

February 18, 2004

Beachwood Municipal Complex
1600 Pinewald Rd.

7:00 PM

Call to Order

SALUTE TO 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 appearing in the Ocean County Observer and the Asbury Park Press on January 2, 2004

Roll Call Members Present
Mayor Harold R. Morris

Councilmembers:	Beverly Clayton	Thomas Miserendino (7:20)
	Gregory Feeney	Patricia A. Moran
	Gerald W. LaCrosse	Ronald Roma

Absent:

Superintendent of Toms River Schools, Mr. Michael Ritacco appeared before Council to discuss recent comments concerning the information posted on the DEP website about site contamination in Beachwood. The web site listed the school area as a contaminated area. Mr. Ritacco presented a Chronological history of the problem at the site and how it was addressed. (See Attached report)

#2004-70 RESOLVED by Mayor and Council to approve the 2004 Certified Bills List in the amount of \$ 1,553,646.50

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

This item was tabled due to Clerks' error in recording Mrs. Clayton as present for Executive Session, when in fact Mrs. Clayton absented herself from that session.

Motion:	Miserendino	Second:	LaCrosse
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Approved:
#2004-71

Clayton - Feeney - LaCrosse - Miserendino - Moran - Roma
RESOLVED by Mayor and Council to approve the
minutes of the January 28, 2004 meeting of Mayor and Council.
(This was tabled at the Feb. 4th meeting)

#2004-72 RESOLVED by Mayor and Council to approve the minutes from the
February 3, 2004 - Budget Meeting of Mayor and Council.

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

Abstain: Absent:

#2004-73 RESOLVED by Mayor and Council to approve the minutes of the
February 4th 2004, meeting of Mayor and Council

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

Abstain: Absent:

#2004-74 RESOLVED by Mayor and Council to approve the following amendment to
the
Temporary Budget 2004

DEPARTMENT	FROM	TO
FINANCIAL ADMINISTRATION S/W	5,000.	7,000.
REVENUE ADM. S/W	27,500.	30,000.
LEGAL S/W	8,500	10,000.
ENGINEERING O/E	10,000.	20,000.
CODE ENFORCEMENT S/W	10,000.	15,000.
MEDICAL BANK	26,000.	26,500.
UNEMPLOYMENT/DISAB. INS.	500.	2,000.
POLICE S/W	300,000.	500,000.
OEM S/W	1,000.	2,000.
FIRE PREVENTION S/W	2,500.	4,000.
STREETS & ROADS S/W	12,000.	20,000.
SOLID WASTE COLLECT S/W	65,000.	100,000.
RECYCLING S/W	40,000.	65,000.
BUILDINGS & GROUNDS S/W	32,500.	50,000.

BOARD OF HEALTH S/W	200.	300.
PARKS & PLAYGROUNDS O/E	500.	2,715.
BEACH MAINTENANCE O/E	500.	2,009.
CELEBRATION OF PUBLIC EVENTS	0.	475.
ELECTRICITY O/E	22,000.	25,000.
STREET LIGHTING O/E	20,000.	25,000.
TELEPHONES O/E	10,000.	15,000.
NATURAL GAS	5,000.	10,000.
GASOLINE & OIL	15,000.	20,000.
SOCIAL SECURITY O/E	50,000.	75,000.
MUNICIPAL ALLIANCE	0.	8,426.64
LOCAL SHARE MUNICIPAL ALLIANCE	0.	2,106.66
MUNICIPAL COURT S/W	22,000.	30,000.
PEOSHA FIRE CO.	0	14,200.
BOND PRINCIPAL	0	200,000.
NOTE PRINCIPAL	0	32,793.
BOND INTEREST	0.	67,000.
NOTE INTEREST	0.	56,000.
GREENTRUST LOAN	0	9,327.48
INFRASTRUCTOR LOAN PRINCIPAL	0.	33,750.
INFRASTRUCTOR LOAN INTEREST	0.	5,100.
PAYMENT BOND PRINCIPAL	0.	110,000.
PAYMENT BANS	0.	52,900.
INTEREST ON BONDS	0.	90,000.
INTEREST ON NOTES	0	26,300.
WATER SUPPLY LOANS	0.	75,000.
WATER SOCIAL SECURITY	7,325.	10,000.

