

August 19, 2009

7:00 Mayor and Council Meeting

Beachwood Municipal Complex
1600 Pinewald Rd.

Call to Order

SUMMER SCHEDULE
Next Meeting September 16



Flag Salute

While we pray for the safe return of our serving men and women, we must remember that 106 servicemen from New



Jersey have been killed in Iraq and Afghanistan most recently Bradley W. Iorio, 19,. Galloway, on May 29, 2009. Died at Landstuhl Regional Medical Center in Landstuhl, Germany, of injuries suffered from a non-combat related incident May 27 in Tallil, Iraq. He was assigned to the Special Troops Battalion, 4th Brigade Combat Team, 1st Armored Division, Fort Bliss, Texas.

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, posted on the Municipal Website and delivered to the Asbury Park Press on January 10, 2009.

ROLL CALL MEMBERS PRESENT: Mayor Ronald Jones

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

Absent:

Time 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 all cell phones and pagers.

Council President – Ronald Roma

Made the following statement: Before we get started, I have a prepared statement I would like to enter into the record.

Unfortunately, once again Mayor Jones has cast a dark cloud over the Borough of Beachwood by engaging in slanderous tactics to sway public opinion, and now once again Beachwood is the center of controversy and unfortunate press. The mayor's recent statements are outrageous, irresponsible and totally unfounded. I am deeply saddened for the residents of this community. We do not deserve to be put through this, and I believe I speak for the majority of this council in welcoming any investigation of the Mayor's irresponsible and ridiculous claims.

Mayor Jones is a black eye to our community and its reputation. He has constantly demonstrated his ability to disrupt government and create a circus like atmosphere of disrespect for our town, and his actions disgrace himself and his office. This negative, disruptive and ridiculous behavior must stop.

His continued requests of our employees to waste hour after hour of work time to supply him with meaningless information to aid him in his personal disputes with residents has cost the tax payers thousands of dollars, and he has caused numerous lawsuits and threats of lawsuits against our town.

Mayor Jones, is a man who over the last 17 months many have accused of being corrupt, dishonest, and mentally unfit. When it was first brought to our attention that the mayor was receiving a full mental disability we were in shock. Our response was to downplay its significance as a result of the stigma that it would bring to the office of the mayor of Beachwood. However, he has continuously demonstrated a callous disregard for the rights of the members of this council and their families and a general disrespect to our employees and the people of this community.

Mayor Jones has admitted that he collects a mental disability from the State of NJ for a variety of reasons including but not limited to feelings of persecution, the inability to mentally retain and make rational decisions and the inability to handle stress.

How much stress must he be under now with a recall petition hanging over his head and an entire community embarrassed by his antics?

I do not believe anyone with these very serious mental disabilities would be able to represent their constituents effectively under these circumstances. Especially, someone who admits his mental disability limits his capacity to make rational decisions.

Jones has given Beachwood a black eye and the people suffering are the taxpayers. He must stop this embarrassment to himself and to our community. It is time for him to stop this nonsense and give the taxpayers what they want.

Therefore, I am asking this council for their support in my request to ask Mayor Jones for his immediate resignation as mayor in order to save the taxpayers the cost of the impending recall election and disputes arising from that process.

Madame Clerk, I make a motion that the governing body support my request:

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

Mr. Roma: Although this vote I know is ceremonious, and I know that the Mayor is not going to , I can't see him heeding our request, I therefore, am going to make another motion

THAT THIS GOVERNING BODY TAKE A VOTE OF NO CONFIDENCE IN HIS ABILITY TO PERFORM THE DUTIES OF THE OFFICE OF MAYOR

Motion: Roma Second: Clayton
Approved: Clayton – Feeney – Komsa – Roma – Verga
Opposed: Clark

Mr. Roma: Mayor , do you have anything to say

Mayor Jones: I think I will respond when I give my report. Your action doesn't surprise me in any way Mr. Roma. I just want to let you know Mr. Roma, things that you may or may not know. The other day I had the opportunity to speak before the Assembly Republican Panel on Corruption.

Mr. Roma: Did they call you there as a witness.

Mayor: No, they wouldn't have to.

Mr. Roma: Are you sure, because we have a letter here, before you speak any further, we do have a letter here from the United States Attorney General that you are being investigated.

Mayor Jones: I haven't seen it

Mr. Roma: You haven't seen it..... it's a public document and we were all given copies of it. It's from the United States District Court

Mayor: What is the date of it.....

September 2008

Mrs. Clark: That was dismissed.

Mr. Roma: Were we advised that this was dismissed..

Clerk Never received anything re: dismissal.

Mrs. Clark: Maybe we should send a letter, or I will ask for the letter myself.

