASSOCIATED WATER IMPROVEMENTS APPROPRIATING THE SUM OF \$175,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF WATER IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$175,000.00 TO FINANCE THE COSTS THEREOF

#2008-257 RESOLVED by Mayor and Council to approve Ordinance #2008-13 as presented on First Reading by Title Only.

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

ORDINANCE - FIRST READING TITLE ONLY

#2008-14

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ESTABLISHING THE PAYMENT OF A \$150.00 FEE FOR PERFORMANCE OF A MARRIAGE CEREMONY AND FURTHER AUTHORIZING PAYMENT TO THE MAYOR OF A FEE OF \$100.00 PER WEDDING CEREMONY PERFORMED

#2008-258 RESOLVED by Mayor and Council to approve Ordinance #2008-14 as presented on First Reading by Title Only.

Question: Mr. Feeney - does not reference who else is authorized.

Clerk: It is contained in the body of the Ordinance:

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

REQUEST: Toms River Walnut Street School - Mayo Park - August 11<sup>th</sup> - Summer  
Autistic Program - 17 children from three autistic classes in the  
district. WAIVE FEES:

To Mr. Komsa - if this interferes with summer camp. NO!

RESOLUTION

#2008-259 RESOLVED by Mayor and Council to approve the request of Walnut Street  
Elementary School for use of Mayo Park August 11, 2008 (WAIVE FEES)

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

Komsa	Re: Anonometer for windmill turbine. Will need to secure permitting.
Oris	Placing the anonometer on top of the Landfill to study data. Upon investigating requirements, contacted DEP who advised we would need a Landfill disruption fee. So we looked at other site....between Landfill and Complex - but theres a swaile
	Will contact DEP to see if we can put it in the buffer area.
<b><u>RESOLUTION</u></b> <b><u>#2008-260</u></b>	<b><u>To authorize a jurisdictional determination letter to NJDEP</u></b>
<b><u>Motion: Komsa</u></b>	
<b><u>Second: Verga</u></b>	
<b>Question: Verga</b>	Does that mean that if we go with windmills, will we still be able to put them up on the Landfill.
	Oris: Just requires a higher Anonometer (spoke with ROWAN on this )
<b><u>Approved:</u></b>	<b>Clark-Clayton - Feeney - Komsa - Roma - Verga</b>
<b><u>OPEN</u></b> <b><u>PUBLIC DISCUSSION</u></b>	Motion: Roma Second: Clayton Approved: Clark - Clayton - Feeney -Komsa - Verga - Roma
LaCrosse - 708 Forecastle	Re: Last weeks meeting. Someone had put in an application to sit on Recreation Commission. Believes

	Mayor overstepped his bounds and appointed by State Statute falls into the jurisdiction of the Council.
Clayton	Mr. Komsa - Mrs. Clark - should be brought to Mr. Hiering.
LaCrosse	to Mrs. Clark are their provisions for alternates on your Environmental Commission. I would be interested in sitting on Commission.
	Mayor conducted private business in his office. Should not have been permitted.
Lucia Lynch	? Ordinance #12 - Roads/Paving and drainage. is that to continue where you left off.
Mr. Roma	County had to stop for the season. Will pick up and continue but that is not this ordinance. This is for the continuation of other improvements.
Lynch	Place agenda on web site
Roma	Land Use
Brynes	Cable Ave - Pinewald Rd. - where on agenda for depth of water (repair)
Roma	Last time we left off with the county - they were supposed to be putting catch basins on Cable side, bring water under Pinewald to other basin. Time frame - unknown. Will have Mr. Oris touch base with County Engineer to determine. There is a small house at triangle at Cable / Pinewald. There is a catch basin that goes across the property and turns . It was self installed by property owner. ( To Mr. Oris)
<b><u>CLOSE PUBLIC DISCUSSION</u></b>	<b>Motion: Clayton Second: Roma Approved: Clark-Clayton-Feeney-Komsa-Roma-Verga</b>

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 - Non-Contractual Employees  
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  
 Opposed:  
 Abstain: Abstain:

To REOPEN

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

**ACTION RESULTING FROM EXECUTIVE SESSION THIS DATE:**

**Mrs. Verga discussed recent interviews for Clerk in the Building Department. The selected individuals will be invited to meet with the committee for a further report to council.**

**Council discussed 2008 salaries for non-contracted employees of the Borough.**

**RESOLUTION:**

**#2008-261 RESOLVED by the Borough Council of the Borough of Beachwood that the 2008 salaries of non-contracted employees shall be increased by 3.5% and retro-active to January 1, 2008.**

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

REMINDER: The Comprehensive Development Ordinance revisions, which were to be discussed at this meeting has been put off to August workshop. Council is requested to review the revisions, and the Attorney (Lonski) who prepared the draft will be invited to attend the meeting to address questions.

TO ADJOURN:

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

Submitted to by: E.A. Mastropasqua

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Ronald W. Jones  
Mayor

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