

February 05, 2003  
Beachwood Municipal Complex

**7:00 PM**

Call to Order

Salute to the Flag

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 the Governing Body 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 2, 2003.

Roll Call Members Present

Mayor

Harold R. Morris

Council Members:

Beverly Clayton  
Robert DiBella  
Gregory Feeney

Gerald W. LaCrosse  
Thomas Miserendino  
Patricia A. Moran



A MOMENT OF SILENCE – MEMORY OF THE COLUMBIA SPACE SHUTTLE CREW,  
TRAGICALLY LOST SATURDAY FEBRUARY 1<sup>ST</sup>.



Commander Rick Husband – Pilot William McCool – Payload Specialist Ilan Ramon –  
Mission Specialist David Brown – Payload Commander Michael Anderson – Mission Specialist Laurel Clark –  
Mission Specialists Kalpana Chawla

BLOCK GRANT HEARING #2

Projects: Fire House – Handicapped Bathroom - \$50,000  
Central Ocean Caregivers - \$20,000

Open to Public Discussion on Block Grant Only

Motion: Feeney Second: LaCrosse  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

No public questions or comments.

Mrs. Moran explained the need for addressing Handicapped Bathroom at Fire House. With the proposed work on the Fire House, plans did not address the “handicap accessible bathroom”.

Close to Public Discussion on Block Grant Only

Motion: Feeney Second: DiBella  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

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

Motion: LaCrosse Second: DiBella  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

RE-OPEN

Motion: Moran Second: DiBella  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

ACTION RESULTING FROM EXECUTIVE SESSION THIS DATE:

#2003- 52 RESOLVED by Mayor and Council to approve the Promotion of Robert Tapp from Patrolman (Detective) to Sergeant, pending DOP Certification. Salary is pursuant to contractual agreement on file.

Motion: Miserendino Second: LaCrosse  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-53 RESOLVED by Mayor and Council to approve the Promotion of William Cairns from Sergeant to Lieutenant, pending DOP Certification. Salary is pursuant to contractual agreement on file.

Motion: LaCrosse Second: DiBella  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003 – 54 RESOLVED by Mayor and Council to approve the Lateral Transfer of So. Toms River Patrolman Keith Meissner, pending receipt of agreement from So. Toms River

Motion: Feeney Second: Miserendino  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

Newly promoted officers were sworn in by Mayor Morris

RECESS – 10 Minutes by unanimous approval

RE-OPEN

Motion: Miserendino Second: Clayton  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-038 RESOLVED by the Governing Body of the Borough of Beachwood to approve the 2003 Certified Bills List in the amount of A: \$ 1,114,389..96

Motion: Feeney Second: DiBella  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-039 RESOLVED by Mayor and Council to approve the minutes of the January 15<sup>th</sup> Regular meeting of Mayor and Council.

Motion: Feeney Second: DiBella  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-040 RESOLVED by the Governing Body to approve the following rentals of the Community Center and Mayo Park.

<b>COMMUNITY CENTER 2003</b>				
Mar	16	Applegate	Rental:	\$175
		408 Cable Ave	Deposit:	\$300
Mar	22	Vasile	Rental:	\$175
		63 Railroad Ave.	Deposit:	\$300
Mar	28	Panecki	Rental:	\$175
		1328 Mermaid Ave	Deposit:	\$300
Apr.	25	Maier	Rental:	\$175
		741 Anchor Ave	Deposit:	\$300
May	29 <sup>th</sup> **	T.R. Schools Administrative & Supv. Council	Rental:	WAIVE
		<b>THIS IS A 5<sup>th</sup>. THURS</b> T.R. Intermediate West – Jack Sohl	Deposit:	WAIVE
June	20	Gonsiewski (Change in Date)	Rental:	\$175
Previous date Aug. 09		801 Halliard Ave.	Deposit:	\$300
June	21	Toth	Rental:	\$175

		1128 Neptune Ave	Deposit:	\$300
June	27	Kane	Rental:	\$175
		709 Beach Ave	Deposit:	\$300
July	18	Stelman	Rental:	\$175
		54 Maple Street	Deposit:	\$300
Aug.	01	Bowden	Rental:	\$175
		214 Beachwood Blvd.	Deposit:	\$300
Sept.	07	Yost	Rental:	\$175
		217 Pacific Ave.	Deposit:	\$300
Sept.	19	Corbin	Rental:	\$175
		713 Ship Ave.	Deposit:	\$300
Nov.	15	Mergogey	Rental:	\$175
		936 Windward Ave	Deposit:	\$300
Dec.	13	Panecki	Rental:	\$175
		1328 Mermaid Ave	Deposit:	\$300
COMMUNITY CENTER 2004				
Jan.	04	Haley	Rental:	\$175
		608 Ship Ave.	Deposit:	\$300
MAYO PARK RENTAL 2003				
Apr.	19	Mchale	Rental:	\$125
		237 Spray Ave.	Deposit:	\$175
May	25	O'Neill	Rental:	\$50
		1501 Spray Ave	Deposit:	\$100
June	14	Britt	Rental:	\$125
		77 Locker St.	Deposit:	\$175

