

April 5, 2006

NOT OFFICIAL MINUTES UNTIL APPROVED BY COUNCIL

Beachwood Municipal Complex
1600 Pinewald Rd.

7:00 PM

Call to Order

SALUTE TO FLAG

As of February 1, 2006, 65 Servicemen have been killed, from New Jersey in Iraq and Afghanistan. Our war dead will always be remembered. Their HEROISM deserves its' glory, so too does the bravery of each who entered the unknown of conflict and gave their lives to the cause of FREEDOM.

The greatest tribute we can give is a REMEMBERANCE of OUR HONORED DEAD. In their memory, a moment of silence.

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 Mayor and Council 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, 2006

Roll Call Members Present

Mayor Harold R. Morris

Council members:

	Thomas Miserendino
Gregory Feeney	Patricia A. Moran
Gerald W. LaCrosse	Ronald Roma

ABSENT: Beverly Clayton

Public Hearing on the Municipal Budget

TO OPEN

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

Mr. Antonides: Extraordinary Aid application submitted to DCA. No action
Auditor may be taken on the budget until approval received from
the State.

Novaky
Maple St. Commented on lack of attendance by Newspapers with regard
to the Borough's budget. Not pleased with double digit tax
increase. Council has an obligation to address an
affordable budget. Concerned about the effect re-assessment
will have on the 2007 budget.

Mayor Noted that Mr. Novaky was in attendance at budget
workshops, and witnessed the concerns of council during the
budget preparation. What would you have us do, cut
services.

Mrs. Moran: We started with a 19.9 cent tax increase and made cuts.

Novaky: People are being taxed out of their homes.

Lipton:
Pennant Ave Offered comments on lack of press. Noted that if the
public was concerned they would be at this meeting in
numbers.

Comments on Health Insurance increases. If Borough got paid
for 2 lots on Cherry Street from School Board.

Mayor: We are in discussion with School Board on that matter.

Schiffermiller
Windward Ave Did we defer school tax this year ? YES
How much? \$100,000.
This amount has to be made up down the line?

Mr. Antonides: In theory yes, but probably will never happen.

Byrnes
Pinewald Rd. Question to Feeney - Moran if they get health benefits
through Borough ? YES
To Mr. Lacey NO
Annual salary \$101,000
Stipen in lieu of benefits ? NO
Posess CPWM certification YES
Questions regarding retirement of Mr. Behrens and who will
be assuming his position. Could not be addressed because
no one is aware of intent of Mr. Behrens with regard to
retirement.

TO CLOSE

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second						X
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-114 A WHEREAS, an emergency condition has arisen with respect to the 2006 temporary budget and adequate provision was made in the 2006 budget for aforesaid purpose, and N.J.S.A. 40A: 4-46 provides for the creation of an emergency appropriation for the purpose;

NOW THEREFORE BE IT RESOLVED by Mayor and Council that the follow amendment to the 2006 temporary budget is approved:

Department	From	To
A & E S/W	20,000.	35,000.
Mayor & Council S/W	15,000.	25,000.
Municipal Clerk S/W	16,000.	21,000.
Municipal Clerk O/E	8,000.	12,000.
Financial Adm. S/W	12,000.	16,000.
Tax Collection S/W	40,000.	48,000.
Tax Collection O/E	1,000.	2,000.
Tax Assessment S/W	8,000.	12,000.
Legal S/W	15,000.	17,000.
Engineering O/E	12,000.	20,000.
Uniform Construction Code S/W	5,000.	9,000.
Code Enforcement/Zoning S/W	20,000.	25,000.
Liability Ins. O/E	75,000.	123,500.
Workers Compensation Ins.	85,940.	145,500.
Employees Group Ins.	300,000.	480,000.
Police S/W	500,000.	700,000.
Crossing Guards S/W	8,000.	20,000.
Police O/E	10,000.	15,000.
Fire Company O/E	5,000.	12,000.
Fire Prevention S/W	3,000.	6,000.
Municipal Prosecutor O/E	5,000.	9,000.
Streets & Roads S/W	13,000.	20,000.
Public Works S/W	30,000.	45,000.
Solid Waste Collection S/W	120,000.	180,000.
Recycling S/W	45,000.	55,000.

