

February 16, 2005

Beachwood Municipal Complex  
1600 Pinewald Rd.

**7:00 PM**

Call to Order

A MOMENT OF SILENCE IN MEMORY OF THE MEN & WOMEN IN MILITARY SERVICE WHO HAVE GIVEN THEIR LIVES FOR FREEDOM, AND OUR MEN AND WOMEN THROUGHOUT THE WORLD PROTECTING OUR FREEDOM, WE WISH THEM A SAFE AND SPEEDY RETURN HOME.

SALUTE TO FLAG -

Call to Order

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 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, 2005**

Roll Call Members Present  
Mayor Harold R. Morris

|                 |                    |                    |
|-----------------|--------------------|--------------------|
| Councilmembers: | Beverly Clayton    | Thomas Miserendino |
|                 | Gregory Feeney     | Patricia A. Moran  |
|                 | Gerald W. LaCrosse | Ronald Roma        |

**ORDINANCE FINAL READING – DISCUSSION – ADOPTION**

#2005-01 **AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ESTABLISHING THE POSITION OF BOROUGH ADMINISTRATOR AND SETTING FORTH THE DUTIES AND QUALIFICATION OF SAID INDIVIDUAL**

OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

Novaky

Maple St. Full Time? Yes Monday - Friday  
Discussion on salary - Residual from Director - What happens if court rules for Director and awards job back?  
Not prepared to address at this time, since we have no knowledge of a claim filed. Mr. Hiering noted we have not received any documentation or information at this time.  
Mrs. Moran noted that the Director did not renew his CPWM license for 3 years.  
Mr. Hiering stated that we cannot let the fear of the court rule us.  
The salary money should go back to the tax payers, give it back.  
Mrs. Moran - we are required by law to have a CPWM licensee.

Mr. Roma referred to article in NJLOM magazine addressing guild to follow for addressing Administrator.  
The money should go back to the taxpayers.

**CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY**

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

#2005-60 RESOLVED by Mayor and Council to approve and adopt Ordinance #2005-01 as presented and held for public discussion.

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

**#2005-02 FINAL READING - DISCUSSION - ADOPTION**

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 4-2 OF THE CODE ENTITLED "HAWKERS, PEDDLERS AND SOLICITORS" TO ESTABLISH SPECIFIC REGULATIONS FOR DOOR-TO-DOOR SALES AND TO FURTHER ESTABLISH A "NO-KNOCK" REGISTRY WITHIN THE BOROUGH

**OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY**

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

Mayor noted that the Borough is following the current trend. Discussed hours, and background to be done on solicitors.

**CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY**

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

#2005-61 RESOLVED by Mayor and Council to approve and adopt Ordinance #2005-02 as presented and held for public discussion.

Motion: Feeney Second: Clayton  
Approved: Clayton - Feeney - LaCrosse - Miserendino - Moran - Roma  
Abstained: Absent:

**SPECIAL PRESENTATIONS**

**Alexandra Russo - NJ Municipal Alliance Volunteer of the Year  
USABL Indians - Monmouth Ocean Western Division Champions**

Prior to Recess - Mr. Roma advised the public that Maureen Kanka, Mother of Megan Kanka (Megans' Law) will be speaking in Beachwood - April 7<sup>th</sup> at 7:00 'Who is watching our Children'

**RECESS**

Motion: Roma Second: Clayton  
Approved: Clayton - Feeney - LaCrosse - Miserendino - Moran - Roma  
Re-Open  
Motion: Roma Second: Clayton

Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran – Roma

#2005-61 WHEREAS, and emergent condition has arisen with respect to the 2005 Municipal Budget, with no adequate provision being made in the Temporary Appropriation for the departments listed below; and

WHEREAS, the following amounts are needed operate the departments

NOW THEREFORE BE IT RESOLVED, by Mayor and Council to amend the 2005 Temporary Budget as follows:

| Department                     | From      | To        |
|--------------------------------|-----------|-----------|
| Streets & Roads Salary / Wages | \$12,000. | \$20,000. |
| Public Works Other Expenses    | 2,500.    | 5,000.    |
| Interest on Bonds              | - 0 -     | 30,000.   |
| Green Trust Loan Program       | - 0 -     | 4,663.74  |
| Interest on Water Bonds        | - 0 -     | 4,162.50  |

Motion Miserendino Second: Feeney  
 Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
 Abstained: Absent: f

#2005-62 RESOLVED by Mayor and Council to approve the 2005 Certified Bills List in the amount of \$ 266,880.29

Motion Feeney Second: Miserendino  
 Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
 Abstained: Absent:

#2005-63 RESOLVED by Mayor and Council to approve the minutes of the February 2<sup>nd</sup> meeting of Mayor and Council

Motion Feeney Second: LaCrosse  
 Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
 Abstained: Absent:

