



November 07, 2007

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 90 servicemen from New Jersey have been killed in Iraq and Afghanistan.

Most recently: July 10th – Army Capt. Maria Ortiz, 40 (Nurse) Pennsauken , August 30th , Army Staff Sgt. Jason Butkus, 35, West Milford – September 13th , Marine Lance Cpl. Jon Hicks, 20 , Hammonton, and September 14th , Marine Cpl. Terry Allen, 21 , Pennsauken.



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 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 Ocean County Observer and Asbury Park Press on January 4, 2007.

ROLL CALL MEMBERS PRESENT:

Mayor Harold R. Morris

COUNCILMEMBERS:	Beverly Clayton	Gerald W. LaCrosse
	Gregory Feeney	Thomas Miserendino
	Steven Komsa	Ronald Roma

Absent: None

#2007-324

RESOLVED by Mayor and Council to approve the Community Center and Mayo Park Rentals as follows:

DATE		COMMUNITY CENTER	2007	
December	16	Serratelli	Rental:	\$350
		515 Mizzen Ave	Deposit:	\$500
		Beachwood		
December	29	Casertano	Rental:	\$350
		1408 Spray Ave	Deposit:	\$500
		Beachwood		
		COMMUNITY CENTER	2008	
January	19	Hammack	Rental:	\$350
		51 Shell St.	Deposit:	\$500
		Beachwood		
January	25	Beachwood First Aid	Rental:	\$Waive - See attached
		4 Beachwood Blvd	Deposit:	
		Beachwood		
June	20	Brown	Rental:	\$350
		63 Chestnut St.	Deposit:	\$500
		Beachwood		
July	18	Leukemia Lymphoma Society & BYC	Rental:	\$Waive – See attached
		216 Haddon Ave	Deposit:	
		Westmont N.J. and Beachwood Yacht Club	(Mrs. Clayton will meet with reps on use)	
July	19	Germinaro	Rental:	\$350
		21 Elm Street	Deposit:	\$500
		Beachwood		
August	09	Borzek	Rental:	\$350
Previously approved		1445 Longboat Ave.	Deposit:	\$500
For Oct. 4, 2008		Beachwood	Re-schedule :	\$25
August	20	Van Sant	Rental:	\$350
		106 Tiller Ave	Deposit:	\$500
		Beachwood		

Motion: Roma Second: Miserendino
 Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
 Abstain: Absent:

#2007-325 RESOLVED by Mayor and Council to hire Gina-Maria Buno, 953 Neptune Ave as Class II Special (\$9.88 per hour) to fill vacancy created by resignation of Patrick Sullivan.

Motion: Roma Second: Komsa
Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
Abstain: Absent:

#2007-326 Audit Report

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 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 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 RS. 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 RS. 52:27BB52 - to wit:

RS. 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: Feeney Second: Roma
Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
Abstain: Absent:

#2007-327 WHEREAS, the Borough Council of the Borough of Beachwood has reviewed the 2006 audit prepared by the Township's auditing firm, William E. Antonides and Company; and

WHEREAS, the Township auditor has made six (6) recommendations suggesting the need for certain remedial actions; and

WHEREAS, the Chief Financial Officer of the Township has reported remedial actions, if applicable, as outlined on the attached "Corrective Action Report" dated November 1 2007 attached hereto and made 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 Beach wood.

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

Motion: Roma Second: Miserendino
Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
Abstain: Absent:

#2007-328A RESOLUTION OF THE BOROUGH OF BEACHWOOD AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH AND ACE MANZO, INC. AND D. MANZO & SON, INC. FOR PHASE 1 WATER DISTRIBUTION SYSTEM AND ROADWAY IMPROVEMENTS TO OCEAN AVENUE DECREASING THE CONTRACT BY \$18,902.75 TO AN ADJUSTED CONTRACT PRICE OF \$725,751.25

WHEREAS, the Borough of Beachwood previously awarded a Contract to Ace Manzo, Inc. and D. Manzo & Son, Inc. for Phase 1 Water Distribution System and Roadway Improvements to Ocean Avenue in the amount of \$744,654.00; and

WHEREAS, as a result of final as built quantities for water main improvements, Change Order No. 1 reflects a reduction in price of \$18,902.75; and

WHEREAS, the Borough Engineer has recommended the approval of said Change Order No. 1; and

WHEREAS, the governing body desires to act upon said Change Order No. 1 adjusting as-built quantities for the water main replacement portion of the contract to reflect a 2.54% increase to the original contract price.