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

#2004- 75 RESOLVED by Mayor and Council to approve the following requests for
Conference Training - Seminar

Date:	February 27	Ed. Bosley - J. Clayton
Location:	Barnegat	
Subject:	Mel Safety - Excavation & Trenching	
Cost:	\$0	
Vehicle:	Yes	
Date:	March 03 A.M.	S. Brosen - T. Clayton - J. DeMorato - M. Gadevaia - R. Mack

Location:	Manchester	
Subject:	Mel Safety - Excavating & Trenching	
Cost:	\$0	
Vehicle:	Yes	
Date:	March 03 P.M. J. Clayton - T. Clayton - F. DeMarco - S. Hill - J. Moore J. Russell - L. Starmet	
Location:	Manchester	
Subject:	Mel Safety - Chain Saw Safety	
Cost:	\$0	
Vehicle:	Yes	
Date:	March 4 E. Mastropasqua	
Location:	Toms River	
Subject:	School - Primary - General Election Updates- O.C. Election Annual Meeting	
Cost:	\$0	
Vehicle:	No	
Date:	March 11 - A.M. J. Clayton - T. Clayton - S. Brosen - J. DeMorato - M. Gadevaia R. Mack	
Location:	Lacey	
Subject:	Mel Safety - Confined Space - Re-Training	
Cost:	\$0	
Vehicle:	Yes	
Date:	March 11 PM. T. Clayton - S. Brosen - J. DeMorato R. Mack	
Location:	Lacey	
Subject:	Mel Safety - Lock Out - Tag Out	
Cost:	\$0	
Vehicle:	Yes	
Date:	March 18 A.M. J. Behrens	
Location:	Ocean Twp.	
Subject:	Mel Safety - PEOSHA Update - Record Keeping	
Cost:	\$0	
Vehicle:	Yes	
Date:	March 23 E. Mastropasqua - G. Feeney	
Location:	Holmdel - PNC Center	

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

TABLED -
#2004-79

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Owen Little Assoc. Inc. for Storm water Grant Requirements not to exceed \$3,700.00; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the agreement on behalf of the Borough of Beachwood

#2004-80

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Owen Little Assoc. Inc. for 2004 Road Improvement - Seaman Ave. Phase 1 not to exceed \$8,800.00; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the agreement on behalf of the Borough of Beachwood

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

#2004-81

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Owen Little Assoc. Inc. for Digital Tax Maps as follows:

Mod IV merge	\$ 5,000.
Prepare updated digital tax map sheets	\$26,500
Review Discrepancies Found	\$44,000.
Vacated Right of Ways - revisions	\$ 6,500.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the agreement on behalf of the Borough of Beachwood

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

#2004-05 FIRST READING – TITLE ONLY

**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AMENDING CHAPTER XV ENTITLED "WATER" AS IT APPLIES TO WATER RATES
AND CHARGES**

BOROUGH TO REPEAL INCONSISTENT ORDINANCES AND ESTABLISH PENALTIES FOR VIOLATION THEREOF

#2004-83

RESOLVED by Mayor and Council to approve Ordinance #2004-06 as presented on First Reading Title Only.

ORDINANCE FINAL READING – PUBLIC HEARING - ADOPTION

#2004-04

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE 2003-10 ENTITLED "AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING VARIOUS PUBLIC ROAD AND DRAINAGE IMPROVEMENTS, LANDFILL CLOSURE, THE CONSTRUCTION OF A FIRST AID BUILDING, THE ACQUISITION OF A FIRE TRUCK, A UTILITY BODY PICKUP TRUCK, A TANDEM AXLE BODY ROLL-OFF TRUCK AND A TANDEM AXLE GARBAGE TRUCK AND OTHER MISCELLANEOUS IMPROVEMENTS ALL IN AND FOR THE BOROUGH OF BEACHWOOD AND APPROPRIATING THE SUM OF \$2,070,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$1,966,500.00 TO FINANCE THE COST THEREOF"

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey, as follows:

SECTION 1. Section 3 of Ordinance 2003-10 is hereby amended at Subsection (a) to delete the following: "the acquisition of a tandem-axle body roll-off truck and appropriating the sum of \$130,000.00 therefor; the acquisition of a tandem-axle garbage truck and appropriating the sum of \$175,000.00 therefor" and to insert in its place and stead the following, "the acquisition of two new sanitation vehicle chassis' and two rear-loading refuse bodies and appropriating the sum of \$305,000.00 therefor".

SECTION 2. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 3. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Schiffermiller
813 Windward: Question on cost of doing Landfill?

Advised that this ordinance is amending and ordinance to remove the purchase of Sanitation Truck(s) and replacing with 2 smaller trucks.

