

April 16, 2003
Beachwood Municipal Complex

7:00 PM

Call to Order

Salute to the Flag Led by Pack 114 Boy Scouts

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
Mayor Harold R. Morris

Council Members:

Beverly Clayton Gerald W. LaCrosse
Robert DiBella (7:20 p.m.)
Gregory Feeney Patricia A. Moran

Absent: Thomas Miserendino

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.

#2003-127 WHEREAS, THE 2003 TEMPORARY BUDGET HAS BEEN STRUCK; AND WHEREAS, THERE IS NOT ENOUGH FUNDS PROVIDED UNTIL THE FINAL BUDGET IS APPROVED; AND NO ADEQUATE PROVISIONS HAVE BEEN MADE IN THE 2003 TEMPORARY APPROPRIATIONS; AND

WHEREAS, N.J.S. 40A: 4-20 PROVIDES FOR THE CREATION OF ANY EMERGENCY TEMPORARY APPROPRIATION FOR THE PURPOSE STATED HEREIN;

NOW, THEREFORE, BE IT RESOLVED BY MAYOR AND COUNCIL OF THE BOROUGH OF BEACHWOOD TO APPROVE THE FOLLOWING AMENDMENTS TO THE TEMPORARY BUDGET IN ACCORDANCE WITH PROVISIONS OF N.J.S. 40A: 4-20:

DEPARTMENT	FROM	TO
MAYOR & COUNCIL S/W	13,500.	15,800.
MUNICIPAL CLERK S/W	14,000.	18,500.
MUNICIPAL CLERK ADVERTISING	2,000.	3,000.
FINANCIAL ADMINISTRATION S/W	6,500.	8,000.
REVENUE ADMINISTRATION S/W	41,000.	52,000.
TAX ASSESSMENT S/W	7,700.	10,000.
LEGAL S/W	12,000.	20,000.
LEGAL O/E	15,000.	20,000.
ENGINEERING O/E	30,000.	45,000.

UNIFORM CONSTRUCTION CODE S/W	8,000.	10,000.
CODE ENFORCEMENT/ZONING S/W	15,000.	20,000.
EMPLOYEES DENTAL O/E	16,000.	26,000.
EMPLOYEES GROUP INSURANCE O/E	195,000.	275,000.
POLICE S/W	450,000.	600,000.
CROSSING GUARDS S/W	12,000.	14,200.
OEM S/W	2,000.	2,500.
AID TO VOL. AMBULANCE O/E	5,000.	8,000.
FIRE PREVENTION S/W	3,500.	5,000.
MUNICIPAL PROSECUTOR O/E	7,500.	8,500.
STREETS & ROAD S/W	30,000.	35,000.
PUBLIC WORKS S/W	50,000.	68,000.
PUBLIC WORKS O/E	2,000.	3,000.
SOLID WASTE COLLECTION S/W	90,000.	120,000.
SOLID WASTE COLLECTION O/E	8,000.	9,000.
RECYCLING S/W	60,000.	80,000.
RECYLING O/E	8,000.	11,000.
BUILDINGS & GROUNDS S/W	43,000.	56,000.
BUILDINGS & GROUNDS O/E	30,000.	60,000.
VEHICLE MAINTENANCE S/W	30,000.	37,000.
VEHICLE MAINTENANCE O/E	15,000.	25,000.
GASOLINE & OIL O/E	25,000.	35,000.
GARBAGE & TRASH DISPOSAL	150,000.	215,000.
SOCIAL SECURITY O/E	75,000.	90,000.
MUNICIPAL ALLIANCE	-0-	6,320.
MUNICIPAL ALLIANCE CASH MATCH	-0-	1,580.
OEM ASSISTANCE PROGRAM S/W	-0-	2,000.
MUNICIPAL COURT S/W	35,000.	40,000.
PEOSHA FIRE O/E	-0-	5,000.
MUNICIPAL INFRASTRUCTURE LOAN INT.	-0-	3,000.
WATER S/W	130,000.	160,000.
WATER BOND PRINCIPAL	-0-	60,000.
WATER INTEREST ON BONDS	6,938.	50,000.
WATER SOCIAL SECURITY	10,000.	15,000.

Motion: Moran Second: LaCrosse
Approved: Clayton – Feeney – LaCrosse – Moran
Absent: DiBella (for this vote only) Miserendino Abstain:

#2003-128 RESOLVED by the Governing Body of the Borough of Beachwood to approve the 2003 Certified Bills List in the amount of A: \$ 739,285.27

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

#2003-129

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

COMMUNITY CENTER 2003				
Aug	09	Tansley	Rental:	\$175
		324 Seaman Ave	Deposit:	\$300
Sept.	07	Garofalo	Rental:	\$175
		1429 Neptune Ave.	Deposit:	\$300
COMMUNITY CENTER 2004				
March	27	Busardo	Rental:	\$175
		544 Anchor Ave	Deposit:	\$300
Aug.	07	Arthur	Rental:	\$350
		2266 Lakeside Dr. So. Forked River	Deposit:	\$500

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

#2003-130 WHEREAS on December 4, 2002 under Resolution #2002-371, approval was given for rental of the Community Center on July 27, 2003 by Kerry L Beese, 97 Bowline Street , Beachwood, noting all resident fees posted (\$475.00); and

WHEREAS, on April 07, 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 Kerry L Beese, 97 Bowline Street , Beachwood said refund reflecting a \$75 cancellation fee.

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

#2003-131 RESOLVED by Mayor and Council to approve the following Conferences – Seminars – Training requests.