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 of the Borough of Beachwood hereby approves Change Order No. 1 to the contract between the Borough and Ace Manzo, Inc. and D. Manzo & Son, Inc. for Phase 1 Water Distribution System and Roadway Improvements to Ocean Avenue to reflect final as-built quantities for the water main replacement portion of the contract and to reduce the contract by \$18,902.75 or from the original contract price of \$744,654.00 to an adjusted contract price of \$725,751.25.
2. That upon the adoption of the within resolution, the Clerk is authorized to forward a certified copy of it to the Borough Engineer, the Borough Treasurer and Ace Manzo, Inc. and D. Manzo & Son, Inc.

#2007-328B RESOLUTION OF THE BOROUGH OF BEACHWOOD AUTHORIZING THE APPROVAL OF FINAL CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN THE BOROUGH AND ACE MANZO, INC. AND D. MANZO & SON, INC. FOR PHASE 1 WATER DISTRIBUTION SYSTEM AND ROADWAY IMPROVEMENTS TO OCEAN AVENUE REDUCING THE CONTRACT BY \$27,761.78 TO A FINAL ADJUSTED CONTRACT PRICE OF \$697,989.47

WHEREAS, the Borough of Beachwood previously awarded a Contract to Ace Manzo, Inc. and D. Manzo & Son, Inc. for Phase 1 Water Distribution System and Roadway Improvements to Ocean Avenue in the original amount of \$744,654.00; and

WHEREAS, the Borough previously adopted Change Order No. 1 reducing the contract by 2.54% to the sum of \$725,751.25; and

WHEREAS, as a result of final as-built quantities in regard to the roadway improvements, the Borough Engineer has recommended the approval of Final Change Order No. 2 reducing the contract by \$27,761.78; and

WHEREAS, the Borough Council desires to act upon the engineer's recommendation further reducing the contract by said \$27,761.78.

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 of the Borough of Beachwood hereby approves Final Change Order No. 2 to the contract between the Borough and Ace Manzo, Inc. and D. Manzo & Son, Inc. reducing the contract by an additional \$27,761.78 to a final adjusted contract price of \$697,989.47 or a 6.27% reduction from the original contract price.

2. That upon the adoption of the within resolution, the Clerk is authorized to forward a certified copy of it to the Borough Engineer, the Borough Treasurer and Ace Manzo, Inc. and D. Manzo & Son, Inc.

Motion:	LaCrosse	Second:	Roma
Approved:	Clayton – Feeney – Komsa – LaCrosse – Miserendino – Roma		
Abstain:		Absent:	

#2007-329

Resolution Supporting the *Over "the Limit Under Arrest 2007 Year End Crackdown"*

Whereas, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

Whereas, 34% of motor vehicle fatalities in New Jersey are alcohol related; and

Whereas, a enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout several counties to participate in the *Over the Limit Under Arrest 2007 Year End Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from December 7, 2007 through January 2, 2008; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be it resolved that Mayor and Council of the Borough of Beachwood declares its support for the *Over the Limit Under Arrest 2007 Year End Crackdown* from December 7, 2007 through January 2, 2008 and pledges to increase awareness of the dangers of drinking and driving.

Motion:	Roma	Second:	Komsa
Approved:	Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma		
Abstain:		Absent:	

#2007-330

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue into the budget of any county or municipality when such item shall become available by an amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation equal amount.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council that the Borough of Beachwood hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue into the budget of the year 2007, in the sum of \$5,000.00 which item is now available as a revenue from the N.J. Div. of Highway Traffic Safety "Over the Limit Under Arrest 2007 Year End Crackdown Grant".

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 be and the same is hereby appropriated under the

N.J. Div. of Highway Traffic Safety "Over the Limit Under Arrest 2007 Year End Crackdown Grant"

Motion:	Roma	Second:	Miserendino
Approved:	Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma		
Abstain:		Absent:	

#2007-331

RESOLVED by Mayor and Council to approve the "Road Opening Permit Application" of David Lipton for "Briar Way" noting that appropriate extension fees were filed.

Motion:	Feeney	Second:	Roma
Approved:	Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma		
Abstain:		Absent:	

#2007-332

RESOLVED by Mayor and Council to authorize the Treasurer to open an Escrow account with Commerce Bank for the (Lipton) Briar Way Roadway and Water Main Performance Guarantee in the amount of \$4,200.00

Motion: Komsa Second: Feeney
Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
Abstain: Absent:

#2007-333

AUTHORIZE REFUND OF TAX OVERPAYMENTS FOR BLOCK 2.02 LOT 12, BLOCK 4.28 LOT 3 BLOCK 10.33 LOT 6, BLOCK 11.24 LOT 6

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 Joseph & Leslie Adcock, Block 2.02 Lot 12, property address 224 Ensign Avenue in the amount of \$776.17; Brian Conway & Randy Laing, Block 4.28 Lot 3, property address 327 Forepeak Avenue in the amount of 874.58; Marla Harpa, Block 10.33 Lot 6, property address 711 Cable Avenue in the amount of \$92.92 and Julio & Linda Gallo, Block 11.24 Lot 6, property address 409 Cable Avenue in the amount of \$558.06 and;

WHEREAS, taxes had be made current by the property owners 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 \$2,301.73 for the over payment of taxes.