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Buildings & Grounds S/W	72,000.	102,000.
Vehicle Maintenance S/W	25,000.	45,000.
Vehicle Maintenance O/E	15,000.	20,000.
Public Health S/W	200.	400.
Lifeguards S/W	-0-	12,000.
Lifeguards O/E	-0-	475.
Electricity O/E	35,000.	50,000.
Street Lighting O/E	40,000.	55,000.
Telephone O/E	15,000.	20,000.
Cell Towers	3,000.	5,000.
NJ Natural Gas O/E	20,000.	30,000.
Gasoline & Oil O/E	56,000.	86,000.
Garbage & Trash Disposal O/E	185,176.28	260,000.
Social Security O/E	100,000.	132,000.
Municipal Court S/W	24,700.	55,000.
Water Operating S/W	102,500.	180,000.
Water Operating O/E	112,250.	250,000.
Water Social Security O/E	12,000.	20,000.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second						X
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-114B RESOLVED by Mayor and Council to approve the 2006 Certified Bills List in the amount of A:\$265,714.46 B:\$205,061.91

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-115 RESOLVED by Mayor and Council to approve the minutes of the March 15, 2006 with correction of Resolution #93, meeting of Mayor

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and Council

Question: Feeney - Res. #93 must be corrected to reflect Mr. Feeney and Mrs. Moran as absent - not opposed

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X		X
Abstain					X	
Opposed						
Absent						

#2006-116 RESOLVED by Mayor and Council to approve the Community Center rentals as follows:

<u>2006 Community Center</u>					
May	19	Municipal Alliance		Rental:	WAIVE
		Senior Breakfast		Deposit:	WAIVE
June	23	Dykes		Rental:	\$700
		936 Cherie St.		Deposit:	\$700
		Brick NJ			
July	06	Beachwood Library		Rental:	WAIVE
				Deposit:	WAIVE
July	16	Gaskill		Rental:	\$350
		316 Ensign Ave		Deposit:	\$500
August	13	Paluch		Rental:	\$350
		1409 Ocean Ave.		Deposit:	\$500
August	27	Wagner		Rental:	\$350
		114 Tiller Ave.		Deposit:	\$500
September	17	Cure		Rental:	\$700
		2865 Wilbur Ave		Deposit:	\$700
		Manchester			
September	29	Beachwood Repub. Club		Rental:	WAIVE
		c/o S. Komsa		Deposit:	WAIVE
December	16	Harden		Rental:	\$350
		74 Oak Street		Deposit:	\$500
<u>2007 Community Center</u>					
June	16	Wolf		Rental:	\$350
		600 Ship Ave.		Deposit:	\$500
Mayo Park	2006				

June	17	Shore Vineyard Church	Rental:	\$125
		320 Compass Ave	Deposit:	\$175
June	24	Clark	Rental:	\$125
		48 Poplar St.	Deposit:	\$175
June	25	Brower	Rental:	\$125
		744 Surf Ave	Deposit:	\$175

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion					X	
Second		X				
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-117 RESOLVED by Mayor and Council to approve the following requests for Conference Training Seminar.

Date:	April 4 th - 6 th - 8 th Fire Co. - Dominick Roselli
Location:	Ocean County Fire Academy
Subject:	Emergency Vehicles Operations Course
Cost:	\$0
Vehicle:	Yes

Date:	April 21 st - 29th Fire Co. - William Hopson
Location:	Indianapolis Indiana
Subject:	Training Conference
Cost:	\$0
Vehicle:	No

Date:	April 21 Elizabeth A. Mastropasqua
Location:	Commerce Insurance - Toms River
Subject:	Executive Safety Committee Meeting 10:00
Cost:	\$0
Vehicle:	No

Date:	April 24 th Administrative G. Feeney - E. Mastropasqua
Location:	Beachwood Community Center
Subject:	JIF - Training Roundtable for Safety Coordinators
Cost:	\$0
Vehicle:	No