Mayor Jones: First off, let me explain the background , things have happened in the last few days that may shed some light on it. It began last year when I was asked a question about giving someone a position after receiving a loan. I was in a business partnership with an individual and a third person came into the partnership. That persons father gave us a loan before I was elected and at that time we began the business. The business faltered and we all went our separate ways. In January when I became the Mayor of the Borough all the appointments had to be made including the Recreation Commission. At that time I made my appointments and several months went by. In April one of the alternate members resigned, Rachel Wilson. At that time I placed a person in that position, a volunteer position. The person was not being paid. The person I had the

loan with, (father) had been paid monthly by me, by none of the other partners. Now, something you should know, there is currently a complaint before the U.S. House Judiciary Committee against Christopher Christie for his improper actions last year. If Mr. Christie felt it was wrong for someone, who before they were elected, received a loan and gave someone a volunteer position, then boy it was really wrong to give your former boss a \$52 million no bid contract #1. #2 It's also improper to give your associate who is investigating your brother, an \$8 million dollar no bid contract.....

Mr. Feeney and Mayor , overlapping.

Mrs. Clark: I'm looking at my agenda here –

Mayor: It's not there

Mrs. Clark Which is fine, whatever, I see here promotional swearing in for Sgt. DeMarco, I'm not really sure why we did not do this first. I think Mr. Roma is running this year, he's trying to make this political, but I'm very upset, he has family (DeMarco) sitting here, he has to listen to all of this....

Mayor: I'll wait until the end...

Mrs. Clark: It's unfair to him and his family sitting here.

CHIEF CAIRNS – Expanded on the outstanding successful career of Officer DeMarco and noted his pleasure in the promotion to Sgt as well deserved.

PROMOTIONAL SWEARING IN PROCEDURE. Oath was given by Mayor Jones to Sgt. Glen DeMarco

RECESS: 10 Minutes

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

RE-OPEN

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

Mayor Jones invited Ms. Jayne Moorman – Environmental Commission to speak to council
Troubled as an Environmentalist about being on the short list of the worst beaches in America. I signed up as a member of the Commission because of my interest in recycling. Our landfills are filling up reaching capacity and the tax savings should encourage all residents to recycle a greater percent of our solid waste. As a Commissioner I have learned that the Commission is responsible by state law to conduct an Environmental Resource Inventory (ERI). This tool will enable Beachwood to qualify for state grants to improve the storm water drains that are fouling our beach. We could apply for grants for Environmental Education programs to protect Barnegat Bay. We could apply for a grant to reimburse Beachwood for half the cost of the ERI. From reading the Press, I know there are a lot of issues on both sides, but everyone here agrees to have the best interest of Beachwood at heart, besides being required by state law, it is clearly in the best interest of Beachwood to have an ERI completed. Three estimates so far collected range from \$12,000 to \$18,000. Can the Environmental Commission receive the support of the Council to proceed with contracting to developing an ERI?

Mrs. Clayton: Asked if Public Works was contacted with regard to grants to storm drain clean outs. You should
Mr. Oris: Advised Mrs. Moorman that he has participated in and prepared ERI or NRI (National). In many instances the Environmental Commission will seek grants by them selves. It's a very competitive program. Taking a lot of creative grant writing in the process. If the Governing Body would like, they could assist the Commission in the grant writing aspect. Suggested working with the Commission on how they can help them do this.

Mrs. Moorman: Will contact Mr. Oris

#2009-247 PERMISSION HAS BEEN GIVEN BY THE STATE TO ADOPT
RESOLVED by Mayor and Council to adopt the 2009 Municipal Budget as amended and approved by the State of New Jersey.

Motion: Roma Second: Clayton
Approved: Clayton – Feeney – Komsa – Roma – Verga
Opposed: Clark

#2009-248 RESOLVED by Mayor and Council to approve the 2009 Certified Bills List in the amount of
A: \$475,435.63 B:\$1,450,233.38 C: \$269,012.

Motion: Feeney Second: Roma
Approved: Feeney – Komsa – Roma - Verga
Opposed: Clark
Abstain: Clayton - Bills List "A" Vendor C0079 a return of escrow to her husbands business

#2009- 249 RESOLVED by Mayor and Council to approve the minutes of the July 15, 2009 Meeting of Mayor and Council.

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

#2009- 250 RESOLVED by Mayor and Council to approve the minutes of the July 27, 2009 Special Meeting of Mayor and Council.

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

#2009- 251 RESOLVED by Mayor and Council to approve the minutes of the August 3, 2009 Special Meeting of Mayor and Council.

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

#2009- 252 RESOLVED by Mayor and Council to approve the minutes of the May 6, 2009 Executive Session Minutes 2009 Meeting of Mayor and Council.

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

#2009- 253 RESOLVED by Mayor and Council to approve the minutes of the May 20, 2009 Executive Session Minutes 2009 Meeting of Mayor and Council.

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

#2009- 254 RESOLVED by Mayor and Council to approve the minutes of the June 3, 2009 Executive Session Minutes 2009 Meeting of Mayor and Council.

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

#2009- 255 RESOLVED by Mayor and Council to approve the minutes of the June 17, 2009 Executive Session Minutes 2009 Meeting of Mayor and Council.

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

#2009- 256 RESOLVED by Mayor and Council to approve the minutes of the July 15, 2009 Executive Session Minutes 2009 Meeting of Mayor and Council.

