

April 04 2012  
Beachwood Municipal Complex  
1600 Pinewald Rd

**7:00 0 PM**

Call to Order

Flag Salute:

While we pray for the safe return of our serving men and women, we must remember that 145 servicemen and women from New Jersey have been killed in Iraq and Afghanistan, Most recently



Staff Sgt. Joseph D'Augustine, 29 - Waldwick, New Jersey -March 27, 2012

Marine Staff Sgt. Joseph D'Augustine, 29, of Waldwick, New Jersey, died March 27, 2012, while conducting combat operations in Helmand Province. He was supporting Operation Enduring Freedom-Afghanistan. He was assigned to 8th Engineer Support Battalion, 2nd Marine Logistics Group, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

Our war dead must always be remembered. Their Heroism deserves its glory, so too does the bravery of each who entered the unknown of conflict and gave their lives to the cause of Freedom.

The greatest tribute we can give is remembering our Honored Dead. In their memory, a moment of silence and a prayer for all our disabled veterans, those missing in action and the swift return of all our serving men and women.

OPENING STATEMENT: Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule for this meeting of Mayor and Council of the Borough of Beachwood is listed in the notice of meetings posted on the Bulletin Board, located in the Municipal Complex and delivered to the Asbury Park Press and Municipal Web Site on December 31, 2011.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald R. Roma, Jr.

COUNCILMEMBERS:

Beverly Clayton  
Gregory Feeney  
Steven Komsa

Gerald LaCrosse  
Thomas Miserendino  
Edward Zakar

**Absent:**





**Motion:** Zakar **Second:** Feeney  
**Approved:** Clayton – Feeney – Komsa – LaCrosse – Miserendino - Zakar

**TAX COLLECTOR**

#2012-198 RESOLVED BY MAYOR AND COUNCIL TO **AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #11-00022 TO LIEN HOLDER, ACT LIEN HOLDING, INC., IN THE AMOUNT OF \$574.29 PLUS A PREMIUM OF \$200.00.**

#2012-199 RESOLVED BY MAYOR AND COUNCIL TO **AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #10-00059 TO LIEN HOLDER, SOHEHA, IN THE AMOUNT OF \$163.47.**

#2012-200 RESOLVED BY MAYOR AND COUNCIL TO **AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #09-00021 TO LIEN HOLDER, SOHEHA, IN THE AMOUNT OF \$1,520.29.**

**Motion:** Miserendino **Second:** Feeney  
**Approved:** Clayton – Feeney – Komsa – LaCrosse – Miserendino - Zakar

#2012-201 **A RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES**

**WHEREAS** taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS** for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

**WHEREAS**, while that right should be the exception, it has become the rule; and

**WHEREAS**, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

**WHEREAS** in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

**WHEREAS** the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS** local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Governing Body of Borough of Beachwood , County of Ocean and State of New Jersey, do hereby join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

**BE IT FURTHER RESOLVED** that the Borough of Beachwood Governing Body, respectfully, calls on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

**BE IT FINALLY RESOLVED** that copies of this Resolution, upon passage, be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

**Motion:** Komsa **Second:** LaCrosse  
**Approved:** Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar :

**#2012-202 Resolution of the Borough of Beachwood, County of Ocean Opposing Senate Bill 1451 Open Public Meetings Act and Senate Bill 1452 Open Public Records Act.**

WHEREAS, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the Borough of Beachwood agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and

- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the governing body of the Borough of Beachwood agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always

have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and

- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the Borough of Beachwood strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the *Borough of Beachwood*, County of Ocean and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 9<sup>th</sup> – 10<sup>th</sup> and 30<sup>th</sup> State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks’ Association of New Jersey.

**Motion:** Miserendino **Second:** LaCrosse  
**Approved:** Clayton – Feeney – Komsa – LaCrosse – Miserendino - Zakar

#2012-203

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN AND STATE OF NEW JERSEY, SUPPORTING LEGISLATION TO PERMIT PROPERTY TAX ASSESSMENT ADJUSTMENTS AND EXPAND THE ROLE OF THE LOCAL ASSESSOR'S OFFICE**

**WHEREAS** the global national and state economy has impacted the state of New Jersey and has severely affected, among a host of financial difficulties, the prices of homes and property values in most municipalities in the State; and

**WHEREAS** the Governor and Legislature have taken important measures to help taxpayers by enacting laws that have forced local governments to reduce spending and workforces; and

**WHEREAS** there remains much to do to cope with the plunging property values and real estate assessments that drive local school and county budgets; and

