

December 20, 2006
7:00 PM

Beachwood Municipal Complex
1600 Pinewald Rd.

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
Gregory Feeney
Gerald W. LaCrosse

Steven Komsa
Thomas Miserendino
Ronald Roma

ABSENT:

SPECIAL PRESENTATION TO MRS. ZUCK – BEACHWOOD ELEMENTARY SCHOOL PRINCIPAL – retiring at the end of December.

Mayor Morris presented a certificate of appreciation on behalf of the Borough. Mr. Roma, presented a Resolution on behalf of the NJ Legislators and Mr. Lacey presented a resolution from the Ocean County Board of Chosen Freeholders.

HOLIDAY HOUSE DECORATING CONTEST AWARDS presented by Recreation Chair Robin Clayton.

RECESS:

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

RE-OPEN

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

#2006-409 RESOLVED by Mayor and Council to approve the following Transfers in the 2006 Municipal Budget:

FROM	TO	AMOUNT
Financial Admin O/E	Municipal Clerk O/E	\$ 2,200.
Garbage/Trash Disposal O/E	Sick Leave Trust O/E	42,500.
Legal O/E	Sick Leave Trust O/E	5,500.
Uniform Construction S/W	Social Security O/E	7,000.
Animal Control O/E	Social Security O/E	3,000.
Animal Control O/E	Gasoline & Oil O/E	2,000.
Foreclosed Property O/E	Gasoline & Oil O/E	1,000.
Planning Board S/W	Gasoline & Oil O/E	1,000.
Streets & Roads S/W	Gasoline & Oil O/E	4,000.
Streets & Roads S/W	Engineering O/E	3,000.
Fire Prevention O/E	Fire Prevention S/W	645.
Recycling S/W	Vehicle Maintenance S/W	2,500.

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

#2006-410 RESOLVED by Mayor and Council to approve the 2006 Certified Bills List in the amount of A:\$ 464,987.02

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

#2006-411

RESOLVED by Mayor and Council to approve the minutes of the December 6 ,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						

#2006-412

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

2007		Community Center Rental			
Jan	21	Van Sant		Rental:	\$350
		106 Tiller Ave		Deposit:	\$500
		Beachwood			
Mar	24	Mastropasqua		Rental:	\$350
		1544 Berkeley Ave		Deposit:	\$500
		Beachwood			
Mar.	31	Leo		Rental:	\$350
		816 Spray Ave		Deposit:	\$500
		Beachwood			
April	01	Anello		Rental:	\$350
		316 Pacific Ave		Deposit:	\$500
		Beachwood			
April	22	Clayton; Andrew		Rental:	\$WAIVE
		1452 Longboat Ave.		Deposit:	\$WAIVE
		Beachwood			
May	04	Bowers		Rental:	\$350
		609 Beacon Ave		Deposit:	\$500
		Beachwood			
July	07	Higgins		Rental:	\$700
		3154 Ridgeway Blvd.		Deposit:	\$700
		Manchester			
Sept.	22	Snedden		Rental:	\$350
		1213 Spar Ave.		Deposit:	\$500
		Beachwood			
Nov.	17	Raimann		Rental:	\$350
		620 Neptune Ave.		Deposit:	\$500
		Beachwood			

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

#2006-413 WHEREAS, on August 16, 2006 under Resolution #2006-268, approval was given for rental of the Community Center by Lewis DePinto, 93 Maple St, Beachwood, for September 22, 2007, noting all resident fees were posted (\$850.00); and

WHEREAS, on December 4, 2006, written notice of cancellation was received, subjecting the applicant to a \$100 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$750 to Lewis DePinto, 93 Maple St, Beachwood, said refund reflecting a \$100 cancellation fee.

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

#2006-414 RESOLVED by Mayor and Council to approve the following request for Conference – Training and Seminar.

Date:	Feb. 5 through May 14 (15 Sessions) Jeanette Larrison
Location:	Ocean County College – Toms River
Subject:	Technical Assistant Certification
Cost:	\$400
Vehicle:	No

Date:	Feb. 10 th Councilman Steven Komsa
Location:	Holiday Inn – Cherry Hill
Subject:	Seminar for Newly Elected Officials
Cost:	\$80
Vehicle:	No

Previously approved – dates were missing

Date:	Jan 20 th – 26 th – Feb. 3 rd -10 th – 24 th Elizabeth Sarantinoudis
Location:	Rutgers University
Subject:	Municipal Budget Process
Cost:	\$559
Vehicle:	No

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

Mrs. Clayton and Mr. Feeney questioned the reference to “Technical Assistant”.

#2006-415 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING FINAL CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH AND HASKELL SITE WORK, LLC FOR THE FY 2006 NJDOT MUNICIPAL AID ROAD PROGRAM FOR SPRAY AVENUE AND NAUTILUS STREET REDUCING THE CONTRACT BY \$8,555.67 TO A FINAL ADJUSTED CONTRACT PRICE OF \$87,661.88**

WHEREAS, the Borough of Beachwood previously awarded a contract to Haskell Site Work, LLC pursuant to its FY 2006 NJDOT Municipal Aid Road Program for Spray Avenue and Nautilus Street in the amount of \$96,217.55; and

WHEREAS, as a result of extras and reductions and final as-built quantities, Borough Engineer, James Oris, of Schoor, DePalma Engineers and Consultants has recommended the approval of Final Change Order No. 1 reducing the contract by \$8,555.67; and

WHEREAS, the Borough Council wishes to act upon the engineer’s recommendation.

