

March 17, 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

Council members: Beverly Clayton Thomas Miserendino
 Patricia A. Moran
 Gerald W. LaCrosse Ronald Roma

Absent: Gregory Feeney (Advised he would be absent)

Mayor Morris, on behalf of the governing body of the Borough of Beachwood, extended condolences to the family of Chief John Wagner on the recent loss of his Stepdaughter – Tabitha who was killed in an automobile accident on March 15th.

Presentation - Snowman Contest – Chairman Robin Clayton presented award to the White family of Spar Ave - first prize in contest. 4 Tickets to Great Adventure – courtesy of Mr. Ed Zakar



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:

Personnel – New Hire – Tax Office

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

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

TO RE-OPEN

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

#2004-106

RESOLVED, BY THE MAYOR AND COUNCIL TO AMEND THE TEMPORARY BUDGET AS FOLLOWS:

DEPARTMENT	FROM	TO
MAYOR & COUNCIL S/W	\$ 8,300.	\$ 12,000.
MUNICIPAL CLERK S/W	\$ 10,000.	\$ 16,000.
REVENUE ADMINISTRATION S/W	\$ 30,000.	\$ 45,000.
TAX ASSESSMENT S/W	\$ 5,700.	\$ 9,000.
LEGAL S/W	\$ 10,000.	\$ 17,000.
PLANNING BOARD S/W	\$ 1,300.	\$ 2,000.
UNIFORM CONSTRUCTION CODE S/W	\$ 15,000.	\$ 17,000.
LIABILITY INSURANCE OIE	\$ 15,200.	\$ 127,500.
WORKERS COMPENSATION INS. OIE	\$ 74,362.	\$ 98,000.
EMPLOYEES DENTAL	\$ 14,000.	\$ 22,000.
EMPLOYEES GROUP INSURANCE	\$137,000.	\$ 275,000.
STREETS & ROADS S/W	\$ 20,000.	\$ 25,000.
STREETS & ROADS OIE	\$ 5,000.	\$ 10,000.
PUBLIC WORKS S/W	\$ 40,000.	\$ 60,000.
SOLID WASTE COLLECTION S/W	\$ 100,000.	\$ 140,000.
RECYCLING S/W	\$ 65,000.	\$ 80,000.
BUILDINGS & GROUNDS S/W	\$ 50,000.	\$ 65,000.
BUILDINGS OIE	\$ 15,000.	\$ 25,000.
EQUIPMENT MAINTENANCE S/W	\$ 18,000.	\$ 38,000.
EQUIPMENT MAINTENANCE OIE	\$ 15,000.	\$ 30,000.
ELECTRIC OIE	\$ 25,000.	\$ 30,000.
NATURAL GAS OIE	\$ 10,000.	\$ 15,000.
GASOLINE & OIL OIE	\$ 20,000.	\$ 30,000.
GARBAGE & TRASH DISPOSAL OIE	\$125,000.	\$215,000.
SOCIAL SECURITY OIE	\$ 75,000.	\$ 85,000.
WATERS/W	\$ 90,500.	\$135,000.
WATER OIE	\$119,750.	\$200,000.

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

#2004-107

RESOLVED by Mayor and Council to approve the 2004 Certified Bills List in the amount of A: \$ 241,193.90

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

#2004-108 RESOLVED by Mayor and Council to approve the minutes of the February 25th Workshop Meeting of Mayor and Council

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

#2004-109 RESOLVED by Mayor and Council to approve the minutes from the March 3rd 2004 Meeting of Mayor and Council.

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

#2004-110 RESOLVED by Mayor and Council to approve the following requests for Conference Training – Seminar

Date:	March 23	Municipal Court – Renee Fisher
Location:	R J Hughes Justice Complex – Trenton	
Subject:	Principles of Municipal Court Administration	
Cost:	\$0	
Vehicle:	No	
Date:	March 24	Public Works J. Clayton – M. Gadevaia – C. Schiel – S. Brosen
Location:	Lakewood	
Subject:	JIF – Lock Out – Tag Out	<u>12:00 – 1:00 P.M</u>
Cost:	\$0	
Vehicle:	Yes	
Date:	March 26	Municipal Court – Linda Felton
Location:	Sea Oaks	
Subject:	South Jersey Court Administrators Meeting	
Cost:	\$0	
Vehicle:	No	
Date:	April 13	Public Works – E. Bosley – R. Mack – F. DeMarco
Location:	Dover Twp.	
Subject:	JIF – Excavating – Trenching & Shoring	<u>08:00 – 12:00</u>
Cost:	\$0	
Vehicle:	Yes	
Date:	May 6 & 7	Spring Conference – Municipal Court Renee Fisher
Location:	Somerset	
Subject:	Spring Conference – Municipal Courts	
Cost:	\$175	

#2004-111 RESOLVED by Mayor and Council to approve the following rentals:

COMMUNITY CENTER				
Aug.	22	Wright	Rental:	\$350
		1429 Spray Ave.	Deposit:	\$500
Sept.	19	Zee (Eagle Court of Honor)	Rental:	WAIVE
		129 Ocean Ave	Deposit:	WAIVE
MAYO PARK 2003				
Rental App was sent to DPW – and Never approved by Council				
Refund was never claimed – but we need to clear the account				
So we are – approving retroactively				
August	30	Hawes	Rental:	\$125
		700 Barnegat Blvd.	Deposit:	\$175
MAYO PARK 2004				
June	12	Chiavaro	Rental:	\$150
		9 Clover Way .	Deposit:	\$75
		Manchester		
August	22	Wright	Rental:	\$125
		1429 Spray Ave	Deposit:	\$175

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

#2004-112 RESOLVED by Mayor and Council to approve the following use requests for the Municipal Complex.