**WHEREAS** municipalities have been deluged with real property tax appeals which forces local governments to expend time and costs to defend the appeals; and

**WHEREAS** the explosion of tax appeals has caused the already acute assessment problems to intensify and have an adverse effect on municipal tax assessors; and

**WHEREAS** tax appeals can cause property equalization to become inequitable and unfairly shift the tax burden to some homeowners; and

**WHEREAS** legislation needs to be adopted that would permit ongoing property assessment maintenance on a continuing basis and lessen the need for expensive reassessments; and

**WHEREAS** the role of the local assessor needs to be expanded to include continuing maintenance in the assessor's responsibilities; and

**WHEREAS** expanding the duties of the local assessor's office would help local officials to balance property values and provide more equality in sharing the tax burden;

**NOW, THEREFORE, BE IT RESOLVED** the Governing Body of the Borough of Beachwood, County of Ocean and State of New Jersey, does hereby urge the Governor and Legislature to enact legislation that would expand the Tax Assessor's duties and provide for ongoing property assessment maintenance in order to address these issues; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk shall forward copies of this resolution, upon passage, to the Honorable Governor Chris Christie, all members of the New Jersey State Legislature, the Ocean County Mayors' Association, the Ocean County Board of Freeholders, Ocean County Mayors and the New Jersey State League of Municipalities.

**Motion:**  
**Approved:**

**Miserendino**  
**Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar**

**Second:**

**Feeney**

**ORDINANCE FINAL READING – PUBLIC DISCUSSION – ADOPTION**

**#2012-03 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY DELETING SECTIONS 2-17 THROUGH 2-17.7 (ENVIRONMENTAL COMMISSION) AND SECTIONS 2-19 THROUGH 2-19.11 (SHADE TREE COMMITTEE) AND FURTHER ESTABLISHING THE “ENVIRONMENTAL AND SHADE TREE COMMITTEE”**

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

**Motion:** Miserendino **Second:** Komsa  
**Approved:** Clayton – Feeney – Komsa – LaCrosse – Miserendino - Zakar

|                                      |   |
|--------------------------------------|---|
| Robyn Griffith<br>Chair – Shade Tree | Last meeting first reading on Ordinance. Comment was made by Mayor about lack of members. Read proposed agenda for Re-organization and Mayor's intent to table appointments to these boards. March 21st Mayor indicated no volunteers in spite of interest from earlier individuals (former board members) Taking away Environmental Commission can be jeopardizing grant(s) accessibility. You are throwing away opportunity to get grants that do not have to be paid back. They are in-kind services. Find it upsetting.   |
| Mayor                                | Explanation and Research  |
| Griffith                             | Spoke with an Environmental Attorney and Sierra Club who advised possible loss of access to grants.   |
| Mayor                                | Mrs. Moorman (Environmental Chair) approached him about putting members on commission during re-org. Explained to her at that time intent to research streamlining both agencies. She also indicated she had a difficult time holding her meetings due to lack of attendance. To take it further, she advised she no longer wanted to be the Chair person, but would be willing to participate. As for statement of "change" we did a lot of research into this issue. Will now need less people to hold meetings. There will be less meetings monthly. Explained information from NJAC if established by Ordinance - it does not jeopardize grants if committee or commission. Saving tax payers money. Double time saved. |
| Griffith                             | Shade Tree had a quorum for each meeting held. Members are disheartened by what is happening.   |
| Mayor                                | Never discouraging anyone from volunteering.  |
| LaCrosse                             | Meetings are advertised yet lack of attendance from public.   |
| Griffith                             | Have been asking for 2 years now to address update of by laws. Where is that.   |
| Calligan; A.-<br>Cable Ave           | Borough Hall bearing name of Mayor who created an Environmental Commission. Believe we are going backwards. Wonder if our local governments are behind the times. Environmental has been looking for members for several months. Plans are now up in the air because of the change in commission. Beach Clean up had to be cancelled.   |
| Mayor                                | Don't understand why it would be cancelled. Asked Mrs. Moorman to move forward with all plans until all was in effect. We are very committed and addressing forward thinking when it comes to environmentally friendly issues. Very aware of what is going on. Trying to make it easier and more productive and less cost to the tax payers. Attempted to explain. Offered both current chairs to sit on the new board. Mrs. Moorman has known about this for a few months.   |
| Calligan                             | Should have extended invitation to entire membership to discuss.  |
| Mayor                                | No secret. Happy to discuss with members. It's not taking anything away. It will be a good thing.   |
| Calligan                             | Disappointed that things will change. Ordinance looks like all we will be responsible for is "trees"  |
| Mayor                                | Not correct.  |
| Dillon K - Capstan Ave               | Re: Ordinance - Why getting rid of commission that has power to do something with committee that will be doing something that is already being done.  |
| Mayor                                | Trying to help them move forward. Problem getting members. 12 needed for both boards. Now only 5. Trying to make it easier.   |

