

April 02, 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

Council Members:

Beverly Clayton
Robert DiBella
Gregory Feeney

Gerald W. LaCrosse
Thomas Miserendino

Absent: Mayor Harold R. Morris Patricia A. Moran

Meeting chaired by Council President Beverly Clayton

Moment of Silence as each in our own way honor of our men and women in military action and offer a silent prayer for peace.



Official swearing in of Beachwoods' newest Police Officer Keith Meissner - Oath of Office administered by Council President Beverly Clayton in Mayors' Absence.

#2003-114 RESOLVED by Mayor and Council to approve the minutes of the March 19th Meeting of Mayor and Council.

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

#2003-115

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

COMMUNITY CENTER 2003				
Oct	19	Arroyo	Rental:	\$175
		729 Cable Ave	Deposit:	\$300
COMMUNITY CENTER 2004				
July	17	Dastis	Rental:	\$350
		535 Leawood Ave. T.R.N.J.	Deposit:	\$500
MAYO PARK RENTAL 2003				
June	07	Marchitto	Rental:	\$50
		1209 Seaman Ave	Deposit:	\$100
July	26	McNeil	Rental	\$125
		444 Beacon Ave.	Deposit:	\$175
July	27	Sibiga	Rental:	\$125
		224 Spray Ave	Deposit:	\$175
Aug.	02	Sibiga	Rental:	\$125
		224 Spray Ave	Deposit:	\$175
Sept.	06	Greiner	Rental:	\$125
		1224 Berkeley Ave	Deposit:	\$175

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

#2003-116

WHEREAS on February 26, 2003 under Resolution #2003-062, approval was given for rental of the Community Center on August 9, 2003 by Dorothy Dillard, 114 Deauville Dr. South Toms River N.J. noting all non-resident fees posted (\$850.00); and

WHEREAS, on March 28, 2003, written notice of cancellation was received subjecting the applicant to a cancellation fee of \$75.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$775, to Dorothy Dillard 114 Deauville Dr. So. Toms River, said refund reflecting a \$75 cancellation fee.

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

#2003-117

WHEREAS on February 05, 2003 under Resolution #2003-040, approval was given for rental of the Community Center on September 7, 2003 by Colleen M. Yost, 217 Pacific Ave. Beachwood NJ, noting all resident fees posted (\$475.00); and

WHEREAS, on March 24, 2003, written notice of cancellation was received subjecting the applicant to a cancellation fee of \$75.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$400, to Colleen M. Yost, 217 Pacific Ave. Beachwood NJ, said refund reflecting a \$75 cancellation fee.

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

#2003-118

WHEREAS on October 23, 2002 under Resolution #2002-335, approval was given for rental of the Community Center on January 17, 2003 , May 30, 2003 and finally for September 7, 2003 by Ivelyse Spicciatore 720 Windward Ave. Beachwood NJ, noting all resident fees posted (\$475.00); and

WHEREAS, on March 26 2003, written notice of cancellation was received subjecting the applicant to a cancellation fee of \$75.(one time only)

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$400, to Ivelyse Spicciatore 720 Windward Ave. Beachwood NJ said refund reflecting a \$75 cancellation fee.

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

#2003-119

RESOLVED by Mayor and Council to approve the following Conferences – Seminars – Training requests.

Date:	April 03	Joe Zuromski
Location:	Waretown	
Subject:	Public Relations Consumer Confidence Reports	
Cost:	\$0	
Vehicle:	YES	This request is for vehicle only -

Date:	May 13 – 15	Christine R. Dehnz
Location:	Atlantic City	
Subject:	Tax Collectors Spring Conference	
Cost:	\$250	
Vehicle:	NO	

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

#2003-120

WHEREAS the State of New Jersey has given the Borough of Beachwood permission to terminate the Borough of Beachwood Public Assistance Trust fund Account; and

WHEREAS, it is the desire of the governing body to transfer \$30,296.85 to the Current Account as of December 31, 2002.

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

#2003-121

RESOLVED by Mayor and Council that the following shall be financial institutions used for the purpose of Investments:

Kearny Federal	FUNB
Commerce	Ocean 1 st .
Bank of NY	Hudson City
Shore Comm.	New Millenium

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

#2003-122

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Owen Little Associates Inc. for County Drainage Pipe Extension Phase 1 – Engineering and Surveying Services not to exceed \$5,700.00; and

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

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

Approved:
Absent:

#2003-123

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and C.J. Hesse Inc. for an addition to the base bid for Roadway Reconstruction Mermaid Ave, in the amount of \$29,034.00 for Items 1A-2A-3A-4A – 9A – 10A- 12A – 13A – 14A all under Alternate #1; and

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

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

“9-1.3 **Regulations and fee in effect during bathing season; operation hours.** A person shall use, enter upon or remain in the public bathing area except upon compliance with the provisions of Chapter 9 and upon payment of the fee at Section a. below. The operation hours on the beach and its parking area is from dawn to dusk.