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

#2009-257 RESOLVED by Mayor and Council to approve the rentals of the Beachwood Community Center and Mayo Park as follows:

2009		Community Center		
August	21	Fernandez	Rental:	\$350
		324 Tiller Ave.	Deposit:	\$500
		Beachwood		
August	29	Gassaro	Rental:	\$350
		645 Windward Ave	Deposit:	\$500
		Beachwood		

September	06	Macneill	Rental:	\$350
		1129 Spray Ave	Deposit:	\$500
		Beachwood		
October	18	Clayton	Rental:	\$350
		709 Seaman Ave.	Deposit:	\$500
		Beachwood		
October	25	Kirchner	Rental:	\$350
		1009 Cable Ave.	Deposit:	\$500
		Beachwood		
November	14	Liscombe	Rental:	\$350
		1328 Neptune Ave	Deposit:	\$500
		Beachwood		
2010 Community Center				
February	13	Girl Scouts	Rental:	\$WAIVE
		c/o Morgan	Deposit:	\$WAIVE
		326 Capstan Ave.		
		Beachwood		
March	27	Switana	Rental:	\$350
		22 Larboard St..	Deposit:	\$500
		Beachwood		
October	09	Eitel	Rental:	\$350
		712 Beach Ave.	Deposit:	\$500
		Beachwood		
<u>MAYO PARK</u>				
August	16	Cashman	Rental:	\$75
		413 Mermaid Ave	Deposit:	\$75
		Beachwood		
August	30	Cramer	Rental:	\$125
		512 Beach Ave	Deposit:	\$175
		Beachwood		

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

#2009-258 WHEREAS on May 6, 2009 under Resolution #2009-157 approval was given for and August 23, 2009 rental of the Community Center by Iozzi, 433 Halliard Ave noting all resident fees (\$850) were posted, and

WHEREAS, on July 14, 2009 written notice of cancellation was received by the Borough, subjecting the applicant to a \$125 cancellation penalty (less than 60 days) .

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$725 to Iozzi, 433 Halliard Ave. Beachwood, said refund reflecting a \$125 cancellation penalty.

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

#2009-259 WHEREAS on April 1, 2009 under Resolution #2009-128 approval was given for and August 29, 2009 rental of the Community Center by Hammack, 51 Shell Street noting all resident fees (\$850) were posted, and

WHEREAS, on July 16, 2009 written notice of cancellation was received by the Borough, subjecting the applicant to a \$125 cancellation penalty (less than 60 days) .

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$725 to Hammack, 51 Shell Street , Beachwood said refund reflecting a \$125 cancellation penalty.

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

#2009-260 WHEREAS on April 15, 2009 under Resolution #2009-142 approval was given for a February 20, 2010 9 rental of the Community Center by Bracken, 1201 Anchor Ave, Beachwood, noting all resident fees (\$850 were posted, and

WHEREAS, on August 3, 2009 written notice of cancellation was received by the Borough, subjecting the applicant to a \$100 cancellation penalty .

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$750 to Bracken, 1201 Anchor Avenue Beachwood said refund reflecting a \$100 cancellation penalty.

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

#2009-261 WHEREAS on April 1, 2009 under Resolution #2009-128 approval was given for a May 8, 2010 rental of the Community Center by Still, 752 Cable Ave, Beachwood, noting all resident fees (\$850 were posted, and

WHEREAS, on August 11, 2009 written notice of cancellation was received by the Borough, subjecting the applicant to a \$100 cancellation penalty .

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$750 to Still, 752 Cable Ave, Beachwood said refund reflecting a \$100 cancellation penalty.

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

#2009-262 RESOLVED by Mayor and Council to approve the following requests for Conference – Training – Seminar.

Date:	August 11, 2009 to December 17, 2009 Fire Co. (M. Robillard – M. LeMore – C. Davis – M. Dougherty
Location:	Ocean County Training Center.
Subject:	Fire Fighter Level I
Cost:	\$0
Vehicle:	Yes

Date:	August 28-29 Sept. 2 – 5 – 12 Fire Co. – D. Roselli - W. Wojcik
Location:	O.C. Training Center
Subject:	Basic Pump Operations
Cost:	\$0
Vehicle:	No

Date:	September 11, 2009 Elizabeth Sarantinoudis (Registrar) Bonnie Boud (Deputy Registrar)
Location:	Pt. Pleasant N.J.
Subject:	Vital Records Administration
Cost:	\$184 Per Person
Vehicle:	No

Date:	September 11 – 18 – 25 Municipal Court - Renee Fisher
Location:	Waretown
Subject:	Principals of Municipal Court Administration – Level 1
Cost:	\$0
Vehicle:	No

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

#2009-263 RESOLVED by Mayor and Council to approve the retirement payment , per contractual agreement , of \$20,000.00 to Bob Mack. Mr. Mack will officially retire as of August 31, 2009. He began his employment with the Borough of Beachwood on June 28, 1974, and retires with 35 years and 2 months of service to our Community.

Motion: Feeny Second: Clark
 Approved: Clark – Clayton – Feeny – Komsa – Roma - Verga
 Abstain: Absent:
 Mrs. Clayton – Noted that Mr. Mack will be missed.

