

**Meeting Minutes
October 5, 2016
Beachwood Municipal Complex
1600 Pinewald Rd.
7:00 PM**

CALL TO ORDER

- Mayor Roma called the meeting to order

Mayor and Council Roll Call	Present	Absent	Excused Tardy
Mayor Ronald Roma, Jr.	X		
Council President Gerald LaCrosse	X		
Councilman William Cairns	X		
Councilwoman Beverly Clayton		X	
Councilman Gregory Feeney	X		
Councilman Steven Komsa	X		
Councilman Edward Zakar		X	

Also present were William Hierung, Esq. of Hierung, Gannon and McKenna; and Jim Oris, CME, PE, PP of T&M Associates; CFO John Mauder; and Fire Chief Roger Hull

FLAG SALUTE led by Mayor Roma

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 transmitted to the Asbury Park Press and to the Borough website on January 12, 2016 and to the Star Ledger on January 14, 2016.

REMEMBRANCE PRAYER

While we pray for the safe return of our serving men and women, we must remember that 174 servicemen and women from New Jersey have been killed in service for our country, in Iraq, Afghanistan and around the world

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, we ask for a moment of silence and prayer for all our disabled veterans, those missing in action and a call for the swift return of all our serving men and women.

BILLS & CLAIMS

**RESOLUTION #2016-320
BEACHWOOD BOROUGH**

APPROVAL OF BILLS AND CLAIMS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims; and

WHEREAS, all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures of the Department Head and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of Beachwood Borough that the voucher list submitted is hereby approved for payment in the total amount of List: **\$484,275.35**.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>		X	X			

ACCEPTANCE OF MINUTES

**RESOLUTION 2016-321
ACCEPTANCE OF MINUTES**

BE IT RESOLVED THAT THE FOLLOWING MINUTES BE AND ARE HEREBY ACCEPTED AND FILED:

MAYOR AND BOROUGH COUNCIL

September 21, 2016

- Executive Session Meeting
- Regular Session Meeting

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>	X		X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION #2016-322
RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING TRAINING-SEMINAR-CONFERENCE ATTENDANCE**

RESOLVED by Mayor and Council to approve the following requests for “Conference – Training – Seminar”

Sept 8 –Dec. 12, 2016

C. Ventrice

Fire Inspector Certification Course

Burlington County Fire Academy-Mt. Laurel, NJ

\$83.00/pp \$350.00 for text

Vehicle: Yes

Oct. 7, 2016

L. Felton

Annual Municipal Court Conference

Manchester Municipal Court – Manchester, NJ

\$0.00/pp

Vehicle: No

Nov. 16, 2016

M. Blevins

NJAPZA Annual Luncheon

Caesar’s Palladium – Atlantic City, NJ

\$65.00/pp

Vehicle: No

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Susan A. Minock, Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Fire Chief Roger Hull
5. Wayne Gibson, Construction Official
6. Linda Felton, Court Administrator

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Kamsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION #2016-323
RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING
RENTALS AT MAYO PARK, BEACHWOOD, NJ**

RESOLVED by Mayor and Council to approve the following requests for Mayo Park Rentals:

Date	Name/Event	Mayo Park Center-Kitchen-		Deposits:
		Pavilion:	Pavilion & Kitchen:	
10-30-16	J. Ross-Osman – Birthday Party	\$200.00	N/A	\$100.00
11-20-16	C. Gillich –Christening Reception	\$200.00	N/A	\$100.00
11-6-16	B. Netchert –Birthday Party	\$300.00	N/A	\$200.00
7-30-17	M. Riethoff –80 th Birthday Party	\$300.00	N/A	\$200.00
12-11-16	J. Tatures –1 st Birthday Party	\$300.00	N/A	\$200.00
10-23-16	A. Baudo –1 st Birthday Party	\$300.00	N/A	\$200.00

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X

<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION #2016-324
RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING
RENTALS AT THE BEACHWOOD COMMUNITY CENTER**

RESOLVED by Mayor and Council to approve the following requests for Community Center Rentals:

<u>Date</u>	<u>Name/Event</u>	<u>Rental:</u>	<u>Deposit:</u>
12-18-16	D. Raimann – Birthday Party	\$400.00	\$600.00
11-20-16	C. Blanco – Wedding	\$400.00	\$600.00
8-5-17	C. Hyslop – Wedding	\$400.00	\$600.00
5-13-17	A. Cardell – Wedding	\$800.00	\$800.00
6-10-17	Y. Rogers – Wedding Reception	\$400.00	\$600.00
10-23-16	A. Tisch – Baby Shower	\$400.00	\$600.00

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION 2016-325
RESOLUTION AUTHORIZING TAX COLLECTOR ACTION TO RETRIEVE COSTS OF VACANT PRIVATE PROPERTY
CLEANUP(S) FOR BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY**

WHEREAS, the Code Enforcement Officer has provided the required notice(s) to the property owner(s)/agent(s) due to complaints of accumulation of brush, weeds, garbage, and/or debris; and

WHEREAS, Code Enforcement Officer has provided Work Order Request(s) to the Department of Public Works to cleanup these vacant private property(ies); and

WHEREAS, the Department of Public Works obliges said requests and produces the cost of labor and materials needed for said cleanup(s) to be forwarded to the Tax Collector for retrieval of funds; and

NOW, THEREFORE BE IT RESOLVED to the Borough of Beachwood Mayor and Council authorize the Tax Collector’s retrieval of funds from the following property(ies) as follows:

- **929 Spray Avenue on 9-14-16 for a total cost of \$357.48**

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Jack Fernandez, Code Enforcement Officer
5. John Behrens, DPW Supervisor

6. Wendy Prior, Tax Collector

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

RESOLUTION 2016-326

RESOLUTION AUTHORIZING HALLOWEEN CURFEW IN BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY

BE IT RESOLVED, the Mayor and Council of the Borough of Beachwood authorize imposing a 9:00 pm Halloween Curfew from October 27, 2016 to November 1, 2016 for everyone under the age of 18 unless accompanied by a parent or guardian.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

RESOLUTION 2016-327

RESOLUTION AUTHORIZING REFUND OF WATER ACCOUNT DUE TO INCORRECT METER READING FOR BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY- GUTHNECK