CLOSE DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2004-84 RESOLVED by Mayor and Council to approve and adopt Ordinance Number 2004-04 as presented and held for public discussion

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

RESOLUTION

#2004-85 RESOLVED by Mayor and Council to approve the Interlocal Agreement between the Borough of Beachwood and the Township of Berkeley for Emergency Response Team - Hazardous Material Unit;

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to Execute the Agreement on behalf of the Borough of Beachwood.

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

#2004-86 WHEREAS, under Resolution #2004-53 February 4, 2004, approval was given for rental of the Community Center on November 5, 2004 by Karen Kelly 209 Capstan Ave, Beachwood; noting all resident fees were posted (\$850); and

WHEREAS, written notice of Cancellation was received on February 13, 2004, subjecting the applicant to a cancellation fee of \$100.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$750.00 to Karen Kelly 209 Capstan Ave, Beachwood, noting that said refund reflects a \$100 cancellation fee.

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

Jersey Shore Nuclear Watch
P.O. Box 4283
Brick, NJ 08753
Phone & Fax: 732-830-6565

Tuesday, February 10, 2004
To: Mayor and Membes of the Council

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On behalf of Jersey Shore Nuclear Watch, we are asking you to add your name to the list of municipal officials calling for the immediate closure and decommissioning of Oyster Creek Nuclear Power Plant. During the past year nine Municipalities have called for decommissioning. Most recently Brick, Ocean and Berkeley Townships adopted Resolutions calling for immediate shutdown. A trust fund of \$350 Million has been set aside for that purpose.

Jersey Shore Nuclear Watch is holding a meeting March 29, 7:00 -9:00 PM at the Ocean County Administration Building. featuring Ray Shadis, Leading Authority on Decommissioning. He founded the Friends of the Coast which played a role in shutting down the Maine Yankee.

We are concerned that a terrorist attack or a Chernobyl-type accident could make the region uninhabitable. Of particular concern, Strontium 90 has been detected in the discharge from nuclear plants. It was found in teeth samples from numerous children in Ocean and Monmouth Counties.

The Nuclear Regulatory Commission (NRC) has never ordered a nuclear plant to be shut down. Neil Sheehan, NRC spokesperson, said that the NRC would approve a 20-year license extension if Oyster Creek applies for one, allowing the plant to operate for 60 years.

To-date 19 nuclear plants have been shut down and are being decommissioned. This is due to economic factors and citizen opposition.

A model Resolution is enclosed.

From:

Councilman John R. Napurano, -Berkeley Township, Council Ward 4
247 Harrington Drive North, HCB - Toms River N.J. 087

Robert Anstett, of the Citizens Conservation Council

Edith Gbur, Chairperson, Jersey Shore Nuclear Watch

RESOLUTION CALLING FOR THE DECOMMISSIONING OF THE OYSTER CREEK NUCLEAR POWER PLANT – WITH A CALL FOR CLEAN ENERGY SOLUTIONS AND A JUST TRANSITION FOR DISPLACED OYSTER CREEK WORKERS.

WHEREAS, the Oyster Creek Nuclear Power Plant produces less than 1% of the energy on the PJM electric grid and can be replaced by increased energy efficiency, conservation and renewable energy such as solar and wind systems to relieve the overstretched grid; and

WHEREAS, there is a lack of public confidence in the evacuation plan, and the consensus of residents at the July 22, 2003 Evacuation Hearing is that an independent agency should be commissioned to conduct a study and/or that the Oyster Creek Nuclear Plant should be shut down NOW; and

WHEREAS, in case of a major nuclear incident, it would take one to four hours for radioactive plumes to spread within a 10-mile ring of Oyster Creek, depending upon the weather. According to New Jersey State Police Officials, evacuation would take 7 hours in winter and 9 hours and 28 minutes during tourist season to evacuate 244,000 people. In all likelihood, people will be overcome either stuck in traffic jams or in their homes, businesses or schools; and

WHEREAS, radioactive releases could cause cancer in people as far as 500 miles away and make homes uninhabitable according to a 1990 Sandia National Laboratories Report. Entire regions could be economically devastated; and

WHEREAS, the elevated fuel pool containing highly radioactive waste does not offer adequate protection. The top of the reactor building is designed to keep off snow, sleet and rain and can be penetrated by a small airplane; and

WHEREAS, the on-site modules filled with nuclear waste and the fuel pool pose an attractive target for terrorists; and