Motion: LaCrosse Second: DiBella  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-041 WHEREAS on July 17, 2002, under Resolution #2002-252 Approval was given for a rental of the Community Center for June 15, 2003, by Cynthia Riggleman , 844 Dolan Street, Lanoka Harbor. noting all non-resident fees were posted (\$850.00 ); and

WHEREAS, on January 16, 2003, written notice of cancellation was received, subjecting the applicant to a \$75 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to approve a refund in the amount of \$775.00 to Cynthia Riggleman , 844 Dolan Street, Lanoka Harbor, said refund reflecting a \$75 cancellation fee.

Motion: LaCrosse Second: Feeney  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-042 WHEREAS on May 15, 2002, under Resolution #2002-167 Approval was given for a rental of the Community Center for June 21, 2003, by Scott Mackay, 600 Beach Ave, Beachwood, noting all resident fees were posted (\$475.00 ); and

WHEREAS, on January 22, 2003, written notice of cancellation was received, subjecting the applicant to a \$75 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to approve a refund in the amount of \$400.00 to Scott Mackay, 600 Beach Ave, Beachwood , said refund reflecting a \$75 cancellation fee.

Motion: DiBella Second: Moran  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-043 RESOLVED by Mayor and Council to approve the following Conferences – Seminars – Training requests.

Date:	February 20	OEM – Phil Romano
(1)	Location:	Cook College – New Brunswick
(2)	Subject:	Responding to Animal Emergencies & Agroterrorism in N.J.
(3)	Cost:	\$45
(4)	Vehicle:	No

Date:	March 1 <sup>st</sup> (Saturday)	Robert Risk
(5)	Location:	Brick Memorial Highschool
(6)	Subject:	Fire Command and Related Topics
(7)	Cost:	\$145
(8)	Vehicle:	No

Comments and discussion regarding the scheduling for Fire representatives attending classes. All being handled in conformance with LOSAP and attendance documented.

Motion: Clayton Second: Miserendino  
 Approved: Clayton – DiBella – Feeney – LaCrosse – Moran  
 Abstain: Miserendino

#2003-044 WHEREAS, the Governor’s Counsel on Alcoholism and Drug Abuse was established by the New Jersey Legislature in March, 1989, to coordinate all State Department efforts pertaining to research and evaluation services for public awareness of alcoholism and drug abuse; and

WHEREAS, the legislature also created the Alliance to prevent Alcoholism and Drug Abuse, to be comprised of all the communities in New Jersey dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse through the use of funds provided and derived pursuant to N.J.S.A 2C:35-15, to member communities to support appropriate education and public awareness activities; and

WHEREAS, in the year 2003, the Borough of Beachwood will participate in the competitive grants process and seek funding to continue anti-substance abuse programs focusing on drug and alcohol free recreation coupled with a strong education and awareness program for all ages.

WHEREAS, the Municipal Alliance Committee and the Borough Council desire to extend the current program and to broaden the education program to include all community members with a safe instructive and informative program in an anti-substance abuse atmosphere.

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

That the Mayor and Council do hereby authorize the submission of the 2003 Municipal Alliance Committee grant application in the amount of \$6,320.00, with a \$1,580.00 cash match being appropriated through the Borough of Beachwood.

That the Mayor and Municipal Clerk are hereby authorized to execute all documents necessary to effect the ensuing Municipal Alliance Committee contract from the Ocean County Board of Chosen Freeholders

Motion: Feeney Second: Miserendino  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

Mayor Morris acknowledged the presence of Mr. Ron Roma, who is spearheading the Alliance program and commended and thanked him on a job well done.

#2003-045 RESOLVED by Mayor and Council the Treasurer (Christine R. Dehnz) is authorized to sign all Expenditure reports in connection with the Municipal Alliance.

Motion: Clayton Second: DiBella  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-046 RESOLVED by Mayor and Council to authorize the Tax Collector to issue a duplicate 2002 Tax Sale Certificate on Block 1.54 Lot 6 and to waive fee for same.

Motion: Miserendino Second: Clayton  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-047 WHEREAS on January 9, 2003 Catherine Roseberry, 809 Ocean Ave requested and paid for two (2) "Freon" Permits (\$40) for a January 13, 2003 Pickup and

WHEREAS, on January 31, 2003, the Borough received notification that only one (1) permit was needed, and a request for refund of \$20.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$20 to Catherine Roseberry, 809 Ocean Ave, said refund reflecting the purchase of an extra permit not needed.

Motion: LaCrosse Second: Clayton  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino - Moran

#2003-048 WHEREAS, certain General Capital Improvement Appropriation Balances remain dedicated to projects paid through the Current Fund; and

WHEREAS, it is necessary to formally cancel said ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey, that the following ordinance be cancelled:

Ordinance #2002-10 DOT Local Aid to Bikeway Program \$64,000.00  
Adopted June 19, 2002.