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| Dillon                    | Proposing to keep as is that already have the power to do things (actually act on things).   |
| Mayor                     | They can still do beach sweeps - work with the scouts - we are not preventing them from doing anything.  |
| Dillon M. – Capstan Ave   | Ended 3 year term as Commissioner. With terms ending, It was Mayor's duty to replace these vacancies. Advised that Council was taking a fresh look at this. There could be a big difference between commission / committee. Environmental Resource Inventory should have been done. Affects powers of the Commission. Council did not move forward on the ERI. Had Engineer meet with Environmental. Commission could have some real power, not meant to be a threat. Could work hand in hand. Appears that main duty is to recommend plans. Other issues wanted to address were Sustainable N.J. This is doing away with their power. Recommendations brought to Council would have to be approved. Really hoping Mayor would find people who would be interested in serving on commission. Don't know how many people will be responding.  |
| Mayor                     | As it is now - Mayor has authority to appoint without anyone's approval. This ordinance as I put forward, is an appointment with Council consent. Hoping to make it more in line. Not looking to take away power of committee. Urging and encouraging them to continue to do what they are currently doing.  |
| Dillon M.                 | Small towns around us were looking forward to joint efforts.   |
| Mayor                     | Repeated that Commission or Committee it doesn't affect ability to seek grants.  |
| DiBella R. – Halliard Ave | Bravery of young Mr. Dillon getting up and speaking. Not pleased with way he was spoken to. Asked How long looking into - and how much spent. What is the benefit of streamlining?.  |
| Mayor                     | Less manpower - less tax payer funding to operate. Explained   |
| DiBella R.                | Will show you in public discussion how to save money. How can you vote on this if you don't know the costs involved. Encourage you all to speak with existing members of the boards. Get their input. Come up with facts.  |
| Jansen C. – Mizzen Ave.   | <p>Recently attended training at NJAC on how to become an Environmental Commission member. 70 members in the group. We stand out. Sad that Commission would be taken apart. Letter read from Jayne Moorman.</p> <p style="text-align: center;"><b>Beachwood Environmental Commission</b><br/>1600 Pinewald Rd.<br/>Beachwood, NJ 08722</p> <p>April 3, 2012</p> <p>Dear Mayor and Council,</p> <p>One of the main objectives of the Environmental Commission is to inform residents on environmental matters and ways to help protect the environment. Toward this end, we have built portable racks to display posters on such topics as water conservation, "Single Stream" recycling, creating rain gardens to reduce fertilizer use and storm water runoff. These displays were used at Mayo Park on Memorial Day, at Beachwood Elementary School, and during the Clean Ocean Action Beach sweeps at the public beach. We also created "The Environmental Questions Game" where residents could earn environmental prizes for correct answers to questions on recycling and water conservation issues.</p> <p>In cooperation with Clean Ocean Action, we have Captained the bi-annual Beach sweeps, with the assistance of Cub Scout Troop 70, Comcast employees, students</p> |

from local schools and donations of rakes and gloves from Home Depot, refreshments from Dunkin Donuts, Shop Rite and Beachwood PTO. Bottled water was donated by Councilman LaCrosse. During these events, hundreds of cigarette butts, food wrappers, plastic and glass beverage bottles, boating debris and lumber, and even dead animals were collected.

Another responsibility of the Environmental Commission is to develop an Environmental Resource Inventory (ERI). "The ERI is an important tool for environmental commissions, open space committees, planning boards and zoning boards of adjustment. The planning board should adopt the ERI as part of the municipal master plan, either as an appendix or as part of a master plan conservation element. Two New Jersey state laws give environmental commissions the authority and responsibility for conducting ERIs. The Environmental Commission Enabling Legislation (NJ.S.A. 40:56A) states that "A ... commission organized under this act shall have power to conduct research into the use and possible use of the open land areas of the municipality .... It shall keep an index of all open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the planning board, or, if none, to the mayor and governing body of the municipality, plans and programs for inclusion in a municipal master plan and the development and use of such areas."