#2005-64 RESOLVED by Mayor and Council to approve the Community Center rentals as follows:

| 2005 COMMUNITY CENTER |                                 |          |          |
|-----------------------|---------------------------------|----------|----------|
| Mar. 17               | Commerce Risk Control           | Rental:  | \$ WAIVE |
|                       | % Len Gatto                     | Deposit: | \$ WAIVE |
| Thursday              | Regional Training 09:00 – 11:00 |          |          |
| Mar 20                | Maier                           | Rental:  | \$350    |
|                       | 741 Anchor Ave                  | Deposit: | \$500    |
| Apr. 03               | DeAsio                          | Rental:  | \$350    |
|                       | 48 Bowline St.                  | Deposit: | \$500    |
| COMMUNITY CENTER 2006 |                                 |          |          |

|                       |                    |          |       |
|-----------------------|--------------------|----------|-------|
| June 24               | O'Hara             | Rental:  | \$350 |
|                       | 1152 Longboat Ave  | Deposit: | \$500 |
| <b>MAYO PARK 2005</b> |                    |          |       |
| May 28                | Brown              | Rental:  | \$125 |
|                       | 208 Barnegat Blvd. | Deposit: | \$175 |

Motion Feeney Second: Roma  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstained: Absent:

#2005-65 RESOLVED by Mayor and Council to approve the following requests for Conference Training and Seminars:

|           |                                   |              |                   |
|-----------|-----------------------------------|--------------|-------------------|
| Date:     | March 18                          | Linda Felton | (Municipal Court) |
| Location: | Toms River                        |              |                   |
| Subject:  | Court Meeting – Domestic Violence |              |                   |
| Cost:     | \$0                               |              |                   |
| Vehicle:  | No                                |              |                   |

|           |   |                 |  |
|-----------|---|-----------------|--|
| Date:     | April 23                                | Joseph Vivencio |  |
| Location: | Monmouth County Fire Academy            |                 |  |
| Subject:  | Basic Inspection of Hazardous Materials |                 |  |
| Cost:     | \$0                                     |                 |  |
| Vehicle:  | No                                      |                 |  |

|           |  |                         |  |
|-----------|--|-------------------------|--|
| Date:     | June 3-10-17 – 24                          | Elizabeth Sarantinoudis |  |
| Location: | Toms River                                 |                         |  |
| Subject:  | Municipal Registrars Certification Program |                         |  |
| Cost:     | \$440                                      |                         |  |
| Vehicle:  | No   |                         |  |

Motion Miserendino Second: Feeney  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstained: Absent:

#2005-66A RESOLVED by Mayor and Council to approve the following personnel matters resulting from Executive Session February 2, January 19<sup>th</sup> and January 26<sup>th</sup>, 2005.

NEW HIRE

Business Administrator – Effective February 22, 2005, James F. Lacey, Elizabeth Avenue – Bricktown - salary \$92,000.00

Motion Miserendino Second: LaCrosse  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran  
Abstained: Roma Absent:

RESOLUTION : Promotion approval Renee Fisher - from Clerical – Court to Deputy Municipal Court Administrator #2005-66B effective March 1, 2005, salary as defined CWA contract PENDING DOP APPROVAL

Annual Service (Same person as 2004)  
Dog Census canvasser – Nadine G. Donovan Fitzgerald (223 Westbrook Dr. Berkeley Twp.) \$3,000 upon completion of the census.

Motion: Feeney Second: Clayton  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstained: Absent:

#2005-67 WHEREAS, Block 4.25 Lot 14.02 owned by Rudolph F. & Sandra Rinderer was billed for minimum usage for the 1<sup>st</sup>. Quarter 2005 Water Billing ; and

WHEREAS, the water had not been turned on.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the Borough of Beachwood to credit the account for the minimum bill in the amount of \$31.20.

Motion: LaCrosse Second: Clayton  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstained: Absent:

**#2005-68 Submitted for consideration by Mayor Morris**

WHEREAS on December 27, 2004, residents in the Borough of Beachwood, and surrounding communities of Pine Beach, Berkeley Twp and Ocean Gate, were once again victims of a Jersey Central Power and Light equipment malfunction; and

WHEREAS, this malfunction caused many residents in the aforementioned communities to suffer complete loss of electronic equipment ranging from computers, televisions, kitchen appliances at great financial hardship to the residents; and

WHEREAS, these malfunctions are just one of many incurred by our respective communities over recent months and years which have caused great concern to our elected officials, so much so, that the Borough of Beachwood, has sought the assistance of the 9<sup>th</sup> Legislative district representative, held meetings with officials from J.C.P.L and corresponded with First Energy the parent company of JCPL all to no avail; and

WHEREAS, the victims of the December 27<sup>th</sup> recent outage, have sought relief by filing claims for their losses only to receive letters of denial from J.C.P.L, claiming that “the malfunction was , was not caused by any action of JCP&L employees, the company cannot be held accountable”.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey that;

1. Jersey Central Power & Light, as the provider of electric service to the affected areas must and should be required to conduct an in depth investigation as to the tally of customers affected by the December 27<sup>th</sup> malfunction.