May	3	Bids – Road Project 2004	10:00 A.M
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Motion: Roma Second: Clayton
 Approved: Clayton – LaCrosse – Miserendino – Moran - Roma
 Abstain: Absent: Feeney

#2004-113

WHEREAS, on November 5, 2003 under resolution # 2003-306, approval was given for rental of the Community Center on July 9, 2004 by Larissa Cummings, residing at 247 Beach Avenue, noting all resident fees were posted (\$850); and

WHEREAS, on March 9, 2004, written notice of cancellation was received, subjecting the applicant to a \$100 cancellation fee; and

WHEREAS, since the time of application, Larissa Cummings has changed her address.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$750 to Larissa Cummings 495 Madison Avenue Toms River N.J., said refund reflecting a \$100 cancellation fee.

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

#2004-114

RESOLVED by Mayor and Council to approve the following personnel promotions:

Bonnie Boud	Cashier to	Senior Cashier	\$19,741
Patricia Finn	Cashier to	Senior Cashier	\$0.35 cents PH

And;

BE IT FURTHER RESOLVED to approve the increase in salary of Elizabeth Sarantinoudis for the inclusion of payroll duties - \$1,500.

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

FINAL READING AND ADOPTION

#2004-06 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY IMPLEMENTING AN ORDINANCE TO REGULATE THE CONSTRUCTION OF FENCES WITHIN THE BOROUGH TO REPEAL INCONSISTENT ORDINANCES AND ESTABLISH PENALTIES FOR VIOLATION THEREOF

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

No Questions

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

#2004-115 RESOLVED by Mayor and Council to approve and adopt Ordinance #2004-06 as presented and held for public discussion.

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

ORDINANCE FIRST READING TITLE ONLY
#2004-07 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XV ENTITLED “WATER” TO ESTABLISH FEES FOR THE RECONNECTION OF WATER SERVICES TERMINATED AS A RESULT OF NON-PAYMENT

#2004-116 RESOLVED by Mayor and Council to approve Ordinance #2004-07 as presented on First Reading Title Only.

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

#2004-117 RESOLVED by Mayor and Council to approve the Court “Change” Fund to Reflect \$100 each draw., as per recommendation of the Court system.

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

The following resolution was passed at an earlier meeting – Mr. Surenian has advised that he would prefer the following language:

RESOLUTION
#2004-118 WHEREAS, the Honorable Eugene D. Serpentelli approved the Borough’s Housing Plan Element and Fair Share Plan (hereinafter “current affordable housing plan”) on June 30, 1998, which approval is memorialized in a “Judgment of Repose;” and

WHEREAS, the Judgment of Repose is scheduled to expire on June 29th, 2004; and

WHEREAS, the New Jersey Council on Affordable Housing (hereinafter "COAH") has adopted regulations that would give a municipality "interim certification" if (a) the municipality continues to implement the affordable housing plan approved for the second housing cycle; and (b) the municipality expresses a commitment to adopt and implement a new Housing Element and Fair Share Plan within one year of adoption by COAH of new regulations for the third housing cycle; and

WHEREAS, the effect of interim certification is to give the municipality immunity from a builder's remedy suit; and

WHEREAS, the Borough of Beachwood fully intends to continue to implement the affordable housing plan approved by Judge Serpentelli; and

WHEREAS, Beachwood has every intention of adopting and filing a new Housing Element and Fair Share Plan within one year from the adoption of COAH's regulations for the third housing cycle; and

WHEREAS, the Borough wishes to ensure that it has taken the actions required by COAH regulations to obtain protections from any new builder's remedy suits; and
WHEREAS, the Borough further wishes to signal its intentions to the Court in a formal way so that an application can be made before the Court for temporary immunity consistent with COAH's standards

NOW, THEREFORE, be it resolved as follows:

1. The Borough of Beachwood does hereby officially express its intent to implement the Housing Plan Element and Fair Share Plan approved by Judge Serpentelli on June 30, 1998; and
2. The Borough of Beachwood does hereby officially express its commitment to adopt a new Housing Element and Fair Share Plan within one year from COAH's adoption of new regulations for the third housing cycle; and
3. The Borough of Beachwood does hereby officially express its intent to file its new Housing Element and Fair Share Plan with COAH within this one year deadline and

to, thereafter, bring a declaratory relief action in the Superior Court or petition COAH for substantive certification in accordance with the rights and requirements of N.J.S.A. 52:27D-312; and

4. The Borough of Beachwood does hereby authorize and direct its Special Counsel to make application to the Court for temporary immunity to give the Borough protections from builder's remedy suits in the period between the expiration of the Judgment of Repose on June 29, 2004, and one year from the effective date of COAH's regulations for the third housing cycle; and

5. The Borough authorizes Special Counsel to rely on this Resolution.

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

Approved at earlier meeting -

#2004-119 RESOLVED by Mayor and Council to approve the donation of \$80 to the Navy Marine Core Relief Society. The \$80 was the result of an anonymous donation received during our "Support the Troops" donation program.

