

July 23, 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 102 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: **Mayor Ronald Jones**

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

**Absent: Steven Komsa**

A 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.

RESOLUTION  
#2008-299

To approve the 2008 Certified Bills List in the amount of  
\$312,257.72

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

RESOLUTION  
#2008-300

RESOLVED by Mayor and Council to approve the 2008-2009 Liquor License Having received the N.J. Dept. of Treasury, Division of Taxation Alcoholic Beverage Retail Licensee Clearance Certificate.

Retail Distribution McCullough Inc. - Sawyers 1504-44-002-003 \$993..00

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

RESOLUTION  
#2008-301

PROPOSED by Mrs. Clayton  
RESOLVED by Mayor and Council to authorize the Municipal Engineer to advertise for Bids for the New First Aid Building.

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

RESOLUTION  
#2008-302

PROPOSED by Mr. Roma  
RESOLVED by Mayor and Council to approve the Professional Service Agreement between the Borough of Beachwood and CMX Engineering for Demolition of Existing Mayo Park building and Construction of the New Building. Contract not to exceed \$22,700.00; and

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

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

Mr. Roma - This is only if we go ahead with the building.

RESOLUTION PROPOSED by Mr. Oris  
 #2008-303 RESOLVED by Mayor and Council authorize the Engineer to submit a request to the N.J.D.O.T. for modification to the FY 2007 Municipal Aid Program Application in the amount of \$16,527.00 This modification requires no funding from the Borough.

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

RESOLUTION  
 #2008-304 RESOLVED by Mayor and Council to authorize the advertising of the receipt of bids for Railroad Avenue Drainage Phase IV.

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

**Approved to hire July 16, 2008. Memorializing individuals hired and salary.**

RESOLUTION  
 #2008-305 RESOLVED by Mayor and Council to hire the following as seasonal employees. Salary \$12.21 p.h.

Salvatore Iliano - 61 Spruce Street - Beachwood  
 Corey Long - 1024 Ocean Avenue - Beachwood

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

**CORRESPONDENCE UPDATE:** The Clerk spoke with Pop Warner representative Craig Karutha 7/21/08 following 3 calls, ( Re: Use of Beach for Bon Fire August 23<sup>rd</sup>.) regarding the Borough's policy on fires during the bathing season. They are removing their request for Bon-Fire, just limiting their request to the beach use only for August 23<sup>rd</sup>, 6:00 p.m.

Item: **Mrs. Clark has requested discussion of the proposed "No Smoking" ordinance**

Time	Speaker	Note
<a href="#">7:05:38 PM</a>	Mrs. Clark	Discussion of proposed ordinance "No Smoking" Council received revisions from Mr. Hering. Only changes are penalties and specific locations.
<a href="#">7:06:07 PM</a>	Mrs. Clayton	No . I haven't had time to look at it. You removed "Community Service" . Only problem I have is that it is