WHEREAS, the deficiencies of Oyster Creek, the oldest operating nuclear power plant in the country, are even more vulnerable because of its age. Over 30 percent of nuclear power plant equipment failures in recent years can be attributed to age-related degradation; and

WHEREAS, in 1985, the Nuclear Regulatory Commission (NRC) said the Mark I Nuclear Reactor Containment System is of faulty design and there would be a 90 percent failure rate in case of an accident, therefore making it necessary to vent the pressure buildup to avoid rupturing the containment system. This, however, defeats the containment altogether and would expose the public to high doses of radiation; and

WHEREAS, costly nuclear power poses safety and environmental risks, and is heavily dependent on taxpayer and ratepayer subsidies, generates cancer causing Strontium 90, and kills marine life; and

WHEREAS, deadly, highly radioactive nuclear waste, which no community wants in their backyard, continues to accumulate daily and will take many lifetimes to decay; and

WHEREAS, the NRC has not taken enforcement action against an 11-year old non-compliance identified in a January 24, 2003 Triennial Fire Protection Inspection Report (#50-219/02-01) involving the ability of the reactor to safely shut down in the event of a fire, exposing the public to undue risk; and

WHEREAS, the NRC has never refused nuclear plants a 20 year re-licensing extension and we cannot depend upon the NRC to shut down a nuclear plant because, in the past, local opposition and economic issues are the only factors that have led to the decommissioning of these plants; and

WHEREAS, a trust fund of \$350 million has been set aside to cover the costs of decommissioning Oyster Creek; and

NOW THEREFORE, BE IT RESOLVED that we call for the immediate decommissioning of the Oyster Creek Nuclear Power Plant with a just transition to insure that all affected workers are retrained and rehired. We call for the immediate use of clean, renewable, energy.

BE IT FINALLY RESOLVED that a copy of this Resolution shall be forwarded to Governor James McGreevey, to all NJ Congressmen and Legislators, The Ocean County Board of Chosen Freeholders, the New Jersey Department of Environmental Protection, the Nuclear Regulatory Commission, and Jersey Shore Nuclear Watch.

Contact: Edith Gbur 732-830-6565
JERSEY SHORE NUCLEAR WATCH
P.O. BOX 4283
BRICK NJ 08723

No Action At this time.

Ocean County Freeholders – Supportive Resolution offered by Mayor Morris:

RESOLUTION

#2004-87

WHEREAS, Ocean County, is the fastest growing county in New Jersey with a population of over 530,000, more than 1 00,400 of whom are aged 65 and over; and

WHEREAS, Ocean County has the greatest number of patients in the state who must travel out of the county for cardiac surgery; and

WHEREAS, Community Medical Center is New Jersey's largest non-teaching medical center; and

WHEREAS, Community Medical Center's Emergency Department is the busiest in New Jersey with almost 88,000 visits in 2003; and

WHEREAS, Community Medical Center transfers nearly 1,000 cardiac patients per year, 70 direct1y from the Emergency Department; and

WHEREAS, Community Medical Center is the State's largest Medicare provider and one of the nation's top 15, and has the highest number of patients in the nation who are over 85 years of age; and

WHEREAS, Community Medical Center serves more patients with cardiovascular related disease than 12 of the existing New Jersey cardiac surgery centers; and

WHEREAS, Community Medical Center has the highest number of Acute Myocardial Infarction admissions in the state; and

WHEREAS, A renowned team of cardiovascular surgeons has been recruited for the cardiac surgery program at Community Medical Center. This team, already in place at Newark Beth Israel Medical Center and Saint Barnabas Medical Center, is led by Craig Saunders, M.D., who joined the Saint Barnabas Health Care System from the prestigious Cleveland Clinic. The team's combined success rate at both facilities for coronary artery bypass surgery, the most common open-heart procedure is now 99 percent; and

WHEREAS, a cardiac care surgery program in Ocean County would relieve obstacles for patients, spouses, family members and friends who must travel to hospitals outside Ocean County for care or to visit loved ones; and

WHEREAS, the potential impact of a new cardiac care surgery program in Ocean County to other providers would be minimal.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, Borough of Beachwood County of Ocean, State of New Jersey, hereby supports the approval of Community Medical Center's application to provide cardiac surgery, which has been approved by the State Health Planning Board, and is before the Commissioner's Office.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be sent to

February 18, 2004

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Governor James E. McGreevey, the State Department of Health and Senior Services, Members of the 9th, 10th, and 30th District Legislators, Ocean County Board of Chosen Freeholders, Ocean-County Mayors, and the Ocean County Board of Health.