Date:	May 10 th . Fire Co. - William Hopson
Location:	Monmouth County Fire Academy
Subject:	Improving Workplace Communications
Cost:	\$0
Vehicle:	No

Date:	May 15 th .	Fire Co. - William Hopson
Location:	Mercer County Fire Academy	
Subject:	Leadership Excellence	
Cost:	\$0	
Vehicle:	No	

Date:	May 18 - 19	Municipal Court - Renee Fisher
Location:	Somerset	
Subject:	Municipal Court Assoc. Conference	
Cost:	\$185.	
Vehicle:	No	

Date:	June 07 - 09	Municipal Court - Linda Felton
Location:	Cape May	
Subject:	Municipal Court Administrators Assoc. Spring Conference	
Cost:	\$175.	
Vehicle:	No	

Question Mr. Feeney regarding Court Administrators' classes.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-118 WHEREAS payment was received in the amount of \$20 from Dianne Lefley 236 Mermaid Avenue Beachwood for a pick up of a refrigerator; and

WHEREAS prior to pick up the applicant indicates the refrigerator began working again and removed it from the pickup location.

NOW, THEREFORE, BE IT RESOLVED, at the request of the applicant Dianne Lefley to refund the \$20 fee posted for pick up of refrigerator.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-119

WHEREAS, on October 24, 2005 the Borough received bids pursuant to advertisement for "Live Scan Fingerprinting Equipment"; and

WHEREAS, the bid was awarded to Cross Match Technologies noting all bid documents were provided and the bidder was qualified and bonding posted; and

WHEREAS, the Borough has received and is operating the system and the bid deposit can be returned.

NOW, THEREFORE, BE IT RESOLVED to authorize the refund of the Bid Deposit in the amount of \$2,777.66 to Cross Match Technologies.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second		X				
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-120

WHEREAS, John Kelly was hired as a "Housing Inspector" on February 21, 2006; and

WHEREAS, the hours anticipated at the time of hire do not meet the required workload.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood, effective immediately to approve John Kelly working additional hours as needed over and above the 2 Hours per week at a rate of \$17.50 per hour.

Question: LaCrosse – What is limit of Hours ?

Mr. Lacey: Up to 3

Moran – Will this address the back log

Mr. Lacey: Will help alleviate

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-121

RESOLUTION OPPOSING SENATE BILL S1219 AND S366

WHEREAS, Senator Robert Martin has sponsored Senate Bill 1219 concerning certain amendments to the Open Public Records Act (OPRA) and Open Public Meetings Act (OPMA); and

WHEREAS, Senator Ellen Karcher has sponsored Senate Bill 366 concerning increasing fines for violations of OPMA; and

WHEREAS, the Governing Body of the Borough of Beachwood strongly supports the principles and need for openness and transparency of government and public access to governmental records; and

WHEREAS, the Governing Body of the Borough of Beachwood also strongly supports efficiency of government and the need to reduce the risk, costs and expenses of litigation; and

WHEREAS, Senate Bill 1219 increases fines and penalties for any violation of OPMA and OPRA, in

conflict with N.J.S.A. 59:1-1 et seq. and is otherwise disharmonious with principles of good government in that it;