2. Jersey Central Power & Light, as the provider of electric service to the affected areas, must and should be held accountable for any and all malfunctions of their equipment.
3. Jersey Central Power & Light, as the provider of electric service to the affected areas must and should be required to address all claims arising from the December 27<sup>th</sup> malfunction.
4. The New Jersey Legislature should establish a committee, which includes representatives of the electorate of the Ocean County communities addressed in this resolution, to oversee the matter of malfunctions suffered by residents in the Ocean County area since 2003.

And;

BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the Mayor and Council of the Borough of Pine Beach, Borough of Ocean Gate, Township of Berkeley, and all remaining Ocean County Communities, urging similar action and support for any action necessary to require Jersey Central Power & Light to provide a full accounting and resolution to the matter addressed herein.

|            |  |         |          |
|------------|--|---------|----------|
| Motion:    | Feeney   | Second: | LaCrosse |
| Approved:  | Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma |         |          |
| Abstained: |  | Absent: |          |

## CORRESPONDENCE

- a. **Berkeley Township Underwater Search & Rescue**  
**Seeking approval from Council to send solicitation letter to residents of Beachwood**

**Our volunteers have enough of a struggle raising money. There are no shared services with this agency.**

### TO OPPOSE:

|                  |   |                |               |
|------------------|---|----------------|---------------|
| <b>Motion:</b>   | <b>Miserendino</b>  | <b>Second:</b> | <b>Feeney</b> |
| <b>Approved:</b> | <b>Clayton – Feeney – LaCrosse – Miserendino – Moran – Roma</b> |                |               |

## COUNCIL REPORTS

|                    |  |
|--------------------|--|
| Mayor Morris       | Congratulated Alexandra Russo and the USABL team.  |
| Beverly Clayton    | Congratulated award recipients. February 14 Bingo well attended and a great time had by all. Fireworks Committee will be reaching out for sponsors. Kick off meeting will be March 21, 2005. Geese Police quotes in – should be reporting at Workshop.   |
| Gregory Feeney     | Congratulated Alexandra Russo and Alliance representatives.<br>DPW used county release program over recent weeks. Recycling Mini-Grant application turned over to the Engineer.<br>No Knock registry beginning. Looking into registering Home Occupations to address safety. Polling Place (Beachwood Elementary School) relocated to the Fire House |
| Gerald W. LaCrosse | Congratulated Alexandra Russo and USABL team. Commented on the position of Administrator, noting that out of 33 municipalities in Ocean County, 25 have administrators. The Administrator will be a great asset to the Borough.<br>Re: Vertical Filter - repaired earlier (\$14,000), still having problems.   |

RESOLUTION: RESOLVED, to authorize Schoor DePalma to take over this project and monitor  
#2005-69 at a cost of \$1,800.

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

Thomas Miserendino Congratulated Alexandra Russo and USABL team. Thanked council for support in the denial of the requested to conduct funding. Ordinance on Administrator long needed. We've added to our town, making it better for everyone. People who disagree are entitled to their opinion. Council is elected to do the best for the town and its residents.

Patricia A. Moran February 28<sup>th</sup> – March 11<sup>th</sup>, the Community Center will be closed for upkeep. Met with Assessor regarding mandate for Revaluation. Last done in 1996. Staff will be needed to address certain areas of reval.

Ronald Roma Projects 2005 ( Tiller/Beach/Chestnut) Drainage (Birch/Surf) and re-alignment of Beachwood Blvd at Pinewald. Route 9 and Mizzen Ave traffic light, DOT should be addressing. Looking into an ordinance restricting smoking in Recreational areas. Looking to the Engineer for Street Sign grants. Alliance dance held on February 11 and a great success. February 18, movie – “Shark Tales” at 6:30 in the Beachwood Elementary School. March 11 program for Seniors with “steppers”.

Mayor: Commended the Alliance and Recreation Commission on job well done.

Municipal Attorney Executive Session

Municipal Engineer Oriss: Met with Owen Little Associates on finalizing projects, moving along.