WHEREAS the following refund(s) as shown:

- Refund of overcharge \$172.55 due to incorrect meter reading for Water Account #1457-0, Block 4.03, Lot 2 owned by Michael & Sandra Guthneck of 719 Forepeak Avenue, Beachwood, NJ

NOW, THEREFORE BE IT RESOLVED to the Borough of Beachwood Mayor and Council authorize refund of \$172.55 to Michael & Sandra Guthneck of 719 Forepeak Avenue, Beachwood, NJ due to incorrect manual meter reading

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION 2016-328
RESOLUTION RECOGNIZING THE WEEK OF OCTOBER 23-31, 2016 AS RED RIBBON WEEK
BE DRUG FREE**

WHEREAS, in 1985, Red Ribbon Week was established as the last full week in October, and since then it has served to raise awareness of the harms and risks associated with drug abuse, as well as prevent future use; and

WHEREAS, this year’s theme for National Red Ribbon Week is “YOLO: Be drug free” to emphasize the importance of living a drug free lifestyle because “you only live once”; and

WHEREAS, each year the Borough of Beachwood Municipal Alliance and the Mayor’s Wellness Campaign substance abuse prevention efforts continue to grow and reach all sectors of the public; and

WHEREAS, the Borough of Beachwood Municipal Alliance and the Mayor’s Wellness Campaign continue to promote healthy behaviors as preventative measures within schools and communities in order to reduce risky behaviors and future use; and

WHEREAS, the Borough of Beachwood Municipal Alliance and the Mayor’s Wellness Campaign will continue to be dedicated educating individuals, families and communities about the life-changing effects of drugs and alcohol and encourage the adoption of health lifestyle choices; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Beachwood Mayor and Council, proclaim that the week of October 23-31, 2016 as Red Ribbon Week and during this week we encourage residents of the Borough of Beachwood to work together as a community to educate ourselves about substance use prevention and pledge our commitment to ensuring the safety of our families, community and each other.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Ocean County Board of Chosen Freeholders, the Ocean County Health Department and the Mayors of Ocean County municipalities.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION 2016-329
RESOLUTION RECOGNIZING THE MONTH OF OCTOBER 2016 AS NATIONAL BREAST
CANCER AWARENESS MONTH**

WHEREAS, each year nearly two hundred thousand women and two thousand men will be diagnosed with breast cancer; and

WHEREAS, more than forty thousand people will die from breast cancer each year; and

WHEREAS, risk factors for breast cancer include age, weight, family history, reproductive history and diet; and

WHEREAS, breast cancer is the second highest diagnosed cancer in women in the United States and is the second leading cause of cancer death in women; and

WHEREAS, the Borough of Beachwood Mayor and Council along with the Ocean County Department of Health, through media outlets and additional educational materials, educate the public on the risk factors, screening methods and diagnosis for breast cancer; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Beachwood Mayor and Council, hereby proclaim that the month of October 2016 as National Breast Cancer Awareness Month in the Borough of Beachwood, County of Ocean, State of New Jersey and encourages all residents to get an exam for breast cancer.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Ocean County Board of Chosen Freeholders, the Ocean County Health Department and the Mayors of Ocean County municipalities.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION 2016-330
RESOLUTION RECOGNIZING THE MONTH OF OCTOBER 2016 AS NATIONAL DENTAL
HYGIENE MONTH**

WHEREAS, October is designated as National Dental Hygiene Month; and

WHEREAS, this year National Dental Hygiene Month focuses on the four components of good oral health maintenance; and

WHEREAS, these four components include emphasis on the importance of brushing teeth daily, flossing every day, rinsing with mouthwash and chewing sugar-free gum; and

WHEREAS, the Ocean County Health Department continues to work closely with and support Ocean County Health Initiatives; the Center for Health, Education, medicine and Dentistry (CHEMED) and schools throughout the county as they either provide dental services or promote dental health to Ocean County residents; and

WHEREAS, the Ocean County Health Department continues to implement dental health education programs in schools throughout Ocean County; and

WHEREAS, the Ocean County Health Department will continue to promote dental health initiatives that are reaching at risk populations to receive dental care; and

WHEREAS, the Borough of Beachwood Mayor and Council along with the Ocean County

Department of Health, through media outlets and additional educational materials, educate the public on the risk factors, screening methods and diagnosis for breast cancer; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Beachwood Mayor and Council, hereby proclaim that the month of October 2016 as National Dental Hygiene Month and encourages all citizens and community organizations to join in the observance.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Ocean County Board of Chosen Freeholders, the Ocean County Health Department and the Mayors of Ocean County municipalities.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION
#2016-331**

AUTHORIZE THE ISSUANCE OF A DUPLICATE CERTIFICATE OF REDEMPTION FOR TAX SALE CERTIFICATE 06-001.

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to John Deluca dated September 28, 2006, covering premises commonly known and referred to as Block 1.26 Lot 11 as set out on the municipal tax map then in use which certificate bears number 06-001 and was recorded in the County of Ocean in book 13375 and page 0119 and;

WHEREAS, the property owner of the aforesaid tax sale certificate has requested the Tax Collector issue a duplicate Certificate of Redemption as original cancelled redemption certificate has been lost or otherwise misplaced; and,

WHEREAS, redemption on aforementioned property took place on October 26, 2006 as per Borough records.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Beachwood, County of Ocean, State of New Jersey to authorize the Tax Collector upon receipt of the payment of a fee of \$50.00 per certificate to issue a duplicate certificate of redemption.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION
#2016-332**

AUTHORIZE THE ISSUANCE OF A DUPLICATE CERTIFICATE OF REDEMPTION FOR TAX SALE CERTIFICATE 07-003.

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to John Deluca dated December 14, 2007, covering premises commonly known and referred to as Block 1.26 Lot 11 as set out on the municipal tax map then in use which certificate bears number 07-003 and was recorded in the County of Ocean in book 13890 and page 0431 and;

WHEREAS, the property owner of the aforesaid tax sale certificate has requested the Tax Collector issue a duplicate Certificate of Redemption as original cancelled redemption certificate has been lost or otherwise misplaced; and,

WHEREAS, redemption on aforementioned property took place on May 5, 2009 as per Borough records.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Beachwood, County of Ocean, State of New Jersey to authorize the Tax Collector upon receipt of the payment of a fee of \$50.00 per certificate to issue a duplicate certificate of redemption.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

**RESOLUTION
#2016-333**

AUTHORIZE THE ISSUANCE OF A DUPLICATE CERTIFICATE OF REDEMPTION FOR TAX SALE CERTIFICATE 10-00011.