#2009-264 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the following Raffle License Applications:

September 12, 2009	Beachwood Soccer	50/50
November 5, 2009	Beachwood Soccer (Wave)	Raffle??
November 14, 2009	Beachwood Soccer	Raffle / Baskets
November 14, 2009	Beachwood Soccer	50/50

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

#2009-265 WHEREAS, on January 7, 2009, during the Re-organization of the Borough of Beachwood, the Firm of Citta Holzapfel & Zabarsky were names as Municipal Prosecutor; and

WHEREAS, Thomas V. Campo was named as one of the Alternates within the firm to serve; and

WHEREAS, on July 15, 2009, the Borough was advised that Mr. Camp is to be replaced by Mr. Paul Granick effective immediately.

NOW THEREFORE BE IT RESOLVED TO AMEND The agreement between the Borough of Beachwood and Citta, Holzapfel & Zabarsky to include Mr. Paul Granick for Prosecutorial Services.

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

#2009-266 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and the County of Ocean for Recycling Center Use and Revenue Sharing, effective January 1, 2010 and ending December 31, 2014; and

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

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

#2009-267 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Birdsall Engineering Inc. for the following in connection with our Affordable Housing Plan:

1. Preparation of a Preliminary Analysis of Affordable Housing Yield from an Affordable Housing Overlay Ordinance in the B-1 Zone.....\$1,450.00
2. Preparation of a Draft Affordable Housing Overlay Ordinance and Advisory
3. Services..... \$3,900.00
4. Preparation of an Updated Preliminary Growth Projection Adjustment Analysis.....\$1,200.00
5. Preparation of the Updated Housing Plan Element and Fair Share Plan..... \$5,280.00

Total Not to exceed\$11,800.00

And

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

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

ORDINANCE FIRST READING TITLE ONLY
#2009-11 AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "SALARY ORDINANCE" OF THE CODE OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY; FIXING AND DETERMINING SALARY, WAGES AND COMPENSATION TO BE PAID TO THE FOLLOWING OFFICERS AND EMPLOYEES IN THE BOROUGH OF BEACH WOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY.

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

SECTION 1: The annual salaries for the year 2009 of the following officers and employees herein named are hereby amended and fixed and determined as follows:

TITLE	MINIMUM	MAXIMUM
Summer Camp Director	\$400.00 p. wk	\$500.00 p. wk.
Camp Counselors	\$ 7.00 p. hr.	\$ 9.00 p. hr.

SECTION 2: The annual salaries and wages as described herein shall be in effect and retroactive to January 1, 2009 to and including December 31, 2009.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4: This ordinance shall take effect immediately upon final passage and publication as required by law.

Resolution
#2009-268 RESOLVED by Mayor and Council to approve Ordinance #2009-11 as presented on First Reading Title Only.

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

ORDINANCE FINAL READING PUBLIC DISCUSSION and ADOPTION
#2009-08 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING VARIOUS IMPROVEMENTS TO STREETS AND ROADS AND THE PURCHASE OF EMERGENCY EQUIPMENT FOR FIRST AID SQUAD AND FIRE DEPARTMENT WITHIN THE BOROUGH OF BEACHWOOD AND APPROPRIATING THE SUM OF \$700,000.00 AND AUTHORIZING ISSUANCE OF GENERAL IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$665,000.00 TO FINANCE THE COSTS THEREOF

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Resolution #2009-269 RESOLVED by Mayor and Council to approve and adopt Ordinance #2009-08 as presented and held for public discussion

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

ORDINANCE #2009-09 FINAL READING PUBLIC DISCUSSION AND ADOPTION
ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE ACQUISITION OF FURNISHING AND EQUIPMENT FOR THE NEW BEACHWOOD VOLUNTEER FIRST AID SQUAD BUILDING AND APPROPRIATING THE SUM OF \$120,000.00 FROM THE BOROUGH OF PINE BEACH

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

Motion: Roma Second: Clayton
Explanation: Mr. Feeney explained the purpose of the ordinance to address the expenditure of the funds to be received from Pine Beach to address furnishings for new First Aid Building.
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Resolution #2009-270 RESOLVED by Mayor and Council to approve and adopt Ordinance #2009-09 as presented and held for public discussion

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

ORDINANCE FINAL READING PUBLIC DISCUSSION AND ADOPTION
#2009-10 **ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING FOR WATER UTILITY IMPROVEMENTS ALL IN AND FOR THE BOROUGH AND APPROPRIATING THE SUM OF \$390,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF WATER OF WATER UTILITY BONDS OR NOTES IN THE AMOUNT OF \$390,000.00 TO FINANCE THE COSTS THEREOF**

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

LaCrosse
Forecastle Ave: Asked what the ordinance was for

Council: Explanation

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Resolution
#2009-271 RESOLVED by Mayor and Council to approve and adopt Ordinance #2009-10 as presented and held for public discussion.

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

#2009-272 RESOLVED by Mayor and Council to approve the application for membership to the Beachwood Volunteer Fire Company #1 Inc. of Warren C. Harzer – 809 Berkeley Ave.