		redundant. Did you find anything in the Ordinance 3-1 (Littering) that could be used here.
<a href="#">7:06:50 PM</a>	<b>Mrs. Clark</b>	Nothing specific. More concerned about the health risk (cancer) "smoking".
<a href="#">7:07:13 PM</a>	<b>Mrs. Clayton</b>	Don't understand...cancer risk. Have their been studies on this (out in the park)
<a href="#">7:07:35 PM</a>	<b>Mrs. Clark</b>	Want a safe clean environment.
<a href="#">7:07:51 PM</a>	<b>Mrs. Clark</b>	To Mr. Feeney - don't you have a policy on No smoking. Mr. Feeney: No smoking facility and its posted everywhere.
<a href="#">7:08:15 PM</a>	<b>Mayor</b>	How do you enforce?
<a href="#">7:08:30 PM</a>	<b>Mrs. Clayton</b>	Section 9-1 Borough Code - "refuse" includes all of that. We posted signs, and put out re to tobacco.
<a href="#">7:09:28 PM</a>	<b>Mrs. Clark</b>	"A wholesome environment free of smoke" related to pollution.
<a href="#">7:09:41 PM</a>	<b>Mr. Roma</b>	Concerned about the language "reduce the enjoyment of public" . How does that affect boaters, renters of the Community Center.
<a href="#">7:11:15 PM</a>	<b>Mrs. Clark</b>	Would have to have designated areas.
<a href="#">7:11:35 PM</a>	<b>Mrs. Clayton</b>	Understand the concerns about the beach. But how far do children have to be away.
<a href="#">7:12:29 PM</a>	<b>Mrs. Clark</b>	Would like to keep the areas.
<a href="#">7:12:58 PM</a>	<b>Mr. Feene</b>	What about bike path - walking path.
<a href="#">7:13:08 PM</a>	<b>Mrs. Clark</b>	Presenting something that I feel would be helpful to our children.
<a href="#">7:13:27 PM</a>	<b>Mr. Feeney</b>	Question: All public lands.... county - borough.
<a href="#">7:13:49 PM</a>	<b>Mrs. Clark</b>	Should be borough.
<a href="#">7:14:13 PM</a>	<b>Mr. Roma</b>	Do you have any information on any towns facing challenges of this type of ordinance.
<a href="#">7:14:42 PM</a>	<b>Mrs. Clark</b>	Was told as of now..... No
<a href="#">7:15:04 PM</a>	<b>Mrs. Clayton</b>	If you find out more about "No pollution"
<a href="#">7:15:23 PM</a>	<b>Mr. Roma</b>	As a whole, groups have a policy on no smoking events. Not disagreeing with this, however, I don't think it is our job to tell the public over 21 that they can or can't smoke. We are here to do what we can for the kids (underage). Should do all that we can to enforce state law. Think that some of the restrictions infringe on the public.
<a href="#">7:17:23 PM</a>	<b>Mr. Feeney</b>	What about "Chew". ?
<a href="#">7:17:45 PM</a>	<b>Mr. Roma</b>	We all have the best interest of the kids,

<a href="#">7:18:20 PM</a>	<b>Mrs. Clayton</b>	Question on where you draw the line! There is a policy in effect. Maybe a "first offense" penalty. I think you are going to make more people unhappy than happy.
<a href="#">7:19:56 PM</a>	<b>Mr. Roma</b>	Question of where "designated smoking area" would be.
<a href="#">7:20:15 PM</a>	<b>Mrs. Clayton</b>	The beach is the best place to start.
<a href="#">7:20:56 PM</a>	<b>Mr. Roma</b>	Family Monday nights we advise adults and they move to another area.
<a href="#">7:21:27 PM</a>	<b>Mrs. Clark</b>	Will have Attorney redraft
<a href="#">7:21:40 PM</a>	<b>Open on Draft</b>	Motion- Roma Second: Verga
<a href="#">7:21:48 PM</a>	<b>Approved:</b>	Clark - Clayton - Feeney - Roma -Verga
<a href="#">7:21:50 PM</a>	<b>Novaky Maple St.</b>	As far as children on playing fields, no brainer. Banned. The problem you will experience will be enforcment. As far as Community Center, you could have a 50 or 60 ft. ban. An area of the beach. Go ahead and do ordinance on bans
<a href="#">7:23:41 PM</a>	<b>LaFranca Birch St.</b>	People can walk the street and see cigarettes loaded on the streets. Will the police be able to enforce if they catch.
<a href="#">7:24:30 PM</a>	<b>Council</b>	It's considered littering and can be enforced.
<a href="#">7:25:44 PM</a>	<b>LaCrosse Forecastle Ave.</b>	It started to sound like Government intrusion. When you start to address all public lands....it won't work. I can understand the beach. So put your energies to that particular area. Don't make it to broad. Tone it back a bit. Beach smoke free area o.k.
<a href="#">7:27:16 PM</a>	<b>Clark; R. Tiller Ave</b>	As Environmental Commission - I disagree - we need to go as far as we can on this. Refuse is one thing, second hand smoke another thing. Find it hard to believe that you had it on last agenda and no one read it. If someone walks across to watch a game and there is no ordinance prohibiting smoking, you can't enforce stopping them. Parks/Playgrounds/Beach are areas that kids cannot tell an adult not to smoke. With the ordinance its stated. To debate this ordinance is sad.
<a href="#">7:30:07 PM</a>	<b>Jansen Mizzen Ave</b>	Strong opinion on this. Second hand smoke is not healthy and a bad example for children. Only way to stop smoking with children is "banning". The more we can stop it, the better we will make it for everyone. Second hand smoke has more toxicity to it than first hand. It's been proven. Many boroughs have banned it from public areas where people gather (park areas). You can make an area for smoking in the parks etc.
<a href="#">7:33:09 PM</a>	<b>Close on draft</b>	Motion: Feeney Second: Clark