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to John Deluca dated September 13, 2010, covering premises commonly known and referred to as Block 1.26 Lot 11 as set out on the municipal tax map then in use which certificate bears number 10-00011 and was recorded in the County of Ocean in book 14742 and page 1861 and;

WHEREAS, the property owner of the aforesaid tax sale certificate has requested the Tax Collector issue a duplicate Certificate of Redemption as original cancelled redemption certificate has been lost or otherwise misplaced; and,

WHEREAS, redemption on aforementioned property took place on February 24, 2011 as per Borough records.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Beachwood, County of Ocean, State of New Jersey to authorize the Tax Collector upon receipt of the payment of a fee of \$50.00 per certificate to issue a duplicate certificate of redemption.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X

<i>Councilman Zakar</i>			X			
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**RESOLUTION
#2016-334**

RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A CREDIT OF TAXES ON BLOCK 2.06 LOT 2.01 TO PROPERTY OWNERS JANIS AND KENNETH MAXWELL IN THE AMOUNT OF \$4,912.41.

WHEREAS, in 2012 the owner filed a deed to combine Block 2.06 Lots 1 and 2; into Block 2.06, Lot 2.01; and,

WHEREAS, the computer was not updated in error in the Tax Assessor’s office until December 6, 2015 which then updated the Tax Collector’s Office in August, 2016, when it should have been updated for the tax year 2013; and

WHEREAS, the property owner continued to pay both tax bills for the tax years 2013, 2014 and 2015; and

WHEREAS, the property owner is due \$4,912.41 for overpayment of taxes on Block 2.06, Lots 1 and 2 and has requested that they be applied to the new Block .06, Lot 2.01 in lieu of a refund;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to authorize the credit in the amount of \$4,912.41 to be applied to Block 2.06, Lot 2.01 as per the request of Janis and Kenneth Maxwell.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

RESOLUTION 2016-335

RESOLUTION AUTHORIZING BEACHWOOD POLICE DEPARTMENT TO PURCHASE TWO (2) CHEVROLET TAHOE SSV POLICE VEHICLES FROM MALL CHEVROLET PER PURCHASE ORDER #16-01580

WHEREAS, the Borough of Beachwood Police Department requests to purchase 2 Chevrolet Lake Tahoe SSV Police Vehicles in the total amount of \$75,694.00 from Mall Chevrolet via Purchase Order #16-01580; and

WHEREAS, Mall Chevrolet is an approved vendor under the Cranford Consortium; and

NOW, THEREFORE, BE IT RESOLVED the Borough of Beachwood Council to authorize the Purchase Order #16-01580 for two (2) Chevrolet Lake Tahoe SSV Police Vehicles in the total amount of \$75,694.00 from Mall Chevrolet.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Police Chief Robert Tapp

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

NON-CONSENT AGENDA RESOLUTIONS

RESOLUTION 2016-336

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE COUNTY OF OCEAN IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

WHEREAS, the Borough of Beachwood has actively participated in the Ocean County Community Development Block Grant Program (CDBG); and

WHEREAS, it is the desire of the Borough of Beachwood to continue to actively participate as a member of the Ocean County Community Development Block Grant Program (CDBG); and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Beachwood to authorize the execution of an agreement with the County of Ocean with regard to the Community Development Block Grant Program (CDBG) which agreement is attached hereto as Schedule "A".

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

1. That the Borough of Beachwood Council does hereby authorize the execution of the CDBG Agreement with the County of Ocean, a copy of which agreement is attached hereto as Schedule "A".
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the subject agreement in accordance with the provisions of this resolution.
3. That a certified copy of this resolution, together with the subject agreement be forwarded to the Chief Financial Officer.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>	X		X			

SCHEDULE A

CONTRACT
COOPERATIVE AGREEMENT
FY 2017-2019

AGREEMENT made this 1st day of August, 2016, by and between THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF OCEAN, a body politic of the State of New Jersey, having an address for the purpose of this Agreement as Administration Building, 101 Hooper Avenue, Toms River, New Jersey 08754 (hereinafter "County") and the Borough of Beachwood, a municipal corporation of the State of New Jersey, having an address for the purpose of this Agreement as 1600 Pinewald Road, Beachwood, New Jersey, 08722, (hereinafter "Municipality").

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds through the Community Development Block Grant (CDBG) Entitlement Program being made to certain urban counties for use therein; and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA) established the HOME Investment Partnership Program which provides substantial federal funds to qualified local jurisdictions including County of Ocean and its participating municipalities; and

WHEREAS, these Acts establishes certain criteria which must be met in order for a county to be the recipient of said funding; and

WHEREAS, the Interlocal Services Act (NJSA 40:8A-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services.

IT IS THEREFORE, agreed by the County and the Municipality as follows:

A. Community Development Planning Process

1. Nature and Extent of Services

a. Purpose: The purpose of this Agreement is to establish a legal mechanism through which the County Government may apply for, receive and disburse federal funds from federal fiscal year 2017, 2018 and 2019 appropriations available to eligible urban counties under Title I of the Housing and Community Development Act, the CDBG Entitlement Program, and Title II of the Cranston-Gonzalez National Affordable Housing

Act of 1990 (NAHA), the HOME Investment Partnership Program (HOME), to undertake or assist in undertaking such actions in cooperation with the participating municipalities as may be necessary to participate in the benefits of these program. Federal CDBG funds received by the County shall be for such functions as water and sewer facilities, neighborhood facilities, public facilities, housing rehabilitation, open space and such other purposes as are authorized by the Act. Federal HOME funds received by the County shall be for such functions that expand the supply of decent, affordable housing for low and moderate-income families. Nothing contained in this Agreement shall deprive any municipality or other unit of local government of any powers of zoning, development control or other lawful authority which it presently possesses, nor shall any participant be deprived of any state or federal aid to which it might be entitled in its own right, except as herein provided.

b. Establishment of Committee: There is hereby established a cooperative CDBG Committee, consisting of one representative from each participating municipality and two representatives of the County government, each to be appointed for one-year periods coinciding with the calendar year. The chief executive with the consent of the governing body of each participating municipality shall make the appointment and may appoint an alternate representative for the purpose of substituting, if necessary, for the appointed representative.

c. Responsibilities of Committee and The Board of Chosen Freeholders:

(1) The Committee shall elect a chairman and vice chairman and shall take formal action only upon a majority vote of the members present.