Motion: Feeney Second: Clayton  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino - Moran

ORDINANCE #2003-01 FIRST READING TITLE ONLY  
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN , STATE OF NEW JERSEY, TO EXCEED THE CCAP INDEX RATE: INDEX RATE LESS THAN 5% LIMITATION FOR THE YEAR 2003 IN ACCORDANCE WITH 2.J.S.A. 40a:4-45.14.

RESOLUTION #2003-049 RESOLVED, by Mayor and Council to approve Ordinance #2003-01 as presented on First Reading Title Only.

Motion: Second:  
Approved:

RESOLUTION #2003-050 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the submission of the following projects for Funding Year 2003 Ocean County Economic Development Grant:

Priority #1	Handicapped Bathroom Accessibilty Beachwood Fire House #1	\$50,000
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And

BE IT FURTHER RESOLVED to endorse the application for funding submitted by Central Ocean Caregivers in the amount of \$20,000.00

Motion: Feeney Second: LaCrosse  
Approved: Clayton – DiBella – Feeney – LaCrosse – Moran  
Abstain: Miserendino

#2003-051 WHEREAS under Resolution #2002-230 dated July 17, 2002, approval was given for rental of the Community Center – January 11<sup>th</sup> 2003, by Patricia A. Clark 48 Poplar Street, noting all resident fees were posted (\$475.00); and

WHEREAS, on January 12<sup>th</sup> an inspection was done of the room and it was determined that “Carpet Cleaning” was required; and

WHEREAS, the bill received resulting from the cleaning was in the amount of \$85.00, and said amount shall be deducted from the deposit on file.

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$215.00 be paid to Patricia A. Clark 48 Poplar Street, said refund reflecting a \$85 charge for clean up.

Motion: DiBella Second: LaCrosse  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-055

WHEREAS, an Emergent Condition has arisen with respect to the 2003 Budget not being approved as of this date, and no adequate provisions have been made in the 2003 Temporary Appropriations; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an Emergency Temporary appropriation for the purpose stated herein;

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood, County of Ocean, that in accordance with the provisions of N.J.S. 40A:4-20

1. An Emergency Temporary Appropriation be and the same is hereby made for "Streets and Roads" in the amount of \$5,000.00 for an expenditure for salt.
2. That said Emergency Temporary Appropriation has been provided for in the 2003 Budget under the title of "Street & Road Maintenance/Other Expense"
3. That a certified copy of the within resolution be filed with the Director of Local Government Services.

Motion: Feeney Second: DiBella  
Approved: Clayton – DiBella – Feeney – LaCrosse - Miserendino – Moran

#2003-056

WHEREAS, the Beachwood Volunteer Fire Company #1 has a Truck in need of repair; and

WHEREAS, sidelining this truck for repair will impact the ability to be responsive; and

WHEREAS, Dover Township Fire District has indicated that they are in a position to lend a vehicle to Beachwood during the repair time.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to approve the use of the Dover Twp. Fire District Fire Truck by the Beachwood Volunteer Fire Company #1 Inc., during the period of time that their truck is out for repair.

Motion: LaCrosse Second: Feeney  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#### CORRESPONDENCE

- a. David Lipton – Requesting placement for sale of Block 5.09 Lot 2 - Will be scheduled for discussion
- b. Frederick R. Wiedeke – re: 533 Atlantic City Blvd. Water Billing problem  
Mr. LaCrosse called and spoke with Mr. Wiedeke. Not sure if we have the authority to address, since it appears to be a Landlord – Tennant dispute. He will discuss further with Mr. Wiedeke.
- c. Alliance – Re: Dances at Community Center – and Mayo Park as follows:  
Community Center: April 11 – May 9 – August 8 – September 12 – October 17 – November 14 and December 12  
Mayo Park – July 11 "Outdoor Dance".

All uses required waiver of rental fee

Approved: YES Unanimously agreed



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:  
 Terms & Condition of Employment - Code Enforcement – Zoning – Police – Public Works  
 Potential Litigation – DPW - EPA  
 Contractual – Engineer - PBA
- 3. It is anticipated that the subject matter discussed may be made public in (90) days.

Motion: DiBella Second: Clayton  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino - Moran

RE-OPEN  
Motion: DiBella Second: Feeney  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION THIS DATE

#2003-057 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Owen Little Associates for Soil Disturbance Permit, not to exceed \$2,100.00

Motion: LaCrosse Second: DiBella  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-058 RESOLVED by Mayor and Council to authorize Owen Little Associates to send a letter to EPA regarding the removal of tanks (2) at DPW and further advising that the Borough will be bidding out it's gasoline needs.

Motion: Feeney Second: Clayton  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

#2003-059 RESOLVED by Mayor and Council to authorize Owen Little Associates to prepare a proposal on Grading and Drainage Improvements addressing the County Tie in along Railroad Ave.

Motion: DiBella Second: Moran  
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino – Moran