<a href="#">7:33:16 PM</a>	<b>Approved:</b>	Clark - Clayton - Feeney - Roma - Verga.
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<a href="#">7:33:22 PM</a>	Mrs. Clayton	I don't see much of this, is there a problem that I don't know about.
<a href="#">7:33:43 PM</a>	Mr. Roma	With all that we do, all that is out there, we still have kids who smoke. It's a problem even with all the information that we have out there. With all that said, I don't know how far the governing body can go.  Mrs. Clark - I agree. But this is something I'm really very passionate about our childrens areas.
<a href="#">7:34:54 PM</a>	Mr. Feeney	No one here is saying no. The debate is where do we go as a governing body. How do we enforce what we put on the books in Beachwood. We do it so we can enforce it.
<a href="#">7:36:21 PM</a>	Mrs. Clark	Where do we go from here.
<a href="#">7:36:35 PM</a>	Mr. Roma	Sit with the Recreation Committee, see how you want to do it, what areas you want to address.
<a href="#">7:38:29 PM</a>	Mrs. Clark	Will work with the Committee.

**Additional Items of Discussion:**

<a href="#">7:38:40 PM</a>	Mr. Feeney	Letter from O.C. Landfill - reducing tipping fees to \$81.16.
<a href="#">7:39:28 PM</a>	Mayor	How long will they hold this for.
<a href="#">7:39:36 PM</a>	Mr. Feeney	Lot of things are to be taken into consideration. The savings will help us .
<a href="#">7:40:09 PM</a>	Mrs. Clayton	Re: Flyers and Berkeley Times. Paper distribution is littering town. (4 oz) per paper. Results in 18,000 lbs of paper in a years time. Concerned about the manner in which they deliver. Want letter sent to address the problem.

**OPEN TO PUBLIC DISCUSSION**

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

<a href="#">7:43:11 PM</a>	Lipton-Anchor Avenue	Have you seen the papers delivered. One driver, one car. Driver on wrong side of the street.
<a href="#">7:45:02 PM</a>	Novaky-Maple St.	Judge Grasso ruling.
<a href="#">7:47:00 PM</a>	Lipton-Anchor Avenue	APP vs So Jersey ruling on executive session minutes.