(2) The Board of Chosen Freeholders shall designate an Administrative Liaison Officer. The Officer shall be an employee of the County. The Officer shall, within the limits of resources available, provide technical and administrative support to the Committee, and shall provide liaison between the Committee and the Board of Chosen Freeholders.

(3) The Committee shall meet promptly after its establishment and thereafter as often as required. It shall establish rules of procedure as may be required.

(4) The Committee shall study and discuss the community development needs of the County which affect the participating local governments and shall determine the most effective and acceptable utilization of CDBG funds available to the County

government. It shall recommend to the Board of Chosen Freeholders an application for participation in federal funding, and toward that end it shall, in the manner herein prescribed, be authorized to develop a five-year Consolidated Plan for the County, and such other documents as are required by the Federal government for participation by the County in the CDBG Program.

(5) The Committee shall develop, in full consultation with the Ocean County Planning Board and the CDBG Committee, priorities for the actual utilization of such funds as are made available from the federal government under this Title.

(6) Every municipality participating in the Committee may request participation in the expenditure of the federal funds, comment on the overall needs of the County which may be served through its member so the Committee. Pursuant to 24 CFR 570.501(b), every participating municipality is subject to the same requirements applicable to subrecipients of the federal funds, including the requirement of a written agreement set forth in 24 CFR 570.503. Pursuant to 24 CFR 570.501 and 24 CFR 570.503, the County shall enter into a written agreement with the subrecipients prior to the disbursement of any funds for an approved project. No project may be undertaken or services provided in any municipality without the approval of the governing body of the municipality, which approval shall be established as provided in Subsection (5) above in addition to such other approvals as may be required by law. The municipal approval of any projects or services shall not be a restriction or veto on the implementation of the approved Consolidated Plan. Consistent with the approved Plan the County and the municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, specifically urban renewal and publicly assisted housing.

d. Responsibilities of Participating Municipality: The execution of this Agreement by the appropriate official of the participating municipality signifies that the municipality understands that it:

(1) May not apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which it participates in the County's CDBG Program; and

(2) May receive a formula allocation under the HOME program only through the County's urban county allocation. Thus, even if the County does not receive a

HOME formula allocation, the participating municipality cannot form a HOME consortium with other local governments

2. Cost and Allocation Thereof

The federal funds involved shall be the amount applied for by the Board of Chosen Freeholders pursuant to the recommendations of the Committee, subject to any modifications made by HUD. Any federal funds received by letter of credit or otherwise shall be placed in a County account established and maintained pursuant to regulations promulgated by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs. This fund shall be in a separate bank account subject to the control of the County government, which shall be the designated recipient for the funds provided by the federal Act. Upon authorization by the County, and in compliance with State law and promulgated regulations, funds may be expended from this County account by the County by payment to the particular subrecipient pursuant to a specific agreement. Neither the Committee, the County government, nor any participating local government may expend or commit funds except as may be authorized pursuant to this Agreement and in full compliance with state and federal laws and regulations. No participant under this Agreement may in any way be obligated to expend funds of its own except as may be mutually agreed in a lawful manner.

3. Term of Agreement

The duration of this Agreement shall include the period necessary to carry out activities funded from annual CDBG appropriations for the federal fiscal year 2017, 2018 and 2019 from any program income generated from the expenditure of such funds, including such additional time as may be required beyond the fiscal years covered by this Agreement for the expenditure of any such funds granted by the County to the participating municipality. No participating municipality may withdraw from the Agreement while the Agreement remains in effect.

This Agreement will be automatically renewed for participation in successive three-year qualification periods. The County will notify each participating municipality in writing of its right not to participate for the successive three-year qualification periods by the date specified in the schedule of the HUD Urban County Qualification Notice for that renewal period. A copy of the notifications must be sent to the HUD Field Office. Failure of

the County to notify participating municipalities and to submit amendments to HUD will void the automatic renewal provision in the Agreement. If any municipality should elect not to participate in a new qualification period, written notice of this decision must be sent to the HUD Field Office.

Failure by either party to this Agreement to adopt any amendments to the Agreement incorporating all changes necessary to meet the requirements for Cooperation Agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period shall automatically terminate this Agreement following the expenditure of all CDBG funds allocated for use in the participating municipality's jurisdiction.

All amendments must comply with Section H, Severability and Modification Clause, of this Agreement.

4. Termination of Agreement by the Parties

Either the County or the participating municipality may exercise the option to terminate this Agreement by written notice to the other party at the end of the urban county qualification period. If the municipality fails to exercise its option at the end of the urban qualification period, it will not have the opportunity to exercise that option until the end of a subsequent urban county qualification period.

5. Designation of Administrative Officer

The Administrative Liaison Officer selected pursuant to Section A 1.c(2) of this Agreement is hereby designated as the administrative officer of the Board of Chosen Freeholders for purposes of compliance with statutory and regulatory responsibilities. The officer shall be accountable to the Board of Chosen Freeholders and for this purpose shall be subject to the supervision of the Board.

B. Qualification as Urban County

The municipality and the County will take all required actions to comply with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, Fair Housing Act, and affirmatively furthering fair housing. The County and municipality will comply with Section 109 of Title I of the Housing and Community

Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990 and other applicable laws.

This Agreement shall be effective only when sufficient municipalities have signed the Agreement so that a population of 200,000 is represented and when all other federal eligibility criteria for designation as an "urban county" under the Act have been satisfied. In the event that sufficient municipalities do meet these criteria should not sign the Agreement within the time period set forth by HUD, the Freeholder Director shall so notify all signators and the Agreement shall thereupon be null and void.