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

RESULTING FROM EXECUTIVE SESSION THIS DATE:

#2004-120 RESOLVED by Mayor and Council to hire Donna LeMore 644 Neptune Avenue Beachwood as Cashier, effective April 5, 2004 at an annual salary of \$17,514. This is a 90 day Working Test Period, pending DOP certification procedure.

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

CORRESPONDENCE

- A. Note of thanks from former employee Connie Armstrong
- B. Response to March 3rd question on Types of "Garbage"
 - Type 10 – Household
 - Type 13 – Bulk waste
 - Type 13C- Construction Debris
- C. Tina Clark – Softball
 - 1. Use of Municipal Complex for photos (rain only) April 25
 - 2. Use of Birch & Surf for year end "games" July 10th includes use of 2 League Fields.

Resolution

#2004-121 RESOLVED by Mayor and Council to approve the use of the Complex (April 25 – if rains) and Birch & Surf Complex July 10th for year end games (includes League Fields)

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

- D. Recreation Commission
Rain date – Memorial day activities (June 6th.) Picnic
- E. O.C. Mosquito Extermination Commission –
- F. N.J. Dept. Health – Notice on reimbursement for HBV program \$3,120.
- G. Garden State Chapter of Studebaker Drivers Club
Use of Beach area September 19 for car show.

Resolution

#2004-122 RESOLVED by Mayor and Council to approve the request to use the Beach for the annual Studebaker Car Show – September 19.

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

- H. Home from the Front – Bob Zacher
- I. Mayor Corby – copy of communication from N.J. Legislators – re: Environmental Commission.
- J. Pack 117 – Boy Scouts Re: use of Beach for meeting and campfire May 20.

Resolution

#2004-123 RESOLVED by Mayor and Council to approve the request to use the Beach for a meeting and campfire, pending all permits, proper bonfire – and clean up .

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

- K. Beachwood Municipal Alliance
Change in date for Alliance Luau from July 16, to Aug. 6 (Rain Date) Aug. 7

Resolution

#2004-124 RESOLVED by Mayor and Council to approve the change in date for the Luau.

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

- L. Toms River High School South
Permission to use Birch & Surf Fields for practice from March 18 – April 2

Resolution:

#2004-125 RESOLVED by Mayor and Council to approve the request to use Birch & Surf Fields for practice from March 18 – April 2 by the TRHSS Softball program.

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

Schiffermiller
Windward Ave.

Re: Fire House – Electric service panels put on 2nd floor. Was this an architectural design or done after the design.

Mrs. Moran – 2nd floor was alternate.

Was it the reason JCPL refused to make connection.

Mrs. Moran – NO – Provided explanation.

Has there been a delay in payment by Contractor to sub-contractor.

Mrs. Moran – YES – and this has been forwarded to their Insurance Carrier.

Does the Borough have and ETHICS COMMITTEE .

Clerk – NO – it goes to State.

Commented on Oyster Creek recent problem of corrosion detected by the NRC.

Posed questions on Council increase in salary for 2004.

Byrnes
Pinewald Rd.

Next meeting should have presentation of money from August Bike show.

Hydroplaning problem at Pinewald and Anchor which needs to be looked into. Is Borough looking into expanding the B2 area to south of Pine Street.?

Have not addressed B2 – will be doing so at April workshop.

Is the Fire House contractor is penalty phase yet?

No.

Did design include the stairwell and second floor.?
Was an alternate.

Resident
525 Berkeley.

Asked if walking path will go to new school.

Mrs. Moran – Borough does not own the land in question. We did write to property owner, but they refused to address our request to have an easement on the property.

PRESS QUESTIONS:

Name of Fire House Contractor -
Project Started:

R.B. Reynolds
April 1, 2003

March 17, 2004
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Complaints filed:

Totaling \$25,000

TO CLOSE PUBLIC DISCUSSION

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

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:

- 2. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
- 3. The general nature of the subject matter to be discussed is as follows:

- Contractual - Engineer various projects
- Contractual - Thomas – B2
- Terms & Condition – Public Works

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

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

TO RE-OPEN

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

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

RESOLUTION:

#2004- 126 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and John Behrens with an increase in salary of \$2,500 for 2004 - Medical Bank 2003 remains the same - Medical Bank 2004 \$445. All other contract language remains the same.

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

RESOLUTION

#2004-127 RESOLVED by Mayor and Council to authorize the Notice to Bidders for the Beach vending - minimum bid \$1,200.

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

ADJOURN

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

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

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