<a href="#">7:48:33 PM</a>	Mr. Roma	Newspaper article kids arrested by State Police arrested kids in Beachwood throwing rocks at cars. Determination of who owns the stones. Would like Code Enforcement to check to see if the area is contained at the construction site.
<a href="#">7:50:33 PM</a>	Mrs. Verga	Will check with Code Enforcement and Police.
<a href="#">7:51:17 PM</a>	Mrs. Clayton	Advise Berkeley TIMES - "mail delivery" method. Better delivery. Permission form from resident.
<a href="#">7:52:20 PM</a>	Novaky -	Cell phone use can address incidents like stones being thrown at vehicles.
<a href="#">7:53:56 PM</a>	Clark R. Tiller Ave	Approval for Mayo Park building Engineer and Arch - Disturbed about condition of basketball, volleyball and fields. Why can't we fix what we currently have.
<a href="#">7:55:52 PM</a>	Clayton	We had an ordinance in 1998 to address Mayo Park Building.
<a href="#">7:56:27 PM</a>	Clark	Various proposals ... why can't we fix what we have. Better to have plan to fix what we have.
<a href="#">7:57:50 PM</a>	Roma	Kids go to park every day. Other than nets (basketball) I don't see anything wrong with the court other than the aging of the mecadem. All issues you brought up are to fix things.
<a href="#">8:00:16 PM</a>	Clark R;	Comment on condition of areas. Have Engineer look at Birch and Surf -
<a href="#">8:01:09 PM</a>	Roma	Response Groups have been surviving with little help from the Borough. Taxpayers will bear cost one way or another. Having the groups cover costs. We're proposing that we fix what we have.
<a href="#">8:04:20 PM</a>	Clark	Just asking to help correct the problems we have. Fences falling apart (Borough fences) Dugouts to close to the street. You're asking them to foot the bill to fix Borough property.
<a href="#">8:05:27 PM</a>	Feeney	Re: Backstops. How long playing there. Issue never brought to the Governing Body.
<a href="#">8:06:31 PM</a>	Clayton	Will have buildings and grounds look at the basketball court.
<a href="#">8:07:26 PM</a>	Clark: R. Tiller Ave	Last statistics 10% of homes on the market. 60% in foreclosure. Borough spending money, but we don't see it. (Recreation). Surf and Birch.
<a href="#">8:08:30 PM</a>	Feeney	Earlier heard Army Corp of Engineers was going to come in and do things...never heard from them.
<a href="#">8:09:01 PM</a>	Roma	Talk about spending, we try to do our best to keep spending down. We do our individual projects and keep costs down, yet we have a proposal for new skate park ..!

<a href="#">8:11:20 PM</a>	Jansen	Girls softball has been slighted for 22 years. If Mr. Clark is trying to get the league going, bravo. If he's saying the field needs to be fixed for the girls, bravo. Don't care about the fields for the men. He has a lot of things to say, that should be taken into consideration.
<a href="#">8:14:26 PM</a>	Mr. Roma	They (Clarks) do a great job. Only thing we disagree on is finance.
<a href="#">8:15:22 PM</a>	Jansen	If they are asking the town to keep what is there in working condition, I'm saying don't cut them off.
<a href="#">8:16:29 PM</a>	Mr. Feeney	This is strictly about "finance". Since this league was started, they have not been slighted. "Beachwood-Pine Beach Girls Softball".
<a href="#">8:17:37 PM</a>	Mrs. Clayton	Men's league has not used the area for a number of years. During Mrs. Moran's term she got money from state and shared it with all the leagues.
<a href="#">8:19:02 PM</a>	LaCrosse Forecastle Ave	Thanks to Mrs. Clayton - great Fireworks display. Mr. Komsa great Carousel of Music was great. Uploading minute to website. Signs on public property. Should be enforced or Permit for posting on public property. Megans Law pop up box.
<a href="#">8:24:09 PM</a>	LaCrosse	Any openings for Environmental Commission.? Comments on proposed Mayo Park facility.
<a href="#">8:26:19 PM</a>	LaFranca	At the Marina last night, boat pulled up to dock, and was chased by DPW. Would like to suggest that the Borough should charge to use the dock.
<a href="#">8:29:15 PM</a>	Roma	Think because its funded money, may not be able to charge. Boats were tied up at the T dock discharging passengers and advising users to move while they tied up.
<a href="#">8:31:28 PM</a>	Novaky	Sign Ordinance referred to by Mr. LaCrosse, very interesting.

**CLOSE TO PUBLIC DISCUSSION**

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

**NO EXECUTIVE SESSION**

TO ADJOURN

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

Submitted by: E.A. Mastropasqua

\_\_\_\_\_  
Ronald W. Jones Jr.  
Mayor

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