In order to comply with federal requirements, the County government, through the Board of Chosen Freeholders, shall be the applicant for community development funds, and the Consortium for HOME funding, and shall take the full responsibility and assume all obligations of an applicant under the federal Act. The County shall have final responsibility for selecting activities and submitting the Consolidated Plan and Annual Action Plan to HUD.

C. Agreement as to Specific Activities

No project may be undertaken or services provided in any municipality without the approval of the governing body of the municipality, which approval shall be established as provide in Section A1.c(5) above, but in no case may a participant drop out of the three-year program except as a result of a HUD action.

D. Prohibitions on Funding

Pursuant to the Consolidated and Further Continuing appropriations Act, 2016, Pub. L.114-113, a unit of general local government may not sell, trade, or otherwise transfer all or any portion of such funds to a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title 1 of the Housing and Community Development Act of 1974, as amended.

No urban county funding shall be provided for activities in or in support of any participating municipality that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification.

E. Municipality's Policies Relative to Civil Rights Demonstrations

The execution of this Agreement by the appropriate officials of the participating municipality signifies that the municipality has adopted and is enforcing the following policies:

1. A policy prohibiting the use of excessive force by law enforcement agencies within the jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

F. Notices

All notices required to be given pursuant to this Agreement shall be deemed to have been given when the same shall be placed in writing and deposited in the United States Mail with postage prepaid as certified mail, return receipt requested, at the address of the parties to this Agreement as first hereinabove set forth.

G. Duplicate Originals

This Agreement may be executed in substantially similarly worded counter parts, each of which shall be signed by the Freeholder Director and the chief executive of a participating municipality.

Each such signator agrees to cooperate will all other signators and be bound if all had signed the same Agreement.

H. Severability and Modification Clause

In the event that any portion of the Agreement shall be made inoperative by reason of judicial or administrative ruling, the remainder shall continue in effect. Further, this Agreement may only be modified, altered or supplemented in writing signed by the Freeholder Director of the County and the Mayor of the municipality. In the event that the applicable HUD statutes and/or regulations are modified, revised and/or supplemented during the term of this Agreement, the County and the participating municipality shall execute any necessary Amendments to this Agreement. Such amendments when necessary must be submitted to the HUD Field Office as provided in the Urban County Qualification Notice. Failure to submit amendments to HUD will void the automatic renewal provision in the

Agreement. In the event that any modification to a subgrant agreement approved hereunder shall become necessary, the Board of Chosen Freeholders may increase or decrease the cost of any project subject to the availability of funds.

I. Opinion of County Counsel

Pursuant to the requirements of the HUD regulations, this Agreement was reviewed by the County's Counsel for compliance therewith and, as reflected in Attachment A hereto, it is the opinion of County Counsel that the terms and provisions of the Agreement are fully authorized under State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower-income housing assistance activities.

Date:

ATTEST:

BOROUGH/TOWNSHIP OF

Borough of Beachwood

Signature

Signature

Municipal Clerk

Ronald F. Roma, Jr.
Mayor

ATTEST:

COUNTY OF OCEAN BOARD OF
CHOSEN FREEHOLDERS

Signature

Signature

Betty Vasil
Clerk of the Board

John P. Kelly
Freeholder Director

RESOLUTION 2016-337

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE UPON RECEIPT AND APPROVAL OF A MAINTENANCE GUARANTEE FOR BLOCK 4.15, LOTS 1, 3 & 5 ON THE TAX MAP OF THE BOROUGH OF BEACHWOOD

WHEREAS, the developer of the Quick Chek facility located at Block 4.15, Lots 1, 3 and 5 previously posted Performance Bond number CMS0283237 dated March 24, 2014 issued by RLI Insurance Company in the amount of \$846,415.76 and a cash Guarantee in the amount of \$94,046.25; and

WHEREAS, the developer has requested the release of said Performance Guarantee upon the prior posting and approval of Maintenance Bond in the amount of \$143,542.44 running for a period of two (2) years; and

WHEREAS, said Maintenance Guarantee shall be in accordance with the Borough Engineer's Performance Guarantee and Maintenance Guarantee estimate for said project dated 9/7/2016 attached hereto and made a part hereof as Schedule A; and

WHEREAS, the Municipal Land Use Law requires that the Borough act upon said Performance Guarantee release within forty-five (45) days of receipt of said notice by the Borough; and

WHEREAS, the Borough Engineer now recommends release of said Performance Bond in the amount of \$846,415.76 and a cash Bond in the amount of \$94,046.25 upon the Borough's receipt and approval of a proper Maintenance Guarantee in the amount of \$143,542.44 running for a period of two (2) years..

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

1. That the Borough Council hereby approves the release of Performance Bond number CMS0283237 dated March 24, 2014 issued by RLI Insurance Company in the amount of \$846,415.76 and a cash portion of said Bond in the amount of \$94,046.25 upon the receipt and approval of the Maintenance Guarantee to be the amount of \$143,542.44 running for a period of two (2) years.

2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough CFO, the Borough Engineer, the Borough Treasurer, Bryan Ehnes, P.E. of Bohler Engineering and the Borough Attorney.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

SCHEDULE A

NJAC 5:39-1.2 Maintenance surety bond

The standardized form of maintenance surety bond required by an approving authority pursuant to section 41 of P.L. 1975, c.291 (N.J.S.A. 40:55D-53) shall be as follows:

Block(s) 4 Lot(s) 1,3 & 5

MAINTENANCE SURETY BOND

We, QuickChek Corporation, having offices at Whitehouse Station, NJ, as principal, and RLI Insurance Company, having offices at Peoria, IL, a corporation duly licensed to transact a surety business in the State of New Jersey, as surety, are indebted to the municipality of Borough of Beachwood in the county of Ocean, obligee, in the sum of \$ 143,542.44, for which payment we bind ourselves and our respective heirs, legal representatives, successors, and assigns, jointly and severally.

On _____ (date), principal was granted approval by the Borough of Beachwood (approving authority) of the Beachwood of NJ for Various Site Improvements for Construction of QuickChek Convenience Store #150 with Fueling (include reference to specific job and resolution of approval).

This bond shall become effective upon approval or acceptance of the improvements by the governing body, as certified by the resolution of the governing body, which is, or shall be, attached hereto and made a part hereof. The improvements subject to this bond are as follows: Various Site Improvements for Construction of QuickChek Convenience Store #150 with Fueling. The certification of the cost of such improvements by the municipal engineer is attached hereto and made a part hereof.