Treasurer

Clerk: Insurance Safety Report

February 9, 2005

Insurance Safety Committee

Attendees:

Safety Coordinator - Elizabeth A. Mastropasqua  
Capt. William Cairns - Police Admin  
Robert Tapp - Police PBA Rep.  
Clifford Schiel - Public Works Admin  
James DeMorato - Public Works CWA Rep.  
Frank Seitz - Beachwood Volunteer Fire Company  
James Horn - Beachwood Volunteer First Aid

**Items Discussed:**

1. 2005 Safety Incentive Program  
Coordinator distributed packages containing forms needed to address site check lists, and training reports, to each representative. Additionally, each package contained the steps to address when reporting injuries. The Borough has a card that our employees use, when appearing for medical service, that directs the provider to submit all

bills to CHN. We are hopeful that this will reduce the numbers of bills submitted directly to the Borough or the individual.

**Coordinator advised that the annual Incentive Program Kickoff was held on February 8<sup>th</sup> and that the Borough has a third place award of \$300 coming, along with a plaque for 15% improvement.**

This year the goal is to have all reports submitted in a timely fashion and to have the committee address all claims with an eye to prevention programs.

- 2. Workers Compensation Claims -
  - a. Reviewed the 2004 Year to Date and focused on "repeaters"

The purpose of reviewing the 2004 history, was to allow our newer members to get a clear picture of injuries.

Review of 2005 Claims -

- 1. [REDACTED] (First Aider) slipped on step into rig, sprained ankle. We were advised by Mr. Horn that First Aid has "grated" the step to prevent future problems.
- 2. [REDACTED] - DPW - Lower Back - Strain shoveling snow around Water Hydrant. We will look for video addressing "shoveling" especially where "weight of heavy snow" is concerned. Mr. Seitz noted that there are some "ergonomic" shovels that could be looked at, but DPW reps felt that where "snow" "ice" is involved, they may not be of help.
- 3. [REDACTED] - Police - Off Duty Security - Attempted to stop a fight - and was assaulted and beaten by several individuals. This injury prompted discussion, surrounding the manner in which the injured is handled. In this case, the officer received treatment at Community Medical Center, with x-ray of the left shoulder - an elbow. The officer suggested that he be allowed an MRI - first., however, CHN proceeded with treatment as they normally do. Employee was put out of work - from 1/28 - 2/9. Prior to return to work, the employee will be scheduled for an MRI by CHN.
- 3. [REDACTED] - Police [REDACTED] - Slipped on newly mopped floor. No immediate medical treatment sought. On next day, contacted CHN and was seen by Ortho, will be receiving MRI -

- 2. Site Inspection Reports - Fire - Police - Public Works
- 3. Training Documentation - Provided by Fire and DPW

Borough is aggressively addressing the 2005 schedule for training as well. Working in conjunction with the JIF to house as many programs in our facility.

**PROBLEMS TO ADDRESS** Would like to meet with JIF rep to discuss treatment plans -  
\*\*\*\*\*

**PUBLIC DISCUSSION TO OPEN**

Motion: Roma Second: Miserendino  
 Approved: Clayton - Feeney - LaCrosse - Miserendino - Moran - Roma  
 Abstained: Absent:

Lipton  
 Pennant Ave: Been around a long time. Reading articles on Administrator and people being upset. Press article criticizing council (easy to do). Commented on job. Many good reasons for position, criticism is unfounded. Beneficial to have Mr. Lacey (a freeholder) as an Administrator. Many things going on that will make it beneficial to have him as Administrator. He can only help the Borough. Great advantage.

Moran: Distressed that the article ( which appeared more than one paper) was not confirmed by anyone in the Borough for accuracy and truthfulness.

Cairns: Thanks Council for action on JCPL outage. Thanked them for “stepping up”.

Byrnes  
Pinewald Road Administrator “good idea”, but some concerns. Is he getting health benefits, car.

Mayor: No benefits, car only for around town. Salary was taken from Directors position, and he is overseeing DPW.

LaCrosse: Offered comments on benefits, and noted his research into a “cafeteria plan”.

Byrnes: Catch basin on Anchor/Pinewald needs to be checked. Reminder to council “still holding the money for the skate park”.

#### TO CLOSE PUBLIC DISCUSSION

Motion: Miserendino Second: LaCrosse  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstained: 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:

Terms and Condition of Employment – Public Works - Code Enforcement - Zoning  
Contractual – Professional Services  
Litigation - OPRA Class Action

3. It is anticipated that the subject matter discussed may be made public in (90) days.

Motion: Feeney Second: LaCrosse  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstained: Absent:

#### TO RE-OPEN

Motion: Miserendino Second: Moran  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstained: Absent:

ACTION TAKEN  
#2005-70

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Schoor DePalma for services as follows: Effective April 1<sup>st</sup>.

T2W2 Water License \$3,900

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

#2005-71

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Schoor DePalma for services as follows: Effective immediately.

CPWM License \$1,500

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

TO ADJOURN

Motion: Miserendino Second: Moran  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran – Roma  
Abstained: Absent:

Submitted by: E.A. Mastropasqua

\_\_\_\_\_  
Harold R. Morris  
Mayor

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