Motion: Feeney Second: Roma
Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
Abstain: Absent:

#2007-334

AUTHORIZE REFUND OF TAX OVERPAYMENTS FOR BLOCK 10.19 LOT 2

WHEREAS, A tax exemption was granted to William J Hoffmann Jr for his Totally Disabled Veteran status on May 31, 2007 for Block 10.19 Lot 2, property address 945 Mizzen Avenue; and

WHEREAS, the Tax Collector was directed as per Resolution 2007-288 to cancel taxes for the year 2007 in the amount of \$2743.62; and

WHEREAS, the cancellation of taxes resulted in an overpayment amount of \$666.03 previously paid by the property owner.

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 a refund in the amount of \$666.03 for an over payment Created by the cancellation of taxes per Resolution 2007-288.

Motion: Roma Second: Feeney
Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
Abstain: Absent:

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE *Borough of Beachwood*

WHEREAS, the President, in Homeland Security Directive (HSPD-S), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standard terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

Motion:	Roma	Second:	Feeney
Approved:	Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma		
Abstain:		Absent:	

CORRESPONDENCE:

- a.

October 31, 2007

Mayor and Council

Dear Sir or Madam:

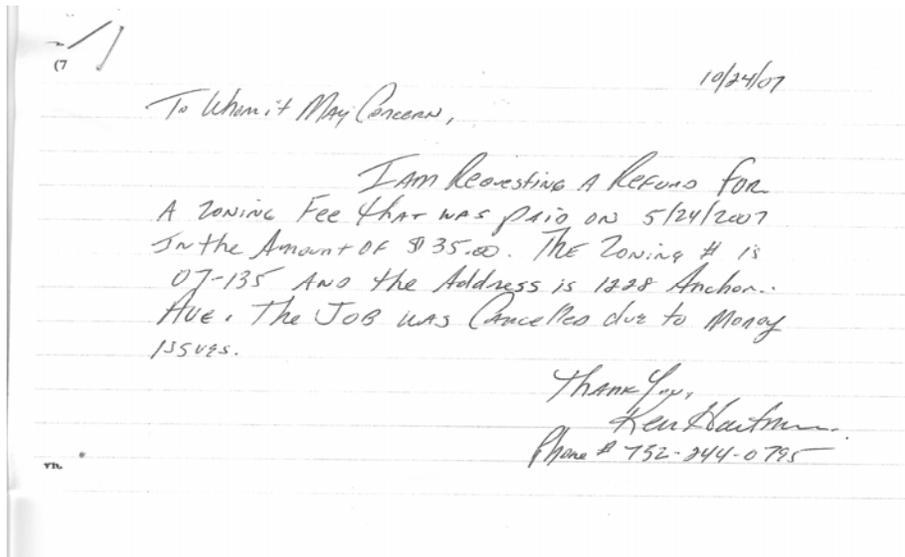
My name is Charles Adler and I live at 58 Wave Street and I am inquiring about the use of the community center in Beachwood. I had spoken to Betty and explained to her that I want to hold my engagement party on Monday Dec. 31st. I understand it is New Years Eve and it is also on a Monday, but I would be ever grateful. I had intended to have the party on my cousin's boat but he decided to rent it to someone else leaving us without a place to hold our party. The time frame being only a few weeks away puts me in a bad situation and I had remembered I had attended a function there last year and was impressed with the center. Please take into consideration my circumstance and let me know if this could be arranged.

Thank you so much for your consideration,


10/21/07
Charles Adler
58 Wave Street
Beachwood, NJ 08722

NOT APPROVED Borough longstanding policy not to allow the facility to be used on December 31

B: Zoning Officer performed the review, and signed off for permits in May..... Applicant decided against doing the work due to finances..... Borough is not responsible and has provided the service requested by the applicant.


10/24/07
To Whom it May Concern,
I am requesting a refund for
A zoning Fee that was paid on 5/24/2007
in the amount of \$35.00. The zoning # is
07-135 and the address is 1208 Anchor
Ave. The job was cancelled due to Monday
15425.
Thank You,
Ken Bautman
Phone # 752-244-0795

NOT APPROVED

NO EXECUTIVE SESSION

Lipton
Pennant Ave.

Thanked Mayor Morris and Councilmen LaCrosse and Miserendino for years of service to the Borough of Beachwood. Commented on election and information distributed. Public relies on information because of current life styles. It's gone to extremes. Statements made in this election untrue (re: Recreation facility). He has the only area of land available and no one has ever spoken to him about it.

ADJOURN

Motion: Miserendino Second: Clayton
Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Roma
Abstain: Absent:

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

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