Pursuant to municipal ordinance, adopted under authority of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the principal, as a condition of approval or acceptance of improvements, hereby furnishes this maintenance bond in the amount of \$ 143,542.44 (not to exceed 15 percent of the cost of the improvements as certified by the municipal engineer), written by RLI Insurance Company, a surety licensed in the State of New Jersey, guarantying full and faithful compliance with all terms and conditions of the approval. The bond shall continue in effect for a period of Two Years (not to exceed two years) from the date of approval or acceptance of the said improvements.

This bond is issued subject to the following expressed conditions:

1. This bond shall not be subject to cancellation either by the principal or by the surety for any reason until the end of the period for which it is required to be maintained.
2. The aggregate liability of the surety under this bond shall not exceed the sum set forth above.
3. In the event that the improvements subject to this bond exhibit any defects in functioning, materials or quality of work, the municipal governing body may, at its option, and upon at least 30 days prior written notice to the principal and to the surety by personal delivery or by certified or registered mail or courier, declare the principal to be in default and, in the event that the surety fails or refuses to perform the necessary corrective work, claim payment under this bond for the cost of any work required for the proper correction of any such defects in the said improvements. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the municipality by personal delivery or by registered or certified mail or courier at the same time.
4. The surety shall have the right to repair any defects in functioning, materials or quality of work and, to that end, to do such corrective work as may be necessary in accordance with the terms and conditions of original approval, either with its own employees or in conjunction with the principal or another contractor; provided, however, that as an alternative to performing such maintenance or corrective work it may, in its sole discretion, make a monetary settlement with the municipality.

5. This bond shall inure to the benefit of the municipality only and no other party shall acquire any rights hereunder.

Date: September 20, 2016



QuickChek Corporation

By: *James A. Smith*
JAMES A. SMITH, Principal
CEO

RLI Insurance Company

By: *Wendy Lee Watkins*
Wendy Lee Watkins, Surety
Attorney-in-Fact

Witness/Attest:

Wanda B. Fabian V.P., IT

Witness/Attest:

Pablo Rios, Jr.
Pablo Rios, Jr.

Question posed by Councilman Feeney of the address of this Performance Bond release in Resolution 2016-337a. Mr. Oris responded that this is for the Quick Chek's site improvements as well as the portion of Harpoon which they resurfaced Councilman asked if the remediation has any affect. Mr. Oris indicated that it's a private property owner issue where they encountered an underground storage tank so testing was needed and a follow up on the soil.

MAYOR & COUNCIL REPORTS

Mayor Roma

-Mayor wished speedy recoveries for Council President LaCrosse and Councilwoman Clayton

Councilman Cairns

-The Building Department year to date has taken in \$125,286.00 in permits; Code Enforcement has issued 91 tickets; 677 written violations; 472 violations cleared and had written 11 work orders for property clean ups. Councilman indicated that Code Enforcement has worked very closely with the Police and Sheriff's office assisting the Police Department to close down a problem property at 45 Locker Street. Code Enforcement is now in contact with the property owner to get it cleaned up.

Councilman Feeney

-The Monthly Report from the Water Department has collected a total of \$223,484.40 in water utilities

Councilman Komsa

-Recreation's Running Clinic and Tennis has started on Saturday mornings. The Running Clinic was rained out last Saturday but will resume this Saturday

Councilman Zakar

-Risk Management reported a 34% reduction of Worker's Comp claims from this time last year. We had a very good month last month.

-Safety Tip: It's getting darker earlier so if everyone could be a little more cautious to watch out for the kids

CFO John Mauder

-No report

Engineer Jim Oris

-Engineer Oris reported on the status of the projects within the Borough

- The 2016 Capital Improvement Program – last meeting's report indicated that the contractor was performing final punch list but his scheduled slipped and he should be onsite later this week or early next week to wrap up any of the driveway repairs and some repairs that are on Pacific as well
- Regarding a recent issue pertaining to the Ocean County Board of Election's letter issued to the Borough regarding handicap ramp improvements which are the access points to the polling location. T&M previously submitted a scope & budget letter but in the interest at the time, T&M solicited quotes to complete the repairs. The quotes received were under the bid threshold so it didn't have to be a publically advertised bid. T&M received 2 quotes; one being \$15,890.00 from A Team Concrete. T&M has worked with this contractor in the past and have gotten good results. One other quote was received from Curb Con, Inc. which was \$25,000. T&M's estimate was \$15,000 roughly. With that being said, A Team's quote is in the ball park and Mr. Oris recommends the Borough, pending availability of funding and if like to perform it this year, T&M can move forward. If not, Mr. Oris believes the Borough has the ability to make temporary accommodations if the Governing Body chooses to do so and not do it this year. Mayor asked the CFO if the Borough has the funding in place. CFO Mauder responded as yes.
- **Mayor called for motion to complete the job this year.**

RESOLUTION 2016-337a

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AWARDING A CONTRACT TO A TEAM CONCRETE FOR THE ADA CURB RAMP IMPROVEMENT WORK IN A TOTAL QUOTE AMOUNT OF \$15,890.00

WHEREAS, the Borough of Beachwood Engineers, T&M Associates, solicited four (4) quotes for ADA curb ramp improvements required by the United States Department of Justice prior to the November 8, 2016 General Election; and

WHEREAS, as per Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, the quotes received were to be not more than the bid threshold of \$17,500.00; and

WHEREAS, out of the four (4) quotes solicited, only two (2) were received ranging from a low of \$15,890.00 to a high of \$25,000.00; and

WHEREAS, the Borough's Engineers, T&M Associates, has reviewed said quotes and recommended the award to A Team Concrete in South River, New Jersey for a total amount of \$15,890.00 and has recommended the same for award; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available to award said contract; and

WHEREAS, it is the desire of this Governing Body to act upon the Engineers recommendation and award a contract for ADA curbing improvements.