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 authorizes and approves Final Change Order No. 1 to the contract between the Borough and Haskell Site Work, LLC for the FY-2006 NJDOT Municipal Aid Road Program for Spray Avenue and Nautilus Street reducing the contract by \$8,555.67 to a final adjusted contract price of \$87,661.88.
2. That upon the adoption of the within resolution, the Clerk is authorized to forward a certified copy of it to Borough Engineer, James Oris, the Borough Treasurer and Haskell Site Work, LLC.

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

#2006-416 **RESOLVED** by Mayor and Council to authorize release of retainage to Contractor J.N.P. Construction Corp., (Ground water storage tank repairs, cleaning and painting) in the amount of \$1,868.40.

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

#2006-417

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH AND HASKELL SITE WORK, LLC FOR THE 2006 ROAD IMPROVEMENT PROGRAM - ELM STREET, MIZZEN AVENUE, LONGBOAT AVENUE, BIRCH STREET, OCEAN AVENUE AND NAUTILUS STREET INCREASING THE CONTRACT BY \$1,484.08 REFLECTING AS-BUILT QUANTITIES FOR A FINAL ADJUSTED CONTRACT PRICE OF \$420,132.18

WHEREAS, the Borough of Beachwood previously awarded a contract to Haskell Site Work, LLC for the 2006 Department of Transportation Road Improvement Program for Elm Street, Mizzen Avenue, Longboat Avenue, Birch Street, Ocean Avenue and Nautilus Street in the amount of \$418, 648.10; and

WHEREAS, as a result of final as-built quantities, the Borough Engineer has recommended the approval of Final Change Order No. 1 increasing the contract by \$1,484.08 for an adjustment of 0.35% of the original contract price; and

WHEREAS, the governing body desires to approve Final Change Order No. 1 in accordance with the Borough Engineer's recommendation.

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. 1 to the contract between the Borough and Haskell Site Work, LLC increasing the contract by \$1,484.08 to a final adjusted contract price of \$420,132.18.
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 Haskell Site Work, LLC .

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

#2006-418

RESOLVED by Mayor and Council to approve the Corrective Action Plan submitted by the Treasurer on November 27, 2006 with regard to the 2005 Audit recommendations.

TABLED

#2006-25

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER IX ENTITLED “RECREATIONAL FACILITIES” AS IT APPLIES TO LAUNCHING RAMP PERMIT FEES.

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						

NO QUESTIONS

CLOSE 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						

RESOLUTION

#2006-419 RESOLVED by Mayor and Council to approve and adopt Ordinance #2006-25 as presented and held for public discussion..

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

REPORTS

Mayor Morris

Congratulated Mrs. Zuck on her retirement and extended thanks for her service to the Borough’s children. Thanked Robin Clayton for her hard work on the House Decorating Contest awards.

Councilmembers

Beverly Clayton

Thanked Mrs. Zuck for her service to the school children. Thanked Robin for her work on the House Decorating Contest and the Judges

for their participation. Girl Scout Troops' "Critter Wish List" very successful, thanked all who participated. Calendars will be in the mail by December 21st. Congratulated T.R. Raider Cheerleaders for 2nd place in Nationals. New sign outside the Municipal Comple. "I" Boat grant applications is in process.

Gregory Feeney Water "no discoloration or odor" happy to report. Police "Toy Drive" winding down. Happy Holidays to all.

Steven Komsa Congratulated Mrs. Zuck and thanked all for participation in House Decorating Contest. Wished everyone a Happy Holiday.

Gerald LaCrosse Thanked Robin Clayton for all her work on the House Decorating contest. Congratulated Mrs. Zuck on her service career. Repairs to "Aerator" over the past few weeks making improvement to the system. Requested the following resolution:

#2006-420 RESOLVED b Mayor and Council to waive "late fee" for 952 Cable Ave "Gillan" in the amount of \$3.33.

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

Thomas Miserendino Merry Christmas and Happy Holidays to all. Congratulations to Mrs. Zuck on her service career.

Ronald Roma Roadwork and drainage work will continue weather permitting. Senior Luncheon held December 15th, at the Community Center, all had an enjoyable time. January 19th is the next Alliance Dance. Alliance and Schoor DePalma will be scheduling 2 ski trips this winter to Big Bolder cost \$20. PBA, Recreation and Alliance "Winter Volleyball" begins on January 11th. Merry Christmas to all.

Administrator Lacey Happy Holidays to all.

Municipal Attorney Happy Holidays to all.

Municipal Engineer; Spoke to resident at 620 Neptune Ave regarding roadwork. "I BOAT" – spoke with grant administrator and will move ahead on application submission.

Treasurer Dehnz: Happy Holidays

Clerk Mastropasqua: Happy Holidays

PUBLIC DISCUSSION TO OPEN

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

Byrnes

Pinewald Rd.

Thanked Mr. Roma and Mr. Lacey re: “drainage”. It’s working fine. Good job done by men. Happy Holidays.

Novaky

Maple St.

Happy Holidays to all. Spoke with O.C. Tax Board, notice to tax payers due out by January 31st. Concerned about “timing”. Will informal meetings be held.?

Feeney:

Notice in mail now.

Schiffermiller

Windward Ave.

**Questioned the change order to Haskell.
Requested clarification on “Corrective Action Plan”**

Chief Cairns

Happy Holidays to all.

PUBLIC DISCUSSION TO CLOSE

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

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 - Engineer (Drainage Mizzen)
Haskell Site Work – Elm St.
Beachwood PBA
 - Litigation - Zuromski v. Beachwood

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Lipton v. Beachwood
 Personnel - Management Hours – Supervisory Staff

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	X
Abstain						
Opposed						
Absent						

TO RE-OPEN

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

NO ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

TO ADJOURN

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

Submitted by: E.A. Mastropasqua

 Harold R. Morris
 Mayor

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