- a. creates a conflict with the definition of meeting and may cause confusion among officers who are statutorily required to be present at meetings.
- b. adds language, “electronic mail, instant messaging or similar technologies”, which is unnecessary in light of the existing all inclusive language “or by means of communication equipment” pertaining to meetings.
- c. changes the 48 hour notice requirement to a three business day requirement which will frustrate the ability to have meetings because the newspapers need time to process notices.
- d. provides for public comment at any meeting of any public body, with not less than five minutes per speaker and not less than one hour in total and is unduly burdensome.
- e. requires the specification of the basis for excluding the public from executive sessions which may lead to confusion, added litigation and potential exposure to liability.
- f. regarding minutes is overly burdensome on the resources of the municipality and may lead to increased expenditure of public funds.
- g. provides for unilateral attorneys fees for the complainant which is unfair and has the effect of frustrating the operation of local government. Attorney’s fees should be available to both parties.
- h. expanding the Government records council to include OPMA will further backlog an already inundated agency and prolong litigation.
- i. jeopardizes validly confidential matters and puts officials in the position of having to be an unwilling participant in the public potential disclosure.
- j. jeopardizes the confidentiality of executive sessions and the purpose of the exception to OPMA.
- k. deletes the “knowing and willful” standard to “substantially” standard, placing the municipality and officers in risk of litigation in conflict with N.J.S.A. 59:1-1 et seq.
- l. inappropriately provides for legal representation (“presenters”) of private individuals and payment for same with public monies.
- m. regulations authorized by the new agency called the Open Government Council (OGC) would be limited in applicability and may result in inconsistent Superior Court and OGC decisions
- n. requires a quarterly review of minutes and recordings of closed session items which has the potential to jeopardize confidentiality.
- o. takes a step back in the advancement of technological tools available to public bodies to properly advise the public.
- p. recordation of executive sessions at which confidential matters are discussed,
- q. imposes additional burdens of requirements upon sub-committee meetings.
- r. requires that minutes be available within five (5) business days thereby creating undo hardship upon the office of the municipal clerk and limits the resources of the municipality.

- s. requires local government to establish an municipal internet site which may not be feasible and unnecessarily increases costs of municipalities ; and

WHEREAS, Senate Bill 1219 continues exempt the legislative branch of State government from the same requirement that Senate Bill 1219 would oppose on municipalities, counties, school districts, and authorities.

WHEREAS, Senate Bill 366 changes the “knowingly violates” standard to “knowing or negligently violates” standard which is in conflict with N.J.S.A. 59:1-1 et seq. and is otherwise disharmonious with principles of good government in that it;

- a. Increases ten fold, the fines any violations of the statute thus subjecting municipalities and their officers to increased costs and risk of exposure to litigation
- b. provides for unilateral attorneys fees for the complainant which is unfair and has the effect of frustrating the operation of local government. Attorney’s fees should be available to both parties.
- c. inappropriately includes audio and visual recordings to minutes, placing an undue burden on municipalities to make audio and visual recordings available to the public on the same basis as minutes

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

1. That the Governing Body does hereby oppose the adoption of Senate Bill 1219 and Senate Bill S366 for the reasons set forth above and for the reason that said Bills will not positively affect the public’s access to open government and will more likely than not have the counter-effect of frustrating the operation of local government.
2. That a copy of this Resolution be forwarded to Senate State Government Committee, Assembly compliment and the New Jersey State League of Municipalities.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second						X
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-122 RESOLUTION OF THE BOROUGH OF BEACHWOOD COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING SENATE BILL 8-278 REDUCING DRUG-FREE SCHOOL ZONES

WHEREAS, there is now pending in the New Jersey Legislature S-278 which would reduce the drug free school zones and drug free public property zones from 1,000 feet to 200 feet; and,

WHEREAS, persons who commit offenses within 1,000 feet of a school zone or public property zone would benefit from this legislation; and,

WHEREAS, S-278 would also reduce certain penalties for those convicted of drug offenses within the aforesaid zones; and,

WHEREAS, the bill is being proposed by Senator Kenny of Hudson County whose district has a high concentration of schools and public parks and public property which results in most of the area being subject to the enhanced penalties; and,

WHEREAS, the drug free school zones and drug free public property zones have been an effective law enforcement tool in reducing the exposure of young people to narcotics; and,

WHEREAS, the Governing Body of the Borough of Beachwood strongly opposes the reduction of the zone, distance or penalties which would be advantageous to the criminal class.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey, hereby strongly opposes the passage of S278 for the aforesaid reasons; and,

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward certified copies of this resolution to the following:

- A. Governor
- B. All Legislative Districts
- C. Ocean County Municipalities.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second		X				
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

ORDINANCE FINAL READING – PUBLIC DISCUSSION – ADOPTION

#2006-07 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY SUPPLEMENTING CHAPTER XVII ENTITLED “DEVELOPMENT” TO INCLUDE AN ARTICLE ENTITLED “STORMWATER MANAGEMENT CONTROL”

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second						X
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

Lipton

Pennant Ave: Requested explanation of ordinance.

Mr. Oris – Mr. Lacey provided comments on purpose of ordinance.