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

#2009-273 AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00018 TO LIEN HOLDER N OR D REMICK, IN THE AMOUNT OF \$ 1,354.51

WHEREAS, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 3.28 Lot 6, also known as 1009 Beachwood Boulevard, for 2007 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-00018, was sold to US Bank-Cust/Sass Muni V dtr, with a 0% interest rate; and,

WHEREAS, Layfayette General Title Agency, has effected redemption on behalf of the property owner, Fannie Mae for certificate # 07-00018 in the amount of \$1,354.51.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey as follows:

1. Authorize the Treasurer to issue a check in the amount of \$1,354.51 payable to US Bank-Cust/Sass Muni V dtr, 2 Liberty Place, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #07-00018

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

#2009-274 AUTHORIZE THE TRANSFER THE AMOUNT OF \$425.50 FROM ESCROW FOR BLOCK 9.37 LOT 5 TO BLOCK 1.25 LOTS 1&2 FOR APPLICANT DAVID LIPTON

WHEREAS, David Lipton owner of Block 9.37 Lot 5 had previously made application to the Borough of Beachwood Land Use Board at which time an escrow account was established to pay any fees associated with the applications; and,

WHEREAS, the application has subsequently been approved and all fees satisfied leaving a credit balance of \$ 1,759.03; and

WHEREAS, David Lipton has also made application for a Roadway & Water Main extension for Block 1.25 Lots 1 & 2 which currently has a negative escrow balance of \$425.50; and,

WHEREAS, it will necessary to transfer \$425.50 from the escrow account for Block 9.37 Lot 5 to Block 1.25 Lots 1&2 so that all delinquencies can be satisfied.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to direct the Treasurer to transfer \$425.50 from escrow account for Block 9.37 Lot 5 to Block 1.25 Lots 1&2 so that all delinquencies can be satisfied

Motion: Feeney Second: Roma
Approved: Clark – Clayton – Feeney – Komsa – Roma – Verga

CORRESPONDENCE:

RESOLUTION

#2009-275

1. **Mr. Chris Backus (1245 Seaman) Requesting use of ramp for 1 month – at \$8.33 pro-rated amount. Being deployed to action August 31. Use from August 1 – 31**

Motion: Roma Second: Clayton
Approved: Clark – Clayton – Feeney – Komsa – Roma – Verga



1014 Pinewald Road
Beachwood, NJ 08722
(732) 244-1550
www.beachwoodnurseryschool.com

July 16, 2009

Mayor and Council
Borough of Beachwood
1600 Pinewald Road
Beachwood, New Jersey 08722

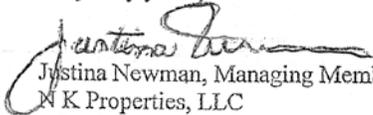
Re: Block 6.43, Lot 1
Beachwood Nursery School
N K Properties, LLC

Dear Mayor and Council:

As you are aware, we are in the process of constructing a second nursery school building immediately adjacent to the existing Beachwood Nursery School. In order to comply with the applicable codes, we are required to provide for fire sprinklers throughout the structure. The sprinkler design provides that an independent, dedicated water supply be provided and this water connection has been determined to be four (4) inches in diameter. After speaking with Mr. John Berhens of the Public Works Department, it is our understanding that a meter is required, although there is still a quarterly fee (I believe it is \$0.50 per head in the building being covered) for this connection without any water being utilized. It makes little sense to require a meter on a line that will have no flow unless there is a fire.

Since there is a quarterly fee, and as an aid to keep costs of construction manageable, we are requesting that the need for the meter on this dedicated line be waived. Please understand that domestic water use will be supplied by a separate one (1) inch connection that will be metered. Your consideration in this matter is appreciated.

Very truly yours,


Justina Newman, Managing Member
N K Properties, LLC

4. Paul Leakan – N.J. Pinelands Commission

Dear Municipal Clerk,

With vast tracts of unbroken forest, an aquifer system that contains 17-trillion gallons of fresh water, and habitat for rare plants and animals, the million-acre Pinelands area of southern New Jersey is a natural treasure.

People can discover how they can help protect this special region during the second-annual **“Pinelands-Friendly Yard & Garden Fair,”** which will be held on **Saturday, September 12, from 11 a.m.-4 p.m. at the Woodford Cedar Run Wildlife Refuge** on 4 Sawmill Road in **Medford Township, Burlington County.**

The event will feature four nurseries selling native Pinelands plants, as well as live animal demonstrations, plant experts and several presentations, including a talk by Mike McGrath, host of the nationally-syndicated public radio talk show "You Bet Your Garden."

Here is a link to the event flyer. Please feel free to distribute this link and/or post it on your municipality's website:

http://www.nj.gov/pinelands/about/events/draft_plant_flyer_2009_2.pdf

Please let me know if you have any questions.