1. The fee for said bathing or beach tag shall be eight dollars (\$8.00) per season for 2003 and ten dollars (\$10.00) in 2004 and thereafter.”

SECTION 2. Section 9-1.5 of the Code of the Borough of Beachwood entitled “Restrictions on Use of Vehicle Permits” is hereby amended to delete Subsection a. and to insert in its place and stead the following:

- | | | |
|-----|--|----------|
| “a. | Seasonal parking permit fee - resident | \$5.00 |
| 2. | Seasonal parking permit fee - non-resident | \$10.00” |

SECTION 3. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

RESOLUTION

#2003-127 RESOLVED by Mayor and Council to approve and adopt Ordinance #2003-05 as presented on First Reading Title Only

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

#2003-06 FIRST READING TITLE ONLY

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER IX ENTITLED “RECREATIONAL FACILITIES” AS IT APPLIES TO CANCELLATION FEES FOR USE OF THE COMMUNITY CENTER

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 9-4.1 (Community Center Fees), Subsection a.5 entitled

“Cancellation Fees” is hereby deleted and in its place and stead the following shall be inserted:

- “5. Cancellation fees. There shall be a \$100.00 cancellation fee if cancelled in advance of sixty 60 days from the scheduled use date. There shall be a cancellation fee of \$125.00 if cancelled between 60 and 30 days of the scheduled use. There shall be a cancellation fee of a full deposit if cancelled within 30 days of the scheduled use.”

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.

RESOLUTION

#2003-128 RESOLVED by Mayor and Council to approve and adopt Ordinance #2003-06 as presented on First Reading Title Only

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

#2003-129 RESOLVED by Mayor and Council to approve the Raffle License Application of the Beachwood – Pine Beach Little League for May 21, 2003.

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

#2002-130

RESOLUTION

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED FOR PUBLIC USE BEING PRIOR BLOCK F-54, LOTS 38 AND 39 CURRENTLY KNOWN AS A PORTION OF LOT 12 IN BLOCK 6.54 ON THE TAX MAP, BLOCK 5.09, LOT 2, BLOCK 8.46, LOT 10 AND BLOCK 5.29, LOT 2 AS SET FORTH ON THE BOROUGH'S TAX MAP

WHEREAS, the Borough of Beachwood currently holds title to real property

known as Block F-54, Lots 38 and 39 currently known as a portion of Lot 12 in Block 6.54, Block 5.09, Lot 2, Block 8.46, Lot 10 and Block 5.29, Lot 2 all being approximately 40 x 100 and said properties shall be offered at auction to the contiguous land owners; and

WHEREAS, said sale will be for all the Borough's right, title and interest in the lands and premises hereinabove described; and

WHEREAS, the following terms and conditions shall prevail and shall be hereinafter published in a public notice pursuant to N.J.S.A. 40A:12-13:

A. The minimum bid price established for the afore-referenced properties is set forth in Schedule A attached hereto and made a part hereof. Said minimum price shall be the minimum bid considered for the sale of said real property. Upon the completion of the bidding, the highest bid may be accepted and all bids, including the highest bid, may be rejected by the Borough Council.

B. The date of said sale shall be May 21, 2003 at 6:30 p.m. and the place shall be the Borough Council Meeting Room located at 1600 Pinewald Road, Beachwood, New Jersey.

C. Certain parcels to be offered at said sale are undersized lots which do not meet current zoning requirements. These are not buildable lots, since they are undersized and they are being offered to contiguous owners who shall have the right of first refusal pursuant to N.J.S.A. 40A:12-13.2.

D. Said lots shall be sold as parcels, as designated more specifically on Schedule A and no bid will be accepted on a portion of any parcel.

E. The sale and conveyance hereunder shall be subject to all covenants, conditions, easements and restrictions whether of record or not, as well as subject to all presently existing municipal rules, regulations and ordinances, including the zoning ordinance and amendments thereto of the Borough of Beachwood. The sale of said parcels shall in no way

bind the Borough of Beachwood to make any improvements, to provide access, or to improve presently existing accesses, whether they be by public road or not, nor is there any representation in fact that access does exist to any of the parcels named therein. The sale shall in no way bind the Borough of Beachwood to bring utilities to the property in question. All costs regarding utilities shall be borne by the developer.

F. The form of conveyance of said lands by the Borough shall be a standard form of municipal Quitclaim Deed. The successful bidder shall notify the Borough Attorney in writing of any specific request for designation of grantees in said deed. The right to reject any and all bids, including the highest bid, is reserved. If the purchaser shall present a title insurance binder to the Borough of Beachwood showing good and marketable title in the Borough, then the Borough shall convey to the purchaser in a Bargain and Sale Deed with Covenant vs. Grantors Act.