Felt that council should be familiar with the purpose of the ordinance because of the effect on vacant land that has to be developed. Believes ordinance should be tabled until Council is better able to explain.

Byrnes

Pinewald Rd. Is this ordinance specific to Pinewald Rd.?

Mr. Oriss - No

How does it affect the new Cranberry Road development.

Mr. McKenna If development has been approved before the adoption of the ordinance it is not affected.

Mr. Oris - Stormwater management mandates have been in effect now for 18 months and changing daily.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

RESOLUTION

#2006- 123 RESOLVED by Mayor and Council to approve and adopt Ordinance #2006-07 as presented and held for public discussion

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	
Abstain						X
Opposed						
Absent	X					

ORDINANCE FINAL READING – PUBLIC DISCUSSION - ADOPTION

#2006-08 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY SUPPLEMENTING CHAPTER XVII ENTITLED “DEVELOPMENT” TO INCLUDE STORMWATER MANAGEMENT CONTROL WITHIN THE BOROUGH AND THE BOROUGH’S PINELANDS AREA.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

Byrnes
Pinewald Rd. Abstention vote by Mr. Roma how does that count.

Attny McKenna: A “NO” vote.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

RESOLUTION

#2006-124 RESOLVED by Mayor and Council to approve and adopt Ordinance #2006-08 as presented and held for public discussion

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	
Abstain						X
Opposed						
Absent	X					

#2006-125

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.19B7, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and .

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants for calendar year 2005 will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Council of the Borough of Beachwood to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood that The Borough of Beachwood hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates John Behrens to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second						
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

**Resolution Supporting the *Click It or Ticket* Mobilization of
May 22 - June 4, 2006**

Whereas, there 757 motor vehicle fatalities in New Jersey in 2005; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

Whereas, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2006; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 22 - June 4, 2006 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 86% to 88%; and

Whereas, a further increase in safety belt usage in New Jersey will save lives on our roadways;

Therefore, be is resolved that Mayor and Council of the Borough of Beachwood hereby declares it's support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 22 - June 4, 2006 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second		X				
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

Question: Mr. Feeney regarding "grant".

#2006-127

Resolved by Mayor and Council to authorize the Municipal Clerk to place the following for public auction.

Tag #	Year	Make/Model	Vin Identification	Mileage	Blue Book	Min. Bid
2005-008	1987	GMC WAGON CONVERSION VAN	1GDE25H8H7517184	269,765	\$ 605.00	\$ 150.00
2005-089	1995	FORD 2 DOOR WIND STAR	2FMDA5143SBA89248	130,534	\$ 2,130.00	\$ 500.00
2005-111	1988	CHEVY 4 DOOR NOVA	1Y1SK614XJZ049027	159,696	\$ 630.00	\$ 150.00
2005-116	1984	FORD TRUCK	1FCJE37G6EHA94811	159,423	\$ 750.00	\$ 200.00
2005-117	1988	HONDA 2 DR. PRELUDE	1HGCA6182JA040370	40,730	\$ 1,375.00	\$ 450.00
2005-119	1982	FORD WAGON	1FMEE11G7CHB20548		\$ 750.00	\$ 200.00
2006-005	1993	MERCURY 2 DOOR COUGAR	1MEPM6247PH619355	182,807	\$ 1,050.00	\$ 400.00

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second		X				
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-128

WHEREAS, Frank Melillo was appointed as Deputy OEM Coordinator effective February 1, 2006;

NOW, THEREFORE BE IT RESOLVED by Mayor and Council to approve the salary (OEM Deputy Coordinator) for Frank Melillo effective February 1, 2006 to be \$1,084.00 annually.

Question: Feeney: Is this a stipend ?

Treasurer: No – salary

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-129

RESOLVED by Mayor and Council to approve the following applications for Junior membership into the Beachwood Volunteer Fire Company #1 Inc.