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

Ocean County Board of Chosen Freeholders – Environmental Risk Management Fund – Providing municipal Stormwater Management Consulting Services to Participating Fund Members:

RESOLUTION

#2004-88

WHEREAS, the New Jersey Department of Environmental Protection has recently adopted new Stormwater Management Rules as required by the Federal 'Water Pollution Control Act, and U.S. Environmental Protection Agency's Phase II Storm Water Rules; and

WHEREAS, these Rules require each municipality and county in the State to develop a detailed and comprehensive storm water pollution prevention plan and the ordinances and resolutions necessary to implement the same; and

WHEREAS, these documents must be submitted to both the County and the State for review and approval; and

WHEREAS, the Rules encourage a regional approach to stormwater management, recognizing that non-point source pollution and contamination does not stop at municipal or county boundaries; and

WHEREAS, the Barnegat Bay Comprehensive Conservation and Management Plan (CCMP) prepared by the Barnegat Bay National Estuary Program (BBNEP) identifies the control of non-point source contaminants as the most important issue , nfronting the protection of Barnegat Bay; and

WHEREAS, the Ocean County Board of Chosen Freeholders has previously appropriated funds to implement various Action Items contained in the CCMP pertaining to storm water management and non-point source control; and

WHEREAS, in order to assist the municipalities in meeting their responsibilities under the Rules, the County has sought to implement a regional approach which will allow for a cost efficient coordination of the stormwater management programs of all Ocean County municipalities; and

WHEREAS, 31 of 33 Ocean County municipalities currently participate in the New Jersey Municipal Environmental Risk Management Fund (EJIF), a municipally organized joint insurance fund which was formed to address environmental issues and provide insurance coverage for potential environmental risks; and

WHEREAS, the EJIF currently retains a consultant, The PMK Group, to assist municipalities in addressing environmental matters, and The PMK Group is familiar with the Ocean County municipal facilities regulated under the new Rules; and'

WHEREAS, the EJIF has submitted a proposal to the County to assist Ocean County municipalities in complying with the initial tasks required under the new Rules as more specifically forth in the EJIF's proposal; and

WHEREAS, it is in the best interests of the County and all Ocean County municipalities to coordinate the development of their respective stormwater management plans so as to protect the water quality of our streams, rivers and Barnegat Bay; and

WHEREAS, sufficient funds are available in the County's Barnegat Bay Estuary Program Grant Fund Account to pay for this work

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL ,
BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY,
as follows:

1The Mayor and Council of the Borough of Beachwood support the efforts of the Ocean County Board of Chosen Freeholders , to provide municipal storm water management consulting services to the participating members of the Ocean County EJIF.

2. Certified copies of this Resolution shall be provided to the following:
New Jersey Municipal Environmental Risk Management Fund,
Ocean County Municipalities

Comment: Mr. Feeney:

This mandate is coming down and the County has some money and resources to assist the municipality. Will report further at another meeting.

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

COUNCIL REPORTS

Mayor Morris	Thanked Mr. Schiffermiller for bringing the NJDEP website information to the attention of the Governing Body. Participated in Library's meet the Mayor and Council during February. Will be addressing our proposed legislation on changes to Megans Law at the N.J. League Municipalities Legislative Convention. Has been asked to join the Leagues ' Legislative Committee.
Beverly Clayton	Happy that Mr. Ritacco has spoken regarding the School site and the rumors about the site.

Mayor Morris: Sprint has approached Borough about accessing Water Tower and will need to addressing testing of site .

**RESOLUTION
#2004-89**

To Approve Testing

Motion: Miserendino Second: Moran
Approved: Clayton - Feeney - LaCrosse - Miserendino - Moran - Roma
Municipal Clerk:

Treasurer: Seeking authorization to move punch lock from hall door to Vault when all changes are complete with new system.

Approved:

Municipal Clerk Noted that the Borough was the recipient of a \$200 award in connection with the JIF Safety Incentive Program.

**PUBLIC DISCUSSION
TO OPEN**

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

Schiffermiller
Windward Ave

Questions to Mr. LaCrosse on the repair of the Vertical Filter.
Under OPRA submitted for documentation on DEP permit for Compost site. Clerk referred him to County for documentation. Believes that since it is Municipal property, copy of this documentation should be kept on file with Borough.
Re: Retainage on Fire House 2%

Byrnes
Pinewald Rd.