G. The Borough shall include a restriction in said deed of conveyance but any undersized parcel that the properties conveyed shall be consolidated with the property of the successful contiguous bidder.

H. At least 10% of the amount bid shall be paid by the successful bidder at the close of bidding, which may be by personal check. The balance of the bid price or purchase price shall be in cash, certified or bank official's check, payable at time of transfer of title, but in no event later than sixty (60) days after the date of the land sale. In the event the Borough Attorney certifies to the Borough Council that questions of title exist, in that event payment shall be made within 150 days after the date of land sale, unless further extended by resolution of the governing body.

I. In the event the purchaser shall fail to pay the balance due as herein provided, the payment made at the time of the public auction shall be retained by the Borough as liquidated damages for the non-performance of the bidder.

J. No representation is made by the Borough as to the marketability or insurability to title to any parcel. In the event that the title of the Borough to any parcel or portion thereof is not marketable or insurable at regular rates by a reputable title insurance company licensed to do business in the State of New Jersey, a successful bidder's sole remedy shall be the right to demand the return of any deposit paid to the Borough.

K. The successful bidder shall be responsible to pay the administrative fee of \$50.00 towards the sale, a \$500.00 attorney fee to the Borough Attorneys and recording fees. If bidder requires a title search, survey, etc., they shall obtain the same at their own expense.

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

1. That the Borough Council hereby authorizes the sale of the afore-mentioned lands and premises by public auction for the sale price as listed on Schedule A.

3. That upon the adoption of the within resolution, the Borough Clerk is authorized to publish the required notices for the within sale.

PROCLAMATION

NATIONAL LIBRARY WEEK

WHEREAS, our nation's public libraries strive to provide all people with books, computers, videotapes, compact discs, digital video discs, and other resources to enrich their lives; and

WHEREAS, libraries protect the right of all Americans to read, learn and connect to information representing all points of view; and

WHEREAS, libraries are vital to building a nation of readers and creating a lifelong love of reading among our children and youth; and

WHEREAS, millions of Americans rely on libraries for their only access to computers and the Internet, allowing them to get connected to our global society; and

WHEREAS, librarians provide the essential support and education needed by children, teenagers and adults alike in their search for knowledge, information and entertainment; and

WHEREAS, libraryies and library supporters nationwide are celebrating "National Library Week" with the theme

"Free to Read @ your library"

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood, that we hereby proclaim April 6-13, 2003 "NATIONAL LIBRARY WEEK" in the Borough of Beachwood and encourage all people to visit, use, connect and enjoy their, Freedom to Read @ your Library.

Harold R. Morris

Harold R. Morris
Mayor

PROCLAMATION

VICTIMS' RIGHTS WEEK

April 6-13

WHEREAS, the statewide Victim's Rights Summit to be held on April 7, 2003, marks the Crime Victims' Rights Week Kickoff event, which initiates the observance of Crime Victims' Rights Week in the State of New Jersey from April 6 through 13, 2003; and

WHEREAS, the Borough of Beachwood recognizes that on November 5, 1991 the voters of the State of New Jersey adopted Article 1, paragraph 22, the Victims' Rights Constitutional Amendment which promised to all victims of violent crime that they would be treated with "fairness, compassion and respect" in the criminal justice system; and

WHEREAS, the theme for Crime Victims' Rights Week in the State of New Jersey and throughout the nation for the year 2003 is

"Victims Rights – Fulfill the Promise"

WHEREAS, the Borough of Beachwood is pleased to recognize and honor all victims of crime and those activists who have demonstrated concern and compassion on behalf of their fellow citizens who have been victimized by violent crime ; and

WHEREAS, the Borough of Beachwood does hereby affirm its support of statewide and national commitment to violence reduction and victim assistance to help bring criminals to justice, as well as increased efforts to protect citizens and safeguard the rights of those who become victims of crime; and

WHEREAS, the Borough of Beachwood is please to support a statewide "Victims' Rights Summit" which will take place on April 7, 2003 which will bring together victims, advocates, service providers, prosecutors and legislators to celebrate the efforts made on behalf of crime victims in the past and to affirm our goals for the future;

NOW, THEREFORE, BE IT RESOVED by the Governing Body of the Borough of Beachwood that we hereby join in the observance of April 6 through 13 as Crime Victims' Rights Week in the State of New Jersey, and does hereby support the promise to pay tribute to the many individuals and organizations who support and apply their resources in behalf of crime victims, and urges all citizens to do their part to stop violence by reporting crimes and refusing to tolerate injustice in their homes or in their communities.