Alex Rusell Minich	67 Shell St.	Beachwood
John M. Garrett	1252 Mizzen Ave	Beachwood
Daniel Paul Jensen	1145 Ocean Ave	Beachwood

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-130

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BEACHWOOD AUTHORIZING THE EXECUTION OF A CORRECTORY DEED FROM THE BOROUGH OF BEACHWOOD TO THE COUNTY OF OCEAN FOR THE "NON-BLIGHTED AREA" IN BEACHWOOD WEST AND FURTHER AUTHORIZING THE TRANSFER OF A PORTION OF THE BASE OF HICKORY STREET AS REQUESTED BY OCEAN COUNTY

WHEREAS, the Borough of Beachwood previously conveyed the area known as Beachwood West to the County of Ocean; and

WHEREAS, subsequent to said conveyance of the area known as the "non-blighted area", the County determined certain erroneous descriptions and exceptions in said description; and

WHEREAS, in the bond reviewed by the County, they have requested that a metes and bounds description be used to properly describe said areas and the areas of any streets vacated by the Borough; and

WHEREAS, the County has additionally requested that the Borough convey certain areas lying in the bed of Hickory Street as realigned and reconstructed by the County of Ocean; and

WHEREAS, it is now the desire of this governing body to act upon the County's request.

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. The Mayor and Clerk are authorized to execute a Correctory Deed from the Borough of Beachwood to the County of Ocean for the "non-blighted area" in Beachwood West in order to correct and complete the conveyance to show the area intended to be conveyed to the County of Ocean.
2. That the Mayor and Clerk are further authorized to execute a deed for a portion of the right-of-way to the County of Ocean for a portion of the bed of Hickory Street.
3. That upon the adoption of the within resolution, the Clerk is authorized to forward certified copies of it to the County of Ocean along with the fully-executed deeds and to further supply copies to the Borough Engineer and the Borough Tax Assessor.

Questions: Mr. Feeney – re. piece of property (park)
Mrs. Moran – re: bed of Hickory St.

Mr. McKenna: Cleans up language
Mr. McKenna: Conveying to County since road is now owned by County.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

CORRESPONDENCE:

- a. Letter from Octavia Wagner – canceling use of Community Center August 27, 2006.

RESOLUTION: WHEREAS, on April 5th, 2006 under resolution #2006-116, approval was given for rental of the Community Center by #2001-131 Octavia Wagner for and August 27th rental for a "Baby Shower" and

WHEREAS, on April 3, 2006, the Borough received written notice of a cancellation resulting from the loss of the baby; and

WHEREAS, there would normally be a cancellation fee of \$100, but due to extenuating circumstances Council has waived that requirement.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to authorize a full refund in the amount of \$850 to Octavia Wagner 114 Tiller Avenue Beachwood, said refund reflecting rental and deposit for Community Center August 27th, 2006.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second				X		
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent						

COUNCIL REPORTS

- Mayor Morris No formal report
- Beverly Clayton Absent
- Gregory Feeney No report
- Gerald W. LaCrosse Flushing hydrants under way. Moving along on all projects. Commented on the passing of Consumer Affairs (County) Director Kenneth Leake.
- Thomas Miserendino No report
- Patricia A. Moran Another Eagle Scout project in works, benches along the beach. Community Center interior clean up project completed, it looks good. Looking into complaints on boardwalk. Thanked Mr. Roma for taking care of the millings for the park. Alliance Newsletter was great, all connected with Alliance doing a great job.
- Ronald Roma Road work has begun. Windward Ave to follow (100 block) end of April. Alliance Dance April 14.

Administrator Lacey No report

Municipal Attorney No report

Municipal Engineer; Oris Reimbursement available for “beach sand” replenishment.

Needs authorization to advertise bids:

RESOLUTION
#2006-132

RESOLVED by Mayor and Council to authorize Schoor DePalma to advertise bids for Phase II Railroad Drainage.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

Discussion on footage of drainage work to be done, and noting it would be in multiple phases. Work already done seems to have addressed about 50% of the problem.

Mrs. Moran: Questioned status of bulkhead revetment reimbursement.

Mr. Oris Legal documents addressing easements and language of agreement were addressed. Voucher signed and returned to state.

Council may also wish to have Schoor DePalma submit a letter to State for “Shore Protection” grant with 25% matching funds.

