

October 1, 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:

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.

RESOLUTION

#2008-364 RESOLVED by Mayor and Council to approve the 2008 Certified Bills List in the amount of \$363,558.67

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

RESOLUTION

#2008-365 RESOLVED by Mayor and Council to approve the minutes of the September 17th 2008 Regular Meeting of Mayor and Council

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

RESOLUTION

#2008-366 RESOLVED by Mayor and Council to approve the following rentals for the Community Center – Mayo Park

2008 Community Center				
Oct.	17	Szczpinski	Rental:	\$350
		214 Beachwood Blvd.	Deposit:	\$500
		Beachwood		
Nov.	09	DeAnni	Rental:	\$350
		600 Forecastle Ave	Deposit:	\$500
		Beachwood		
2009 Community Center				
Feb.		Boyle	Rental:	\$350
		316 Barnegat Blvd	Deposit:	\$500
		Beachwood		
June	14	Nagy	Rental:	\$350
		304 Capstan Ave	Deposit:	\$500
		Beachwood		
2010 Community Center				
May	16	Worth	Rental:	\$350
		717 Ensign Ave	Deposit:	\$500
		Beachwood		

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

APPROVED FOLLOWING DISCUSSION DURING THE SEPTEMBER 17th Executive Session.

Resolution
#2008-367 RESOLVED BY MAYOR AND COUNCIL that effective September 17th
Construction official Wayne Gibson’s hours will be increased to 28 per week.

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

**RESOLUTION
#2008-368**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A 40A:5-6 , and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S.52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and
WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 to with:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services) under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office”

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Beachwood, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion: Roma Second: Clayton
Question: Verga – re: Water Utility Capital Fund – identifying item since 1949? Explanation
CMFO Mauder
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga
Opposed:
Abstain: Absent:

#2008-369 WHEREAS on September 11, 2001 during this nations worst disaster, thousands of first responders reported to the scene in a display of self sacrifice never seen before; and

WHEREAS, the area of devastation later was learned to be a source of compromised air quality and other toxins as a result of the attack by terrorists; and

WHEREAS, reports have shown that there has never been a comprehensive program to remediate the issues of toxin exposure to these first responders and they have now become victims and join the many survivors who experience serious life threatening health issues as a result of that attack, and

WHEREAS, the failure to release federally appropriated funds for their care and there is a lace of sufficient outreach to these new victims of September 11th, it is imperative that HR6594 proposed by Congressman James Zadroga under the Health and Compensation Act of 2008, which will provide the medical care and offer certain types of financial assistance to the first responders and other victims of 9/11, become law.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood, that it hereby urges the United States Congress to move HR6594 to successful resolution on behalf of the thousands of first responders to the World Trade Center.

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

#2008-370 CORRECTIVE ACTION RESOLUTION

WHEREAS, the Borough Council of the Borough of Beachwood has reviewed the 2007 audit prepared by the Borough’s auditing firm, William E. Antonides and Company; and

WHEREAS, the Borough’s auditor has made one (1) recommendation suggesting certain remedial actions; and

WHEREAS, the Chief Financial Officer of the Borough has reported remedial actions, if applicable, as outlined in his “Corrective Action Report attached hereto and made a part hereof; and

WHEREAS, the Borough Council has reviewed the recommendations contained within the audit and the Corrective Action Report and finds that the implementation of said recommendations is in the best interest of the Borough of Beachwood.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood that per the requirements of the audit that the Corrective Action Report be and hereby is filed and available in the office of the Municipal Clerk and that the Administration and the Chief Financial Officer be and hereby are charged with the implementation of the actions prescribed by the Corrective Action Report.

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

ORDINANCE FIRST READING TITLE ONLY NOTE DRAFT #3 Provided 9/22

#2008-16 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROHIBITING THE SMOKING OF TOBACCO PRODUCTS WITHIN ANY BOROUGH OWNED BUILDING AND UPON CERTAIN PUBLIC BEACH AND PARK AREAS WITHIN THE BOROUGH AND PROVIDING FOR VIOLATIONS AND PENALTIES THEREFORE

RESOLUTION

#2008-371 RESOLVED by Mayor and Council to approve Ordinance #2008-16 as presented on First Reading Title Only

Mrs. Clayton has concerns with way it is written. Believes it is not enforceable. Problem with language "all public lands".