Harold R. Morris

Harold R. Morris
Mayor

PROCLAMATION NATIONAL VOLUNTEER WEEK

WHEREAS, the week of April 27 – May 3 , 2003 has been proclaimed National Volunteer Week in recognition of the many individuals who give of their time and services to the health, safety and welfare of their community and its residents and

WHEREAS, THE THEME OF the 30th Annual National Volunteer Week is

“Celebrate the American Spirit”

And

WHEREAS, the recognition focuses on the outstanding contributions, service and support given by volunteers to the needs of the communities of Ocean County and the Borough of Beachwood, such as increasing the capacity of agencies and organizations to provide services, increasing the ability of recipients of service to lead more productive and independent lives and fostering the concept of service to the community;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Beachwood that it hereby proclaims the week of April 27 to May 3,

NATIONAL VOLUNTEER WEEK

And honors all of the Volunteers of Ocean County for their outstanding services to the communities of Ocean County, and in particular those volunteers serving the Borough of Beachwood, such as those services provided by local volunteers of First Aid, Fire, and Emergency Management. Scouts, Little League – Soccer and all our Municipal Boards. This governing body urges all of its residents, to join in supporting our local volunteers and expressing our thanks for service to the community.

Harold R. Morris

Harold R. Morris
Mayor

CORRESPONDENCE:



March 24, 2003

Hon. Mayor Harold Morris
Beachwood Borough
1600 Pinewald Road
Beachwood, NJ 08722

Dear Mayor Morris,

The Borough of Pine Beach is sponsoring a 5 K Race on Sunday, June 22nd, and certain roads within the Borough will be closed to vehicular traffic from 9AM to 10 AM. These roads connect to Berkeley Twp. roads, and we would appreciate your consideration in allowing the connecting portion to be closed during the race time.

The enclosed map shows the route and streets involved.

Thank you very much for any consideration you can give this request.

Sincerely,

Charlene A. Carney
Municipal Clerk/Administrator

Clayton; Beverly April 13 – Easter Egg Hunt - Commented on our “America’s Bravest” Wall of Honor project. Soon expect to work on Calendar. Congratulated Newest Officer Keith Meissner and his family. Thanked Librarian Emily Holman for Library events being scheduled.

DiBella; Robert Commended Librarian Holman and the Library staff for all their fine work. Pleased to read about the eviction of T3 offender. Road Maintenance program on going.

Feeney; Gregory Thanked DPW for all their work during recent storms. Court schedule change in effect and running well. Municipal Alliance hosting dance April 11 – Senior Day May 9 . Little League Opening Day April 12 -

LaCrosse; Gerald W. Water Filtration (filter in) needs to be set. Project moving along. Should be up and running soon. Flushing Hydrants April 3rd for three week period.

Miserendino; Thomas Zoning / Code Enforcement Report. Girls Softball opener will be April 26th 9:30 with lead off parade.

Moran; Patricia ABSENT

Mayor Morris ABSENT

Attorney Hierung: Tower Lease ready to go to bid (April 30)

Engineer; Thesing: Bulkhead Revetment moving along. Pre-construction meeting April 14 for 2002 Road Program (DOT)

Municipal Clerk: Beach Concession bids set for April 14th

OPEN TO PUBLIC DISCUSSION

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

Schiffermiller
 Woodward Ave. T3 issue. Prosecutor – Beachwood P.D. were aware months prior, but could not take action. State handles poorly, suggesting letter to State.

LaCrosse: We are going to be working with our Legislators on addressing changes.

March 26th Mr. Zuromski talked bout 2hr round trip for leaves. How long will this be going on?

Zuromski: Will last until County addresses changes. Scheduled discussed by Mr. Thesing.

Spar Avenue ancillary use structure – 2 years ago, and ordinance still not changed. New put up on Pinewald Rd. – Footing?

Council: Noted that owner signed letter stating for storage of Rec. Vehicle only.
 Lipton

Mermaid Ave. Had good working experience with Water utility, working well on his problem.

Gruver
Seaman Ave. Comments on Megans Law issue and individual being evicted. Do we know if he left the area.

DiBella: He went to Toms River

What to do with leaves while site closed.?

Zuromski: Borough has started leaf collection – check calendar.

Kirschgessner Re: Megans Law you can go on line to NJSP.org for informatioin.

CLOSE TO PUBLIC DISCUSSION

Motion: Miserendino Second: DiBella
Approved: Clayton – DiBella – Feeney – LaCrosse – Miserendino
Absent: 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:
Contractual – Engineer
Terms & Condition of Employment – DPW Director
3. It is anticipated that the subject matter discussed may be made public in (90) days.

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

Re-Open

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

NO ACTION TAKEN

ADJOURNMENT

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

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

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