

November 13, 2006

Beachwood Municipal Complex
1600 Pinewald Rd.

7:00 PM

Call to Order

SALUTE TO FLAG

While we pray for the safe return of our serving men and women, we must remember that 74 Servicemen have been killed, from New Jersey in Iraq and Afghanistan. Our war dead shall 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 a REMEMBRANCE of 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 the Asbury Park Press on January 1, 2006

Roll Call Members Present

Council members:

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

ABSENT: Mayor Harold R. Morris

Meeting conducted by Council President Ronald Roma

#2006-373 RESOLVED by Mayor and Council to approve the 2006 Certified Bills List in the amount of A:\$405,948.38 B:\$110.00

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second		X				
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-374

RESOLVED by Mayor and Council to approve the minutes of the November 01,2006 meeting of Mayor and Council

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion			X			
Second		X				
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-375

RESOLVED by Mayor and Council to approve the Community Center rentals as follows:

2007		<u>Community Center Rental</u>			
Jan	13	Clarke		Rental:	\$350
		916 Ocean Ave		Deposit:	\$500
		Beachwood			
Jan	26	Bush		Rental:	\$350
		60 Bowline St.		Deposit:	\$500
		Beachwood			
Jan	27	Weisneck		Rental:	\$350
		736 Pacific Ave		Deposit:	\$500
		Beachwood			
Feb	25	Lazaras		Rental:	\$350
		327 Capstan Ave		Deposit:	\$500
		Beachwood			
Apr	21	Neubert		Rental:	\$700
		440 20 th Ave.		Deposit:	\$700
		Brick			
July	14	Santo Domingo		Rental:	\$350
		909 Mizzen Ave		Deposit:	\$500
		Beachwood			
Oct.	06	Casertano		Rental:	\$350
		1408 Spray Ave		Deposit:	\$500
		Beachwood			
2007		<u>Mayo Park</u>			
June	22	Ocean Mental Health Services		Rental:	\$125
		733 Route 9		Deposit:	\$175
		Beachwood			

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second			X			
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-376

RESOLVED BY MAYOR AND COUNCIL TO APPROVE THE FOLLOWING TRANSFERS IN THE 2006 BUDGET:

FROM	TO	AMOUNT
FORECLOSED PROP.	MUNICIPAL CLERK S/W	\$ 1,000.00
FORECLOSED PROP.	MUNICIPAL CLERK O/E	5,000.00
LEGAL O/E	CODE ENF./ZONING S/W	2,500.00
LEGAL O/E	POLICE S/W	25,000.00
LIFEGUARDS S/W	PUBLIC WORKS S/W	3,000.00
RECYCLING O/E	VEHICLE MAIN. O/E	1,675.00
MUN. PROSECUTOR	VEHICLE MAIN. O/E	1,300.00
PLANNING BD S/W	VEHICLE MAIN. O/E	2,025.00

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second	X					
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-377

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Commerce Risk Control for random drug testing, effective January 1, 2007. Contract reflects a 3.0% increase in fees over prior agreement.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second			X			
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-378

RESOLVED by Mayor and Council to authorize Councilman Steven Komsa as an official signature on all Borough checks.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second						X
Approved	X	X		X	X	X
Abstain			X			
Opposed						
Absent						

#2005-379 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 2005 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 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 wit:

“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

November 13, 2006

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.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion			X			
Second		X				
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-380

WHEREAS, the governing body of the Borough of Beachwood, County of Ocean will receive funds from fees generated from the New Jersey State Sales Tax; and

WHEREAS, it is the desire and intent of the governing body to dedicate these funds to the collecting and remitting of sales taxes to the State of New Jersey; and

WHEREAS, it is necessary to petition the approval of the Director of the Division of Local Government Services to include these funds as a "Dedication by Rider" in accordance with N.J.S.A. 40A:4-39.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood, County of Ocean, that the Director of the Division of Local Government Services approve the inclusion of the aforementioned funds as a "Dedication by Rider" in accordance with N.J. S.A. 40A:4-39, and that these funds be placed in the Others Trust Fund and be expended for the purpose stated herein; and

BE IT FURTHER RESOLVED that three certified copies of this resolution be filed with the Director of the Division of Local Government Services for consideration and approval

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second				X		
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

Question: Mr. Miserendino – Is this something new?

Treasurer Dehnz - Yes

ORDINANCE FINAL READING AND ADOPTION

#2006-22 AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 17 -22.2, ENTITLED " ESTABLISHMENT OF ZONES AND OFFICIAL ZONING MAP," WITHIN ARTICLE IV, ENTITLED "ZONING," OF CHAPTER XVII, ENTITLED "DEVELOPMENT REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BEACHWOOD, NEW JERSEY TO REZONE CERTAIN LOTS TO THE R-D SINGLE FAMILY' RESIDENTIAL DISTRICT.