Thanks,

Paul Leakan
Communications Officer
NJ Pinelands Commission
(609) 894-7300, ext. 124

5. Berkeley Avenue Residents – Re: Vacant property (Berkeley Twp.)

August 6, 2009

THE HONORABLE MAYOR RONALD JONES &
COUNCILMEN

Dear Sirs,

We, the concerned residents of Berkeley Avenue are appealing to your compassionate nature to give immediate attention to our predicament. On August 1st, last Saturday afternoon around 5:00pm, one of the the resident's son, observed smoke coming from the wooded area near their backyard (between government property & Johnson's property). Being a concerned citizen, he checked out where the smoke was coming from and while he was standing over a hill next to the woods, he witnessed a group of kids standing around a pile of tree branches burning. He immediately called the cops who responded at once. The kids' ages ranged from 11yrs. to 15yrs old. They were told to put out the fire right away, which they did. Their parents were called since they were all considered minors. When police questioned the minors concerning who started the fire, they eventually confessed that "they found a lighter somewhere". The lighter was used to light the tree branches.

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The scary part of this situation is what if nobody had noticed the smoke & nobody had confronted these minors. The fire could have easily gone out of control and we could have experienced a forest fire that could have been disastrous. This is clearly the last thing we need, especially during these difficult economic times.

We have the Elementary & Middle Schools in our vicinity, not to mention our homes, which we've worked so hard to attain. We only have to recall the horror of forest fires in the state of California & Florida to be vigilant now and all the time. We hope you and your Councilman can discourage these trespassers from going in this particular area. We need peace of mind that when we are out of our homes, our houses are safe from destruction, directly and indirectly committed by these irresponsible group of people.

We look forward to hear from you and your Councilman for an effective solution to our present predicament. Thank you for your time.

Sincerely,

Jalley Ong
Mohi O. Swangjee, Jr.

Amel Batista
Choy Leong

Harold Jones
Jayce Bartman
Penadette Foster

Concerned Residents of Berkeley Ave.



Beachwood Yacht Club

P.O. BOX 167
BEACHWOOD, NEW JERSEY 08722

August 10, 2009

Mayor Ronald W. Jones
Beachwood Municipal Complex
1600 Pinewald Road
Beachwood, New Jersey 08722-2897

Chief William Cairns
Beachwood Municipal Complex
1600 Pinewald Road
Beachwood, New Jersey 08722-2897

Dear Mayor Jones, Chief Cairns & Council Members:

On August 22nd, Beachwood Yacht Club will be hosting our annual "BBYRA" (Barnegat Bay Yacht Racing Association) race day. We have been members of the BBYRA since 1944 and each member club of the BBYRA is appointed the "host" club for one of the ten weeks of racing. All races take place on a Saturday.

Beachwood Borough has been most accommodating over the years to allow us use of the T-Dock to allow the boats required to run the races to load and unload passengers, equipment and racing gear. The peak hours of dock usage will be between 7am and 9am; very light usage during lunchtime as we normally run lunches out to the committee and patrol boats; and at the end of the racing day traffic will peak again between the hours of 4pm to 6pm, weather and conditions permitting.

We should have no reason to utilize the boat ramp nor parking facilities as most of the boats come by water. We are hoping you will allow us to use the T-Dock we will make sure that no boats utilize any of the slips. We will try to keep all the boats on the south side of the T-dock so we do not block access to any of the slips but may need to use the end for some of the larger boats who draw a fair amount of water.

We also have our annual fall series scheduled for September 13th, 20th, 27th and October 4th. Boat traffic is fairly light however we may need light use again for some of the larger boats. I would be happy to come before you in person do explain the logistics.

Thank you again for your support, past, present and future.

Respectfully yours,

Brigitte M. Hoey
Commodore - Beachwood Yacht Club
Tel: 732-269-0308 (w); (973) 452-9417 (c)

Reports:	
Mayor	<p>To Mr. Oris. Over last few months have been bottling water (produced 4 bottles of various discoloration including one from store) Knows that we have been trying to address. In perfect world what is the solution for this.</p> <p>J. Oris: Relative to the water quality and iron content of water in Beachwood and in similar communities experiencing the same problem. Beachwood has been doing things to help improve water quality. Unfortunately, Borough was struck by lightning at end of June. When the equipment was rendered non-functioning there was a higher than normal iron content resulting from the problem. The residual that goes out over the lines, during high peak use or other periods, the problem displayed is not out of the ordinary.</p> <p>Mavor: Spoke with DEP / Water Quality and they referenced high salt water shelf.</p> <p>J. Oris: Re: Beachwood there is not an issue of the salt water shelf. Beachwood draws from the Kohansee and Piney Point (both have a high iron count). Water monitored by separate licensed testing laboratory .</p> <p>Mavor: Re: earlier statements by Council President may not agree but supports right to do it. Without going into detail, as a public official, if you believe something is not proper whether you believe or don't believe you have an obligation to do something about it. Re: Stepping down I am not stepping down from dais.</p>
Mrs. Clark	No Environmental Commission meeting in September. Provided council copies of draft for Historical Commission. Asking Council to review. May be re-designed following Mr. Weber's meeting at county.
Mrs. Clayton	Thanked Pine Beach for supporting the First Aid with \$120,000. In particular thanked Mr. Feeney for making it happen. Suggested that First Aid send letter of thanks to Pine Beach. Walk through done, and punch list created. Banner program. Flags coming down, having been damaged over recent storms. Will be replaced next year. Totally funded by donations no tax payer funds. Mr. Feeney allowed recycling funds to be used for new signage at recycling compound which will be useful to those using yard and those working the yard. Marina getting new water lines for use. Met with Commodore of Yacht Club and incidents incurred. Will work with them for next years event to avoid these problems. Brown water problem experienced by all. We are in a BOG IRON area it's always been a problem. It's the demand that creates the problem. Breast Cancer walk August 30 th – 7:30 a.m. 3.5 miles \$10 . Commented on letter from Mayor addressing “Lawn Maintaining” explained how addressed. Addressed letter from resident about events at Carousel of Music who was asked to leave. Commented on events over week with Mayor and Clarks.
Mr. Feeney	<p>Congratulated Sgt. DeMarco. Recycling Agreement with County. Addressed Mrs. Mooremans statement. Thanked all volunteers. Commented on the nonsense statement of Mayor calling Beachwood the most corrupt city in the state. You drive around town and see why we are here, why you chose to raise your children here.</p> <p>Mayor: To Mr. Feeney about fence at recycling compound.</p>
Mr. Komsa	Congratulated Sgt. DeMarco. Final Carousel of Music on 16 th of August. Thanked CMX for sponsoring these events. Yard sale coming up. Harvest Bonfire in October. Commented on Rowan College program for “anemometer” which was pulled. Noted that O.C. College is putting together this similar program and would like to have the Borough involved. Would be attached to side of Radio Tower at no cost to the Borough.