Re: MEL seminars. Offered Local 825 site for Training Center - received no response. No contact.
Mr. Feeney would hope the this offer still stands.
With regard to Landfill Closure - is there a format - plan - outline available.

Thesing: Not complete yet.

Bicycle Stunt Show will be presenting check to Borough at future meeting.

With everyone enacting resolution with regard to Oyster Creek, why not the Borough.

Not sufficiently reviewed by Council. Will address at future meeting.

Brown
Leeward Ave: Wanted to offer recognition for the Beachwood Elementary School. They are doing great things with the Children there. Great having such a great school in our town and hope the Intermediate will be as good.

Novaky
Maple Street. Opposes the rate increase. Doesn't see improvement in quality of water. Pulling his filters out packed with red muck. Meter has been recently changed and believes he's paying too much.

Schiffermiller
Windward: When was last revaluation 1995

TO CLOSE PUBLIC DISCUSSION

Motion: Moran Second: Roma
Approved: Clayton - Feeney - LaCrosse - Miserendino - Moran - Roma
Abstain: 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 - Professional Services
 - Contractual - Municipal Employees
3. It is anticipated that the subject matter discussed may be made public in (90) days.

Motion: LaCrosse Second: Feeney

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

TO RE-OPEN

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

NO ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

ADJOURN

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

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

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

RITACCO DOCUMENTS

May 1990 Laurel Pump and Tank, Inc. of Toms River, NJ, oversaw the removal of (5) underground storage tanks.

Soil contamination was discovered upon removal of (1) of the gasoline storage tanks. NJDEP assigned this Case No. 90-05-15-1048.

July 11, 1990 Letter received from NJDEP specified Scope of Work outlining investigative and corrective action for the site.

May 19, 1993 Letter received from NJDEP indicates that the case had been sent to the Bureau of Applicability and Compliance for failure to submit a Remedial Investigation Report.

Note: Laurel Pump and Tank, Inc. failed to submit proper documentation of site activities to NJDEP. Firm has since gone out of business.

Environmental Evaluation Group (EEG) was contracted by former property owner to review available information from Laurel Pump and Tank's file and to develop a Remedial Investigation Report (RIR) for site activities. EEG prepared and submitted a Remedial Investigation Report with limited field reports and second-hand documentation made available to the NJDEP.

March 24, 2003 Environmental Evaluation Group was subsequently hired by Toms River Board of Education to complete a Phase I Environmental Assessment. Three (3) areas of concern were identified which included the potential for localized subsurface soil and/or groundwater contamination. The areas of concern were:

1. Former underground storage tank and past practices on site.
2. Piles of fill material on the surface.
3. One (1) area of surface staining.

All these areas are within the proposed parking lot of the proposed school.

April 18, 2003 - August 5, 2003 Fill material piles were removed by the property tenant. Remaining areas of concern were addressed as summarized below.

- A. Soil samples collected from area of surface staining revealed above NJDEP Soil Cleanup Criteria. Soils at the surface stain were drummed and properly disposed. Post-excavation soil sample results show that surface stain was properly remediated.
- B. Environmental Evaluation Group completed a ground penetrating radar (GPR) investigation and a soil and underground sampling program on the property. The investigation did not reveal signature of abandoned UST and/or drums.

Soil and ground sampling program revealed groundwater impact above NJDEP Groundwater Quality Standards (GWQS) at a former gasoline UST excavation. This condition was limited to a small localized area where the UST previously existed.

A permanent monitoring well (MW-1) was installed at this excavation site. Three (3) additional monitoring wells were installed to delineate the groundwater impact. The only well with impact above NJDEP Groundwater Quality Standards is the MW-1 confirming the localized area.

Environmental Evaluation Group completed five (5) multi-phase recovery events at the site to address the impact in MW-1. These events were designed to treat the volatile organic compounds (petroleum by-products) detected in MW-1. EEG collected samples periodically for testing to monitor the progress of the remediation.

Testing revealed the condition is being satisfactorily remedied. Remediation process expected to be completed by May 2004.

Sept. 26, 2003 Report Documenting initial investigation was submitted to NJDEP.

Other items completed to date are:

- Compliance with Industrial Site Recovery.
- Septic Sampling.
- Well Search.
- Area Canvass.

An Environmental Impact Statement was prepared and submitted to NJDEP. The Statement did not indicate any adverse impact and was accepted by NJDEP.

A final report will be submitted to NJDEP documenting activities completed after September 2003. This submission will conclude all areas of concern.