Treasurer Dehnz: No report

Clerk Mastropasqua

RESOLUTION
#2006-133

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH AND JAC EXCAVATING, INC. INCREASING THE CONTRACT BY \$7,220.00 FOR AN ADJUSTED CONTRACT PRICE OF \$231,800.00

WHEREAS, the Borough of Beachwood previously awarded a contract to JAC Excavating, Inc. for the Beachwood Landfill Closure in the amount of \$224,580.00; and

WHEREAS, the Borough Engineer has recommended a contract modification to add an additional stone swale area to avoid future erosion; and

WHEREAS, the Borough Engineer has additionally recommended the approval of Change Order No. 1 increasing the contract by \$7,220.00 or 3% of the contract price; and

WHEREAS, it is now the desire of this governing body to act upon said recommendation.

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 of the Borough of Beachwood hereby approves Change Order No. 1 to the contract between the Borough and JAC Excavating, Inc. for the Beachwood Landfill Closure increasing the contract by \$7,220.00 to an adjusted contract price of \$231,800.00.
2. That upon the adoption of the within resolution, the Clerk is authorized to forward a certified copy of it to the Borough Engineer and JAC Excavating, Inc.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

**PUBLIC DISCUSSION
TO OPEN**

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second		X				
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

Byrnes
Pinewald Road

Drainage problem (Anchor and Pinewald) has brought to Council's attention on many occasions. Concerned about incidents of "hydroplaning". Asked Mr. Roma to look into, but no one has spoken to him about it. Will not advise council again. Putting Borough of notice and worried about the kids walking in the area.

Novaky
Maple Street

To Mr. Feeney regarding "health insurance" changes. Understands that changes can be made if "similar or better".

Feeney: Currently discussing with "bargaining units". Potential to save 10% - 20% after shopping around. Borough currently pays \$500,000 for Health Insurance.

Schiffermiller
Windward Ave.

Questioned "Housing Inspector" purpose.

To address rental and re-sale CO's.

Commented on recent OPRA requests in connection with officers working at the High Velocity Sports Bar. Why cost was reduced for that location from \$49.90 to \$27.90.

Mayor: Because of the consistency of the work at that location.

Officers were working before the Ordinance was adopted, were they doing it with the Borough's Authority. Their policy also needs to be updated.

**PUBLIC DISCUSSION
TO CLOSE**

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second				X		
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

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 - Public Works - Police
Contractual - COAH - Engineer
Pending Litigation - Lattimer - Zuromski

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

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

TO RE-OPEN

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

ACTION TAKEN RESULTING FROM THIS MEETING

RESOLUTION

#2006-134

RESOLVED by Mayor and Council of the Borough of Beachwood, to approve a pro-rated clothing allowance of \$300 for Nino LaColandra.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion				X		
Second					X	
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-135

RESOLVED by Mayor and Council of the Borough of Beachwood to approve the agreement between the Borough of Beachwood and Schoor DePalma for design of Re-grading of Waterfront area.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion						X
Second				X		
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-136

RESOLVED by Mayor and Council of the Borough of Beachwood to authorize the Municipal Attorney to prepare amendment to ordinance "First Aid Building" for soft costs in the amount of \$50,000.00.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion				X		
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-137

RESOLVED by Mayor and Council of the Borough of Beachwood to authorize the Municipal Attorney to prepare Ordinances addressing increase in Escrow Fees for Land Use and establishing a \$40 fee for discharge of Mortgages in connection with the Borough's Housing Rehabilitation program.

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion			X			
Second						X
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

#2006-138

RESOLVED by Mayor and Council of the Borough of Beachwood to approve the permanent title status, as per NJDOP Certification of Eligibles dated February 21, 2006 of the following:

- Todd E. Adams - Truck Driver
- Jeffrey R. Clayton - Truck Driver
- Lance P. Starmer - Truck Driver

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion		X				
Second			X			
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

TO ADJOURN

	Clayton	Feeney	LaCrosse	Miserendino	Moran	Roma
Motion				X		
Second						X
Approved		X	X	X	X	X
Abstain						
Opposed						
Absent	X					

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua
Municipal Clerk