PUBLIC DISCUSSION: To Open

Motion: Roma Second: Clayton
Approved: Clark – Clayton – Feeney – Komsa – Roma – Verga

LaCrosse

708 Forecastle Ave: Re: Statements made by Mayor about Beachwood being most corrupt city in the state. Does not believe true. Asked Clerk if she was aware of corruption. (No) If seen and not reported, would that be a crime of omission. (Municipal Attorney) could certainly be.

Mayor statements at the conference, noted that there was no representation or comment from FBI or US Attorney’s Office – Attorney General Office or Prosecutor. If there are these investigations taking place and you knew about them, isn’t your first responsibility not to say anything and let them continue on with their investigations. Are you not yourself obstructing justice?

To Mr. Hering, were you aware of the press conference? NO

Understand it was media only, and he was asked to leave, but Mrs. Clark was there – and Mr. Clark (not part of the media).

Mrs. Clark .. it was a private event, I was invited.

Mr. Jones made it a point to note it was a media event and not open to the public. As tax payer, I have a right to know who in our local government is corrupt.

Mayor: Not at liberty to disclose at this time.

Mr. LaCrosse; Why did you feel it necessary at this time to come out to make these outrageous and false allegations at this time.

Mayor: Maybe it was time to put it on record that they are not false allegations.

To Mr. Roma – thank you for your statements earlier and taking that vote. I think most of you should be applauded, because you have taken a step in my opinion showing that Beachwood is not corrupt. We want the person who made those claims to take responsibility for his actions. Acting more like a grown up and not someone who has fears of having his position taken away.

Municipal Clerk -

Mayor made a charge that I am in conflict with the petition, because of an allegation he has made. And would request that this be added to the authorization earlier that the Attorney have investigated.

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

Lipton

Anchor Ave: Been coming to meetings for 20 years, perhaps longer than anybody. Never seen in all those years any more sanity than what has been happening year. People have houses they are interested in selling – refinancing – purchase and when someone makes allegations such as you did Mr. Jones, totally irresponsible to make. If papers weren’t so desperate for headlines, they would never have reported on this. Clearly I can say you have a totally evil agenda. For what reason I don’t know, it should be looked at like that. . Commented on procedure involving Right to Know Request. Should be made officially. I hope these people succeed. But if they don’t, this town has been brought together more than it has in 20 years because of this.

Hugh

353 Windward Ave: Concerned about drainage problem in front of their home. Drain does not handle problem Post Office unable to deliver mail due to volume of water. Can't park on property in rain. Issue is on-going since before they moved there. Is something being done.

Mayor: Sent e-mail to Mr. Oris.

Mr. Oris: Not a situation that is a laughing matter. Taken seriously. Problems were created by old railroad property. Property is lower than railroad property. Did some previous proposals with the Administrator. About 10 years ago, an inlet pipe was installed, which probably needs to be cleaned to help the situation, then need to look at a "capital improvement" of the area and see what can be done to address.

Mr. Roma: Possible simple solution, clean out of pipe and then see what has to be done.

Baliziniski
Homeless-

Wherever I stand is my home. 1600 Pinewald Rd. Beachwood . I am homeless because of the Mayor of Beachwood. This all began about a year and a half ago because of me and a statement to me that it is not in my best interest to tell anyone about the money I saw you take. That's where it all began. IF it was a loan in fact, then why did you tell me it was not in my best interest to expose it. If you recall, I said now that you said it to me that you could follow me down, or take my word for it that I would be going to the Prosecutors Office and I did. To clarify it was not before he was elected, it was after. There were two amounts of money one \$5,000 and one \$4,000. The \$5,000 was the bribe. I heard a discussion, I will not elaborate, I was told not to elaborate on it by certain people. I am a federal witness. I don't know what I am allowed to say, and if I could possibly get in trouble for it. I don't know how you are sitting on the dais right now, when you broke the confidence of a federal agency you are working for or the Prosecutors Office. I believe you going against their wishes is an obstruction of justice and therefore I think that would be the best test to prove you are a liar.