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

RESOLUTION

#2008-372 WHEREAS Block 4.23 Lot 12 (Account #1639-0) owned by James and Jane Smith was billed for the 4th quarter 2008; and

WHEREAS, the billing for the quarter was sent out on 9/19/08 and the request to turn off was received 9/23/08.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to credit the account for \$39.75

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

#2008-373 RESOLVED by Mayor and Council to AUTHORIZE a REFUND OF REDEMPTION MONIES FROM LIEN #07-020 TO LIEN HOLDER RICHARD PISCIOTTA IN THE AMOUNT OF \$ 12,307.00

WHEREAS, at the Municipal Tax Sale held on December 14, 2007, a lien was sold on Block 3.09 Lot 10, also known as 1137 Beachwood Blvd, for 2006 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-020, was sold to Richard Pisciotta with a 18% redemption fee; and,

WHEREAS, Countrywide has effected redemption, on behalf of property owners, William & Christine Simione, for certificate # 07-020 in the amount of \$12,307.00.

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 \$12,307.00, payable to Richard Pisciotta, PO Box 234, Barnegat Light, NJ 08006, for the redemption of Tax Sale Certificate #07-020
2.

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

#2008-375 **Resolution Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to Chapter 99 Public Laws of 1997**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Fernwood Funding, LLC, which certificate is dated September 20, 2006 covering premises commonly known and referred to as Block 3.17 Lot 2 as set out on the municipal tax map then in use which certificate bears number 06-005 and said certificate was recorded in the County of Ocean in book 13392 and page 1384 and;

WHEREAS, the purchaser/assignee of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood in the County of Ocean and State of New Jersey, that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit, to issue the appropriate tax sale certificate to the said purchaser covering the certificate lost as previously described, all in accordance with the requirements of Chapter 99 of Public Laws of 1977.

BE IT FURTHER RESOLVED that a copy of this resolution and Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted on them the word “Duplicate” as required by law.

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

#2008-376 **RESOLVED by Mayor and Council to AUTHORIZE REFUND OF TAX OVERPAYMENTS FOR BLOCK 8.46 Lot 17, Block 1.08 Lot 13**

WHEREAS, The State of New Jersey Department of Taxation had requested a listing of all property owners who had delinquent tax amounts and then forwarded any Homestead Rebate amounts due to The Borough of Beachwood tax office for property owners for James & Kathleen Malone, Block 1.08 Lot 13, property address 644 Halliard Avenue in the amount of \$394.63 and Gerard & Lisa Voinski , Block 8.46 Lot 17, property address 1544 Mermaid Avenue in the amount of \$1,009.35; and,

WHEREAS, taxes had be made current unbeknownst to the State of New Jersey Department of Taxation and;

WHEREAS, The property owners are requesting a refund due to the over payment.

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

1. The Tax Collector is directed to process refunds in the total amount of \$1403.98 for the over payment of taxes.

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

RESOLUTION

#2008-377 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING FINAL CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH AND EARLE ASPHALT COMPANY FOR ROADWAY IMPROVEMENTS TO NAUTILUS STREET INCREASING THE CONTRACT FROM \$92,413.13 TO \$107,544.30

WHEREAS, the Borough of Beachwood previously awarded a contract for roadway improvements for Nautilus Street to Earle Asphalt Company in the amount of \$92,413.13; and

WHEREAS, as a result of modification of the project limits and final as built quantities Final Change Order Number 1 has been proposed increasing the contract by \$15,131.17; and

WHEREAS, the Borough Engineers, CMX, have reviewed said Final Change Order Number 1 and found the same to be in proper form and order and have recommended the same for approval; and

WHEREAS, the Borough CFO has certified that funds are available for said increase in contract price; and

WHEREAS, it is now the desire of this governing body to approve Final Change Order Number 1 in accordance with the Borough's recommendations.

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 of Beachwood hereby approves Final Change Order Number 1 to the contract between the Borough and Earle Asphalt Company for roadway improvements to Nautilus Street increasing the contract by \$15,131.17 to a final adjusted contract price of \$107,544.30.

2. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to Borough Engineer, the Borough Treasurer and Earle Asphalt Company.

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

Ordinance #2008-22 First Reading Title Only
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER II OF THE BOROUGH CODE AS IT AFFECTS THE LENGTH OF SERVICE AWARDS PROGRAM (L.O.S.A.P) COST OF LIVING ADJUSTMENT AND POINT SYSTEM

Mr. Feeney - Noted that they sat with the Fire Company several months ago to review items missing. Proposals were reviewed and addressed injured in the line of duty and military service.

RESOLUTION TO APPROVE ORDINANCE #2008-22 as presented on First Reading by Title Only.

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

Reports

Feeney Recycling check \$13,461.19 for our portion of the recycling revenue. There's still a lot to do in that area. Concern about poachers. Suggest residents report any removal from the curb..