WHEREAS, Block 10.40, Lots 2, 3, 4, 5 and 6; and Block 11.18, Lots 1 and 2 are currently undersized and not suitable for variance free residential development in accordance with the provisions of the R-B Zone District.

WHEREAS, Beachwood Borough intends to subdivide Block 10.40, Lots 2,3,4, 5 and 6; and Block 11.18, Lots 1,2 and 3 to create Block 10.40, New Lots 2.01, 4.01 and 6.01; and Block 11.18, New Lots 1.01 and 3.01, which are intended to be suitable for variance free residential development in accordance with the provisions of the R-D Single-Family Residential District.

WHEREAS, the Mayor and Borough Council are now rezoning certain lots to the R-D Single-Family Residential District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey, that the following provisions of the Revised General Ordinances of the Borough of Beachwood shall be amended and supplemented as follows:

That Subsection 17-22.2 be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 10.40, Lots 1, 2, 3, 4, 5, and 6; Block 11.17, Lots 1, 2, 3, 4, and 5; and, Block 11.18, Lots 1, 2, 3, 4, and 5 from the R-B Single-Family Residential District and so as to include said tax lots in the R-D Single-Family Residential District .

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjusted by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY:

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second				X		
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

Representative of LGA – provided explanation of ordinance.

No public questions

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY:

RESOLUTION:
#2006-382

Proposed by Mrs. Clayton – to increase ramp permits for 2007.
RESOLVED by Mayor and Council to increase Boat Ramp Permits for 2007 to \$100.

Questions: Mr. Feeney regarding the facility.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second				X		
Approved	X	X	X	X		
Abstain					X	X
Opposed						
Absent						

Gregory Feeney

Congratulated candidates on election victory.
Reporting from “Front” - Jonathan and troop moved to tent life, which is a step before returning home.

Steven Komsa

Congratulated Mrs. Clayton and Mr. Roma on election victory. Thanked all for supporting him in his campaign. Beachwood Elementary had a Veterans’ Day celebration at the school and invited him to participate. It was a great event.

Gerald LaCrosse

Proposed to address credit on water.

#2006-383

Resolution needed on Gallagher credit (801 Ensign Ave \$3.09)

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second		X				
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

Thomas Miserendino

Congratulated candidates on victory.

Ronald Roma

Mayor attending Library Meet the Mayor night.
Alliance Dance December 8th. Senior Luncheon held on the 15th of December, 11:00 – 3:00. John Morris named Alliance Volunteer of the Year.

Administrator Lacey

Executive matters.

Municipal Attorney

No Report.

Municipal Engineer;

Road project updates. Water projects in process of completion.

Treasurer Dehnz:

No report

Clerk Mastropasqua: Flu Clinic November 21st. 1:00 - 2:30
 Question on status of Nov. 22nd. Meeting -
 Council voted in favor of holding the meeting.

Mr. LaCrosse: Recommendation to change Fire/ First Aid Uniform Allowance to Donation and allow them to determine the allotment.

PUBLIC DISCUSSION TO OPEN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second				X		
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

Zacker: Congratulated Council candidates on election victory.

Mr. Komsa excused himself from the meeting to attend Library function.

PUBLIC DISCUSSION TO CLOSE

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second				X		
Approved	X	X		X	X	X
Abstain						
Opposed						
Absent			X			

EXECUTIVE SESSION

WHEREAS, SECTION 8 of the 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 matter to be discussed is as follows:
 - Contractual -
 - Litigation -
 - Personnel -
3. It is anticipated that the subject matter discussed may be made public in (90) days.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second	X					
Approved	X	X		X	X	X
Abstain						
Opposed						
Absent			X			

TO RE-OPEN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second				X		
Approved	X	X		X	X	X
Abstain						
Opposed						
Absent			X			

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

RESOLUTION:

#2006- 384 RESOLVED to approve the agreement between the Borough of Beachwood and Schoor DePalma for filing services on the Pearl Street sub-division map not to exceed \$500 and \$100 for a Mylar.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second						X
Approved	X	X		X	X	X
Abstain						
Opposed						
Absent			X			

#2006-385 RESOLVED by Mayor and Council to authorize the Attorney to prepare the appropriate sale resolution for the November 22nd meeting.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second						X
Approved		X		X	X	X
Abstain	X					
Opposed						
Absent			X			

#2006-386 RESOLVED by Mayor and Council to authorize the Clerk to advertise RFP for Professional Services 2007.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second					X	
Approved	X	X		X	X	X
Abstain						
Opposed						
Absent			X			

#2006-387 RESOLVED by Mayor and Council to approve the hiring of the firm of "Citta, Holzapfel, et als, for Labor Counsel on PBA contract.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion					X	
Second		X				
Approved	X	X		X	X	X
Abstain						
Opposed						
Absent			X			

TO ADJOURN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second					X	
Approved	X	X		X	X	X
Abstain						
Opposed						
Absent						

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua
Municipal Clerk