You made a statement in the press conference that you are paying \$40,000 in legal bills. A mayor making \$1,700 a month on a mental disability and a small mayors salary makes approx \$40,000 in two years. I would like to know if you expect everyone to believe you spent all of your earnings on legal fees when you have bills to pay, you have child support – car payments , insurance.....

Mayor I don't have child support , never have.

Baliziniski Addressed comments involving Mrs. Clark and permitting process for work on her home.

Mrs. Clark: I believe what he's referring to, I purchased my home with a finished basement. There was no need for smoke detection. When I purchased my home in 97' the C of O only required smoke detectors, so they looked at my home, they saw that I had a finished basement. I even have the real estate document that says I purchased it with a finished basement. We did an addition, which I pulled all the permits on my home, all the permits, I did. We pulled up the permits way before I started my addition. Mr. DiBella was apparently requesting all of my permits I was told by the town,..... I have everything up to date, I'm in the business. We have files at home. I pulled every permit that you could imagine. I just put a new one in, to finish a new part of my house. In my basement, we want to finish it now.

The building dept told me I wouldn't be able to sell my home, because a C of O would have to be done on the finished part of the basement that we purchased. I could wait until I sold or get it done now. So I paid \$110 to get it done now to come look at my basement that was done in 1965 when I purchased ... when we built the home.

Verga: Was there a bathroom down there...

Yeah, it was all part of it.....

B. Knapp
206 Beachwood Blvd. Been here since 1983. My second time talking to this governing body. You are the head of this Governing Body Mayor, and I think you are allowing certain things to spiral downward. All the he said/she said/I said. You have to conduct this meeting as Borough of Beachwood. Beachwood Business. This is a Borough meeting, not all the gossip he said she said.... You are in charge of this meeting, and this tax payer is asking you to take control, if you are capable of doing it, you have to take control of the meeting.

DiBella
1008 Halliard Ave: Something interesting was said, when a taxpayer puts in a right to know request in Mrs. Clark was notified. Can you tell me who notified her.
Comments on the Promotion of Sgt. DeMarco and that he should not have had to endure the events that took place earlier.

Comments about use of vehicle. Improperly signing a contract.

During the press conference the Chief's home address was irresponsibly released. Believes the Chief should be properly protected as a result of this irresponsibility.

Mr. Roma: I'm sure that if the police felt this was necessary they would handle it.

Calling Beachwood "most corrupt" community affects home values. Audio recordings of Environmental Commission meetings, never produced because recordings not available as a result of a computer crash. Request for information on complaint filed by Mrs. Clark never provided. Agrees with analysis of Mayor's news conference.

To Mr. Hiering re: Order from Judge English on "Collins " matter.

Mr. Hiering: Read "Court Order"

Mr. DiBella Councilmember voting no on many issues. Addressing issue of drainage brought earlier and Mayor not notifying Mr. Roma on the matter.

Mrs. Clark: Addressing her daughter Emily's request to read something at the meeting. Emily read a passage from her Bible.

Mr. Knapp Although agree with what was said, did not feel "revenge" was Borough business.

Chief: Over the Limit Under Arrest under way.

PUBLIC DISCUSSION: To Close

Motion: Roma

Second: Clayton

Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

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:

Pending Litigation – Terms and Condition of Employment - Contractual

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

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

RE-OPEN
Motion: Komsa **Second:** Verga
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

Mayor Jones did not take his seat upon re-opening the meeting. He stood on the floor.

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION THIS DATE:

RESOLUTION

#2009- 278 To approve award of Energy Audit to Winters pending notification to proposals of their intent to withdraw their proposal.

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

#2009-279 To approve the agreement between the Borough of Beachwood and CMX for the following agreements:

- A. Finished Water and Backwash Meters of \$21,800.00
- B. Installation of Filter to Waste Piping of \$45,000.

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

#2009-280 **RESOLVED to authorize Department of Public Works to address clean up and safety issues at 801 Sunset Road and secure the property in question.**

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

#2009-281 RESOLVED by Mayor and Council to authorize the Attorney to amend the ordinance to address Property Clean Up.

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

Resident asked if they could ask a question

Mayor Jones took his seat at 10:30 p.m.

Some debate on the issue of opening up the meeting to questions .

Council noted if pertaining to issue discussed upon reconvening they would entertain a question

Mr. LaCrosse
Forecastle Ave Began to ask relative to the request to authorize attorney to address “conflict” ...

Council advised that was not brought up in this session.... The authorization to Mr. Hiering was for another matter.

Mr. Clark
Tiller Ave Noted that he was the resident previously denied to speak.

ADJOURMENT

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

Submitted by: E.A. Mastropasqua.

Ronald W. Jones , Jr.
Mayor

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