The Municipal Land Use Law (MLUL) (NJ.S.A. 40:55D-1 et seq.) requires municipalities to have a land use plan element in their master plan, "including but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands .... " (NJ.S.A. 40:55D-28b (2)). "

The Environmental Commission's efforts to comply with this law have been consistently blocked by the Mayor and Council, and now to sidestep this requirement, they are proposing to repeal the Environmental Commission. This will disqualify our Borough from receiving any ANJEC grant funds.

This would also prevent our Borough from participating in the Sustainable Jersey Program, which Council has also consistently blocked, based on misinformation from the Borough Engineer. To provide accurate information, The Environmental Commission invited Fred Profeta, Jr. who founded and served as Chair of the state-wide Sustainable Jersey Mayors' Committee, to come to a Council Meeting to answer any objections to joining. It was his vision to create a municipal certification program with actions, tools and incentives. During his tenure, the Mayors' Committee partnered with the Municipal Land Use Center at The College of New Jersey to produce Sustainable Jersey, an innovative new certification program for New Jersey municipalities. Despite our efforts, the Council decided not to sign onto this free program that is helping more than half the communities in New Jersey to reduce energy usage and receive grants for "green" projects, some of which the Borough has already done.

If the Mayor and Council are going to proceed with this proposed ordinance, without regard to State mandates, and any help and advice we have made available, I am not willing to serve on your newly constructed "committee". It has been suggested that

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|                       | <p>you may table these proposed changes until a meeting with members of EC and Shade Tree can be arranged. If we can keep "Commission" status and the benefits that allows, I am open to working with Council cooperation. South Toms River has just created an Environmental Commission, , Ocean Gate just made headlines for their second wind turbine.</p> <p>Why should Beachwood be taking steps backward?</p> <p>Sincerely</p> <p>Jayne A. Moorman</p> |
| B. Verga - Elm St.    | Why dissolving Commission - why not dissolve the committee and combine it with the Commission. Believes not able to secure grants. Suggests table. In spite of what you heard from Mrs. Moorman Environmental is running well and Shade Tree is also.  |
| Mayor                 | Surprised that anyone would do away with volunteer service.  |
| Verga                 | Think about dissolving Committee   |
| Solowynski Cable Ave  | No one wants change. Doesn't matter if it's a committee or commission. Nothing is going to change.   |
| Griffith - Anchor Ave | What happened to my grant.... not enacted upon. Started in 2011. (Tree Counting)   |
| Mayor                 | Hopefully would like to believe that all who agree or disagree, would still hope to see you all as future volunteers.  |

**CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY**

**Motion:** Miserendino **Second:** LaCrosse  
**Approved:** Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar

**RESOLUTION**

#2012-204 RESOLVED by Mayor and Council to approve and adopt Ordinance #2012-03 as presented and held for public discussion.

**Motion:** Feeney **Second:** LaCrosse  
**Comment:** LaCrosse - We are here to pass the ordinance. It has been in the works weeks or months. Negative feedback now. Committee could have come before us to discuss.  
**Approved:** Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar

**ORDINANCE FINAL READING - PUBLIC DISCUSSION - ADOPTION**

#2012-04 **CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Beachwood in the County of Ocean finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough of Beachwood hereby determines that a 1 % increase in the budget for said year, amounting to \$ 71,549.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough of Beachwood hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Beachwood, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Beachwood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1%, amounting to \$ 71,549.61, and that the CY 2012 municipal budget for the Borough of Beachwood be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This Ordinance shall be in force after action or inaction of the Mayor as provided by the law or an override of Mayoral veto by the Council, whichever is applicable. Publication will be according to law.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

**Motion:** Feeney **Second:** Komsa  
**Approved:** Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

**Motion:** Komsa **Second:** Miserendino  
**Approved:** Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar

**RESOLUTION**

**#2012-205 RESOLVED by Mayor and Council of the Borough of Beachwood to approve and adopt Ordinance #2012-04 as presented and held for public discussion**

**Motion:** LaCrosse **Second:** Miserendino  
**Approved:** Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar

CORRESPONDENCE:



Beachwood Yacht Club

P.O. BOX 167  
BEACHWOOD, NEW JERSEY 08722

March 26 2012

Mayor Ronald F. Roma  
Beachwood Municipal Complex  
1600 Pinewald Road  
Beachwood, New Jersey 08722-2897

*no rental  
2012*

Dear Mayor Roma & Council Members:

On July 20<sup>th</sup> 2012, Beachwood Yacht Club will be hosting our annual Junior Regatta. At last year's regatta we had 180 sailors out on the river and have had as many as 240 a few years ago. Youth from the surrounding area flock to Beachwood along with their parents to participate in this fun day on the water.