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

1. That the Borough Council hereby awards a Contract to A Team Concrete for ADA curb ramp improvements in the total amount of \$15,890.00 in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq remaining under the bid threshold of \$17,500.00.
2. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer, the Borough Engineer.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>	X		X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

-The Water Plant – Municipal Maintenance should be wrapped up and T&M should be processing final change orders for closeout at the next meeting

Mayor asked in absence of Councilwoman Clayton, is there an update to the status of the Mayo Park building. Mr. Oris replied there was an extensive project meeting following the last Council meeting that culminated in a report outlining corrective action recommending the contractor take and the contractor was permitted for up to 2 weeks to provide a schedule and action plan. T&M reached out to him today to get the status and nothing has been received as of yet. However, many of the 10-15 items in the punch list will be resolved. The contractor did reply affirmatively at the meeting. It's a matter of him working it out with his subcontractor on how to address the issues.

Councilman Cairns inquired about the status of the roofing contractor. Mr. Oris replied that it's a typical situation where you have 2 sub trades interfacing. A mechanical contractor and a roofing contractor and they're each pointing at each other currently regarding the leaks. When it rains heavily, water seems to come in around 2 areas. T&M's view is Compass Construction is required to fix it, regardless. Compass will be held to the highest standard and T&M will make sure it's right before anything is signed off on. This is all covered under a maintenance guarantee so the Borough has a maintenance bond on file which runs a year from the date of issuance of the certificate of substantial completion which would be January 2016. It's another 2-3 months before the bond can be called on this work.

Fire Chief Roger Hull

-Chief publically thanked Mrs. Pat Zakar for assisting the Fire Department with the Babysitting Classes held last Saturday. It was very well received and the girls had a lot of fun. They look forward to do it again. Mayor indicated that he believes the Municipal Alliance is coordinating with Mrs. Zakar to do something as well.

-Fire Prevention Week is next week. Open House is next Wednesday, October 17th, at 7:00pm for the public. People are welcome to come in and see the building, meet the Fire Fighters and maybe make application to become a member. Chief welcomed the Governing Body to come.

-Comedy Night was mentioned but Mayor indicated he received a cancellation notice.

-The Fire House roof is leaking and cracked concrete pads so Chief asked for recommendation of contractors. Mayor recommended to for Chief to meet with Mr. Oris after the meeting to coordinate

Mayor mentioned that the Mayor's Wellness Campaign started the Cooking for Kids classes on Monday with the Shop Rite dieticians at the Mayo Park Center. The Mayor did not attend but was informed that it was very well received. Councilman Komsa indicated his daughter attended and she tried cauliflower. Mayor gave kudos to Shop Rite

Attorney Bill Hiering

-No report

Clerk Sue Minock

-Motion called for 2 resolutions:

**RESOLUTION 2016- 337b
BOROUGH OF BEACHWOOD
OCEAN COUNTY**

RESOLUTION AUTHORIZNG REACTIVATION OF A FIRE FIGHTER FOR BEACHWOOD BOROUGH VOLUNTEER FIRE COMPANY - ROSEN

WHEREAS, Fire Chief Hull notified the Municipal Clerk of a current inactive member of the Beachwood Volunteer Company #1 who desires to be reactivated effective immediately; and

WHEREAS, Jason Rosen of 1540 Longboat Avenue, Beachwood, NJ is already an exempt Fire Fighter through the Beachwood Borough Volunteer Fire Company #1 and with the State of New Jersey; and

WHEREAS, Mayor and Council desire to reactivate Mr. Rosen as a Fire Fighter Member for the Beachwood Borough Volunteer Fire Company #1 ;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood, County of Ocean County, State of New Jersey that it does hereby reactivate the Fire Fighter Membership of Jason Rosen as a Fire Fighter for the Beachwood Borough Volunteer Fire Company #1

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Fire Chief Hull

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>	X		X			

RESOLUTION 2016-337c

RESOLUTION AWARDING THE CONTRACT FOR SPRINKLER INSTALLATION TO CAREFREE LANDSCAPING IN THE TOTAL AMOUNT OF \$2,685.00

WHEREAS, the Ocean County Soil District has inspected and implemented fines to the Borough of Beachwood regarding the Mayo Park Center soil stabilization deficiencies ; and

WHEREAS, it was determined an installation of a sprinkler system would sustain the stabilization of the soil; and

WHEREAS, on October 4, 2016, the Borough of Beachwood Department of Public Works solicited quotes from three (3) vendors for sprinkler installation; and

WHEREAS, the Borough of Beachwood received three (3) responses as follows:

Carefree Landscaping – Beachwood, NJ	\$ 2,685.00
Always Nature’s Way – Toms River, NJ	\$ 4,830.00
Compass Construction - New Egypt, NJ	\$ 8,250.00

NOW, THEREFORE, BE IT RESOLVED to award the contract for sprinkler installation to Carefree Landscaping of Beachwood, NJ in the amount of \$2,685.00.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Carefree Landscaping
5. John Behrens, Asst. Director of DPW

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>	X		X			

<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

Question posed by Councilman Feeney inquired if the installation of the sprinkler system was mandated by the Ocean County Soil Conservation District. Mr. Oris responded that the original design was stone and an under liner for the Mayo Park Center bid. However, during the construction a decision was made that stone might not be the best choice because children may throw the stones so T&M did an add-delete to have top soil and seed. At that time sprinklers were discussed and priced. Compass Construction quoted a high price which wasn't competitive. DPW agreed they would water it as needed to get the grass to grow, however, the grass hasn't grown to the point where OCSD will sign off on the grass growth. This will help to get the seed to take. There is already a sprinkler system toward the corner so it will just get extended.