Clark Thanked Fire Company on great Roast Beef dinner. Always something special going on. Applaud their efforts to be so actively involved in community. Blood drive sign up available. Will do a contest at Beachwood Elementary to boost donations from parents. Oct. 9th 2-7 p.m
Approached by Borough historian and there is an interest in doing historical preservation commission in Beachwood. Council is reviewing. Hope we can do.
Shade tree meets 10/9 Environmental 10/6 . Beach sweep 10/19 need volunteers.

Clayton Commend Feeney on working hard on LOSAP.
DPW addressing overgrowth of bike path (railroad area). Happy to report that N.J. grant for recreational trails program to address the bike path, of \$25,000.00 approved. Will be replacing dog waste receptacles along path. Urging residents to report vandalism.

Komsa Recreation sponsoring Holiday collection box in lobby for military serving and will be delivered to Armory for distribution.

Town yard sale, great success, thanks all who worked.
Oct. 18 - Harvest Bonfire 6:00 (Rain date 10/25)

Roma No report Oct. 10 - costume dance - alliance. Should sell out quickly.
Verga No report
Hiering No report

Municipal Clerk:

RESOLUTION
#2009-378

RESOLVED by Mayor and Council to approve the following request
for Conference - Training - Seminar

Date:	Nov. 18	Det. Glen DeMarco
Location:	Toms River	
Subject:	Nat'l/Internat'l Smuggling, Narcotics, Gangs & Intelligence	
Cost:	\$30	
Vehicle:	Yes	

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

OPEN TO PUBLIC DISCUSSION

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

Public

Hull - Fire Chief Thanked council for work put forth on LOSAP. It has aided in improving membership. Definitely a step in the right direction. Hosting membership drive next week for Fire and First Aid. 10/8 6:00 p.m. Will be visiting all schools. Fire Prevention week. Next three weeks will be covering all schools.

Novaky - Maple St. In light of wall street meltdown etc, wondering how these situations will impede the Borough's ability to borrow.

Mr. Hiering Shouldn't be a problem. Money should be available.

DiBella -1008 Halliard Question addressing dangerous situation at street near school. Looked at the street in question. Checked it out. Didn't appear dangerous. Appeared that someone did something. Contacted school reps, was told no one ever contacted them about the matter. DPW had no knowledge of it and were never told about it.
Recreation center - what company is looking into it - "Summit Structures" Do you know if the Mayor was ever employed by them.

Clerk: We have no formal contract or proposal.

DiBella: Would it surprise you that the Mayor worked for them.

Comments on speaking time limits. Timer, what type is it. Who purchased. Was it ever calibrated. Asked council to consider time change.

What is status of "televised" meetings.

Clark Still under contract with Comcast, up in 2010. Can open up negotiations. Don't believe we will entertain changing the agreement.

DiBella Contact the school see if we can address Channel 21 programming. Thanked all for honoring obligation to the residents. How many vacations has Mayor taken.? Seems to me its three. Should be here. Seems that is not accepting your obligation to the people. If you count up – he's missed 20% of meetings. Absence should be addressed.

Re: Environmental Commission - asking for ordinance to be amended to permit for 2 alternate members.

Smoking ban - does not include streets?

Hiering Correct.

DiBella Maybe in future, would be beneficial before drafting ordinance to have all details plan laid out for the public. Would be a good idea when addressing an ordinance so public will be aware.

Last meeting, question about FBI. Mayor said knew nothing. I have copy of e-mail from Mayor to Ray Gardner at O.C. Prosecutors Office. Sentence addresses "FBI". This would differ from the Mayor's statement.

Lynch - Oak Street Re: Subpoena served upon the Clerk and need to appear and be accompanied by Police. Is it a subpoena duces tecum. Wouldn't it have been cheaper to Fed Ex. Questioned why hand delivery vs Fed Ex.

Roma Explanation.

Solowynski – Cable Ave Smoking Ordinance - Garvey Race and numerous smokers - concerned about where they could smoke. Things like this will be problem. Don't believe you should push the ordinance. Address ordinance for posting signs etc.

Clark Responding to issue of "Garvey Races".

Chioffi 545 Spar Ave Can't hear when you speak. Do something about speaker system.

DiBella - 1008 Halliard Read e-mail re: FBI

Prebula - 613 Seaman Ave. Question (Cat issue at last meeting) is any more going to be done about it.

Mrs. Clark Has been researching other towns on this matter.

Book - 720 Tiller Ave ?Multiple families? Increased numbers of people.

CLOSE TO PUBLIC DISCUSSION

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

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

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

Re-Open

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

NO ACTION TO BE TAKEN

TO ADJOURN

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

Prepared by E.A. Mastropasqua

_____ Attested to by: _____
Ronald W. Jones Jr. Elizabeth A. Mastropasqua RMC
Mayor Municipal Clerk