Beachwood Borough has been most accommodating over the past 12 years allowing us use of the T-Dock and community parking facilities. We are asking for your kind assistance once again. We will not be using the community center building this year and we are hoping you will allow us to use the parking area on the side of the center (not in front), and possibly use overflow parking at the beach and bluff areas. If you would also allow us use of the T-Dock for the day as well as the boat Ramp, it would be greatly appreciated. We will make sure that no boats utilize any of the slips and we will try to keep all the boats on the south side of the T-dock so we do not block access to any of the slips.

*Rental*

We will also be hosting the Barnegat Bay Yacht Racing Association summer series races on August 18<sup>th</sup> and once again, request use of the T-Dock to allow for loading and unloading of personnel and racing gear. And finally, our fall series runs this year for 4 consecutive Sunday's, commencing on September 09<sup>th</sup> and ending on September 30<sup>th</sup> which we would be most appreciative if you would allow us to use the dock once again. *no scheduled rentals*

We understand that there is a large Picnic and antique car show scheduled for September 16<sup>th</sup> and we would be happy to work in conjunction with the Borough to offer open access to our club that day.

Thank you again for your support, past, present and future.

Respectfully yours,  
Neil Brooks *[Signature]*  
Commodore - Beachwood Yacht Club  
Tel: 732-299-4398 (c); (732) 363-4373 (w)

RESOLUTION  
#2012-206

**RESOLVED** to approve request for use of T Dock and parking facilities for July 20<sup>th</sup> Regatta pending discussions with Mrs. Clayton.

Motion: Feeney Second: Miserendino  
Approved: Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar



**REPORTS:**

|  |  |
|--|--|
| Mayor Roma   | Welcomed home Dan Leonard. Congratulated Mr. LaCrosse - birth of Kayleigh Marie. Thanked all for attending and voicing opinion. Shows you care. Continue with interest in volunteer. Clerk to reach out to Mrs. Moorman. Mayor reached out to Mrs. Griffith - will accept. Letter from Governors office on (Pension reform) \$\$ Savings to Beachwood. Letter from O.C. Library thanking Mayor for attendance at Mayors night meeting. Thanked Mr. Zakar and Mrs. Zakar for attendance at Gang Wise meeting. Held at St. Pauls Lutheran Church. Good program. Hope more will be held. Letter from State DOT - grants \$160,000 for roads 2012. Thanked Fire Company for Breakfast with Bunny. No April Alliance Dance - Community Center re-furb. Councilmember Clayton - Mayor - Mrs. Lentini - Senator Connors and Turnpike Authority meeting to discuss the tree situation on Birch - Tuesday 4/10, |
| Council President Clayton                                    | Not much to report on. Rehab at Com. Center about complete. Pavillion at Mayo Park ...DPW addressed repairs. Building has to come down "soon". Addressing additional information for review provided (beach) .   |
| Engineer Oris  | Maybe permit end of June/July to address bids and construction August/September  |
| Mrs. Clayton   | Met with neighbors at Birch Street Bridge... will bring information to meeting with Senator and Turnpike Authority Guardrail must be addressed as well.  |
| Councilman LaCrosse  | Welcome home to Dan Leonard. Met with OCBH Matt Cisk on the condition of beach. Good things appear to be happening. Moving forward. Library, WOBM comments on push for Megan's Law   |
| Councilman Miserendino                                       | Congrats to Mr. LaCrosse - baby. Met with Construction official on productivity. March \$7,000 +. Met with Code Enforcement. Two (2) items for Closed  |
| Councilman Komsa   | Congrats to Mr. LaCrosse- Welcome home Dan Leonard. Congrats to Fire Company on Breakfast with Bunny. Recreation 10,000 eggs. Great job by all involved. Donations to hunt - made by some businesses. Recreation doing a fund raiser at Ruby Tuesday's April 3/4/5 20% of bill. Looking into a 5K. Happy Easter/Passover   |
| Councilman Zakar   | Congrats Mr. LaCrosse - Insurance - Borough is concentrating on reduction of injuries. This quarter down 33%. Congrats to First Aid Squad.   |
| Feeney   | Closed Session items.  |
| Chief Cairns   | Happy Holidays   |
| CMFO Mauder  | Thanked for resolutions.   |
| Engineer Oris  | Report - Filter 3/4 work continuing. Rt. 9 Water Re-Connection moving foward. Hope to be done 1st. week in may. Notice sent out. Item(s) closed.   |
| Attorney William Hiering.<br><br><b>RESOLUTION #2012-208</b> | <p><b>RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING FINAL CHANGE ORDER #2 TO THE CONTRACT BETWEEN THE BOROUGH AND DSC CONSTRUCTION COMPANY FOR WATER MAIN REPLACEMENT AND ROADWAY AND DRAINAGE IMPROVEMENTS TO CABLE AVENUE DECREASING THE CONTRACT BY \$25,889.25 TO A FINAL ADJUSTED CONTRACT PRICE OF \$412,793.75</b></p> <p>WHEREAS, the Borough of Beachwood previously awarded a contract to DSC Construction Company for water main replacement and roadway and drainage improvements to Cable Avenue in the original amount of \$441,869.00; and</p> <p>WHEREAS, as a result of Change Order #1 the Contract was reduced by \$3,186.00; and</p> <p>WHEREAS, final Change Order #2 reflects final as built quantities and reduces the Contract by \$25,889.25; and</p>  |