Mayor Roma called for motion to open for Public Comment

PUBLIC COMMENT

OPENED PUBLIC COMMENT

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilman Cairns			X			
Councilwoman Clayton						X
Councilman Feeney			X			
Councilman Komsa		X	X			
Councilman LaCrosse						X
Councilman Zakar	X		X			

Being no public in attendance, Mayor called for motion to close Public Comment

CLOSED PUBLIC COMMENT

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilman Cairns			X			
Councilwoman Clayton						X
Councilman Feeney			X			
Councilman Komsa		X	X			
Councilman LaCrosse						X
Councilman Zakar	X		X			

EXECUTIVE SESSION

**RESOLUTION 2016-338
AUTHORIZING A CLOSED SESSION MEETING
BOROUGH OF BEACHWOOD**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council of the Borough of Beachwood wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss certain matter(s) in private, and in this case for the purpose of the Borough Council to

discuss, Contractual, Personnel, Litigation and Terms & Conditions of which requires attorney-client privilege in this regard;

1. **Terms & Conditions– Boat Slip Ordinance**
2. **Contractual –Water Dept.**

NOW, THEREFORE, BE IT RESOLVED by Borough of Beachwood Council that it will go into an Executive Session for the purpose of the Borough Council to discuss Contractual, Personnel, Litigation, and Terms & Conditions of which requires attorney-client privilege in this regard

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Municipal Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

Closed for Executive Session at 7:18pm

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

RE-OPEN PUBLIC SESSION

Re-Opened to Public Session at 7:43pm

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>	X		X			

ACTION TAKEN FROM EXECUTIVE SESSION

**RESOLUTION 2016-338a
RESOLUTION AUTHORIZING FOUR (4) 8 ½" X 11" 2-SIDED ADDITIONAL PAGES FOR THE 2017 ANNUAL
MUNICIPAL CALENDAR**

WHEREAS, on August 17, 2016, the Borough of Beachwood Governing Body awarded the 2017 Municipal Calendar printing job to TREC Printing via Resolution 2016-284 for a total amount of \$3,995.00 for 4,500 copies at twenty four (24) 2-sided 8 ½ "x 11" pages; and

WHEREAS, the Borough of Beachwood Municipal Clerk indicated an additional four (4) 8 ½" x 11" 2-sided pages would better serve the information within the calendar for an additional cost of \$475.00; and

WHEREAS, the Governing Body wishes to expand the number of pages in the 2017 Municipal Calendar from twenty four (24) 8 ½" x 11" 2-sided full color pages to twenty eight (28) 8 ½" x 11" 2-sided full color pages at an additional cost of \$475.00.

NOW, THEREFORE, BE IT RESOLVED the Borough of Beachwood Mayor and Council authorize the four (4) 8 1/2 "x 11" 2-sided additional pages for the 2017 Municipal Calendar at an additional cost of \$475.00 amending the total cost of the 2017 Municipal Calendars as \$4,470.00.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Ron George, TREC Printing of Toms River, NJ

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>	X		X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

RESOLUTION 2016-339

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ACCEPTING THE BOROUGH ENGINEERS, T&M ASSOCIATES' PROPOSAL TO PROVIDE PROFESSIONAL SERVICES RELATIVE TO THE WATER TREATMENT PLANT OPERATOR ASSISTANCE FOR THE BOROUGH OF BEACHWOOD

WHEREAS, the Borough of Beachwood Water Department under the direct supervision of the Water Department Assistant Supervisor, also the required Licensed Operator, will continue to provide the day-to-day operations and maintenance in accordance with the applicable New Jersey Department of Environmental Protection (NJDEP) Permits, Rules and Regulations required to operate the Borough's water system; and

WHEREAS, T&M Associates propose to continue their Professional Services to assist the Water Treatment Plant Operator; and

WHEREAS, T&M Associates proposed assistance to visit plant(s) on a twice monthly basis to check general operation and discuss any issues with operator to be estimated at four (4) hours/month totaling Thirty two (32) hours per year (through December 2016) at a estimated cost of \$4,800.00 based on a Time and Material Contract, at the rates established in the Annual Contract.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, accepts its Borough Engineers' proposal to provide assistance to visit plant(s) on a twice monthly basis to check general operation and discuss any issues with operator to be estimated at four (4) hours/month totaling thirty two (32) hours per year (from May to December 2015) at a estimated cost of \$4,800.00 based on a Time and Materials Contract, at the rates established in the Annual Contract;

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Beachwood that upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer, and Borough Engineer.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>	X		X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

RESOLUTION 2016-340

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ACCEPTING THE BOROUGH ENGINEERS, T&M ASSOCIATES' SCOPE & BUDGET PROPOSAL FOR ASSISTANCE WITH THE RENEWAL OF THE BOROUGH'S WATER ALLOCATION PERMIT FOR A TOTAL AMOUNT OF \$3,200.00

WHEREAS, the Borough of Beachwood has received a Scope & Budget proposal from the Borough Engineer, T&M Associates, to provide professional services for assistance in making application for the renewal of the Borough's Water Allocation Permit; and

WHEREAS, T&M Associates estimate to provide this service is \$3,200.00 based on a Time and Materials basis, at the rates established in the annual contract.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey hereby accepts its Borough Engineers' Scope & Budget proposal to provide professional services for assistance in making application for the renewal of the Borough's Water Allocation Permit for the total amount of \$3,200.00.

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Beachwood that upon the adoption of the this resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer, and Borough Engineer.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>	X		X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

RESOLUTION 2016-341 DUPLICATION OF RESOLUTION 2016-315

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ACCEPTING THE BOROUGH ENGINEERS, T&M ASSOCIATES' SCOPE & BUDGET PROPOSAL FOR THE DEPARTMENT OF JUSTICE REQUIRED ADA COMPLIANCE FOR THE MUNICIPAL COMPLEX AT AN AMOUNT NOT TO EXCEED \$6,000.00

WHEREAS, the Borough of Beachwood has received a Scope & Budget proposal from the Borough Engineer, T&M Associates, to meet required ADA Compliance for the Municipal Complex deficiencies as per the Department of Justice on August 23, 2016; and

WHEREAS, the Department of Justice requires the curb ramps; handicap parking space striping; and door tensions to be compliant by the November 8, 2016 General Elections; and

WHEREAS, scope of services encompasses the solicitation of contractors, professional services associated with the development of construction documents and oversight for this project as well as the preparation of the ADA Accessibility Assessment Report; and

WHEREAS, T&M Associates proposes the cost is not exceed the total amount of \$6,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey hereby accepts its Borough Engineers' Scope & Budget proposal for the curb ramps; handicap parking space striping; and door tensions to be compliant by the November 8, 2016 General Elections with the cost not to exceed the total amount of \$6,000.00.

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Beachwood that upon the adoption of the this resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer, and Borough Engineer.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>	X		X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

ADJOURNMENT at 7:45pm

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>	X		X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>			X			

Respectively submitted by,

Susan A. Minock, RMC
Municipal Clerk

Attested by:

Ronald F. Roma, Jr., Mayor

Susan A. Minock, RMC