|                                 |  |
|---------------------------------|--|
|                                 | <p>WHEREAS, it is now the desire of the Borough Council to approve final Change Order #2 in accordance with the Borough Engineer’s recommendation.</p> <p>NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey as follows:</p> <ol style="list-style-type: none"> <li>1. That the Borough Council of the Borough of Beachwood hereby formally approves Final Change Order #2 to the contract between the Borough of Beachwood and DSC Construction Company for water main replacement and roadway and drainage improvements to Cable Avenue decreasing the Contract by \$25,889.25 to a final adjusted contract price of \$412,793.75.</li> <li>2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Engineer, the Borough CFO, the Borough Treasurer and DSC Construction Company.</li> </ol> <p>Motion: Feeney <span style="float: right;">Second: LaCrosse</span></p> <p>Approved: Clayton – Feeney – Komsa – LaCrosse- Miserendino - Zakar</p> |
| Municipal Clerk<br>Mastropasqua | No report – Happy Easter   |

**OPEN TO PUBLIC DISCUSSION**

**Motion: Komsa Second: LaCrosse**  
**Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino - Zakar**

|                             |  |
|-----------------------------|--|
| Eric Roemer -<br>Locker St. | Looking to get access to Water Tower (June 5th) Venus passes through Sun.  |
| Mayor                       | Recommended Parking Garage. Also Observation Tower at Jakes Branch Park.   |
| Dillon (M) -<br>Capstan Ave | Mayor acknowledged those who came out showing they care. Councilmember (negative comments) was insulted by comment. Comments about rain guard put in by son.   |
| Calligan; A<br>Cable Ave.   | Appointed as Commissioner by Mayor Verga. Has attended nearly all meetings. Have not had visit from Liaison. Sent letter on ERI and got no response. Failure to communicate on part of Governing Body. Knew nothing about what was going to transpire. |
| Mayor                       | Apologize for misunderstanding. Has had several discussions with Chair and relied on her to forward the information. If Mrs. Moorman is not interested in serving, I would like to ask you to consider an offer.                                       |
| Calligan                    | You need to communicate better with your people.   |
| Griffith; R.                | Statement Mayor made - about discussing with Mrs. Moorman. Not discussed with Shade  |



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:
  - Terms & Condition of Employment
  - Potential Litigation
  - Contractual
3. It is anticipated that the subject matter discussed may be made public in (90) days.

**Motion:** Feeney **Second:** LaCrosse  
**Approved:** Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar

|                    |  |
|--------------------|--|
| RE-OPEN            |  |
| Motion: LaCrosse   | Second: Clayton  |
| <b>Approved:</b>   | <b>Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar</b>                         |
| <b>RESULTING</b>   | <b>FROM EXECUTIVE SESSION THIS DATE - CONTRACTUAL</b>                                    |
| <b>#2012-209</b>   | <b>RESOLVED to authorize Engineer to reach out to Direct Acess regarding HVAC audit.</b> |
| <b>Motion:</b>     | <b>Clayton Second: Miserendino</b>   |
| <b>Approved:</b>   | <b>Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar</b>                         |
|                    |  |
| <b>Adjournment</b> |  |
| <b>Motion:</b>     | <b>Zakar Second: Miserendino</b>   |
| <b>Approved:</b>   | <b>Clayton - Feeney - Komsa - LaCrosse - Miserendino - Zakar</b>                         |

Prepared by: E.A. Mastropasqua

\_\_\_\_\_  
 Ronald F. Roma; Jr.  
 Mayor

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