Date:	May 15 - & June 16	Charles Bauer
Location:	May 15 (O.C. Fire Academy)	June 16 (Cape May County Fire Police Academy)
Subject:	Ethics & Values (May 15)	Technical Report Writing (June 16)
Cost:	\$0	
Vehicle:	No	
Date:	June 3 – June 6	Linda Felton
Location:	Cape May	
Subject:	Court Spring Conference	

Cost:	\$160
Vehicle:	NO
Date:	April 30 – May 3 rd – 7 th – 10 th – 14 th – 17 th Gerrold Moore (Fire Company)
Location:	Ocean County Fire Academy
Subject:	Basic Pump Operations
Cost:	\$0
Vehicle:	NO
Date:	April 26 Michael Staples
Location:	O.C. Fire Academy
Subject:	Scott Field Maintenance Repair
Cost:	\$0
Vehicle:	No
Date:	May 3 Thomas Miserendino – William Hopson
Location:	Rahway N.J. (Merck Corp)
Subject:	Fire Chief's Symposium
Cost:	\$35.00 @
Vehicle:	NO

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

#2003-132 WHEREAS, the Borough of Beachwood advertised for the receipt of bids for the beach concession; and

WHEREAS, at the time and place of the opening of bids, two bids were received

Katherine Morris – Brick New Jersey
And Pied Piper Ice Cream – Neptune New Jersey;

And

WHEREAS, Pied Piper was the highest bid received.

NOW THEREFORE BE IT RESOLVED by Mayor and Council to award the contract for Beach Concession – to Pied Piper Ice Cream – Neptune N.J. in the amount of \$2,150.00.

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

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

No questions from public

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2003-135 RESOLVED by Mayor and Council to approve and adopt Ordinance #2003-05 as presented and held for public discussion.

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

#2003-06

ORDINANCE

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.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

No questions from public

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2003-136 RESOLVED by Mayor and Council to approve and adopt Ordinance #2003-06 as presented and held for public discussion

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

CORRESPONDENCE:



OCEAN COUNTY LIBRARY

BEACHWOOD BRANCH

126 BEACHWOOD BOULEVARD, BEACHWOOD, NJ 08722-2810
732-244-4573

April 7, 2003

Mayor Harold R. Morris
Borough Council
Borough of Beachwood
1600 Pinewald Road
Beachwood, NJ 08722

Dear Mayor Morris and Council members,

The Beachwood Branch of the Ocean County Library would like to reserve the Beachwood Community Center on Thursday, July 31 from 2:30 p.m. to 5:00 p.m. This program will feature Kenneth Littlehawk's presentation on native American culture.

Thank you for your support at last week's Borough Council meeting. We are looking forward to some exciting events this summer and fall.

Sincerely,

A handwritten signature in cursive script that reads "Emily C. Holman".

Emily C. Holman
Supervising Librarian

CC: Betty Mastropasqua

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

April 3, 2003

Borough of Beachwood
1600 Pinewald Rd
Beachwood NJ 08722

To whom it may concern;

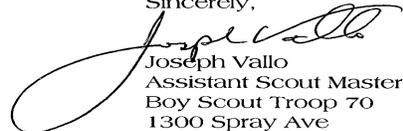
I am making a request for the use of the Beachwood beach on behalf of Boy Scout Troop 70. The event is an end of the season family picnic and court of honor. This year with many new Scouts and parents we planned events around the Beachwood beach.

The picnic would begin around 6:00 pm on June 27th with June 28th as a rain date. The Scouts are very conscientious in keeping the beach and our town clean and will be fully supervised since this is a family event. I will notify the Bureau of Fire prevention for the requested use of the Beachwood beach on these dates along with request the use of a fire permit. We will gladly abide by the regulations enforced by the Borough of Beachwood and the Bureau of Fire Prevention.

The Borough of Beachwood and the Bureau of Fire Prevention has been gracious in providing us with the use of the beach and a fire permit in the past when the boys were Webelos. The boys, their families and I would be appreciative for the opportunity to use the beach for this event now that they have moved on to Boy Scouts. It has been a great success in the past and we would like to continue this event with everyone's cooperation.

Thank you for your time and consideration in this matter. Please feel free to call me at any time.

Sincerely,



Joseph Vallo
Assistant Scout Master
Boy Scout Troop 70
1300 Spray Ave
Beachwood NJ, 08722
732-240-0065

PENDING FIRE PERMIT - Advise that there will be a concert in the park on June 27th –

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

APPROVED – Reminder of numbers of people permitted in Community Center.



OCEAN COUNTY SOIL CONSERVATION DISTRICT

714 Lacey Road, Forked River, NJ 08731
Tel 609.971.7002 • Fax 609.971.3391 • www.ocscd.org

April 4, 2003

ELIZABETH A. MASTROPASQUA, RMC/CMC
BOROUGH OF BEACHWOOD
1600 PINEWALD ROAD
BEACHWOOD NJ 08722

Dear Ms. Mastropasqua:

To confirm our recent conversation, as part of one of the field trips planned for the Environmental Educators' Roundtable on Wednesday, April 30, 2003, we would like to visit the stormwater basin in the rear of the Beachwood Municipal Building sometime between 4:30 and 6:30 p.m. The group will include between 12 – 14 people.

If you require any further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Jennings".

Kerry Jennings
Conservation Specialist

KJ:bb

No refund approved. State regulates licensing. Borough sends sufficient notice and prior licensing notes expiration of license..

600 Leeward Avenue
Beachwood, NJ 08722

April 4, 2003

Beachwood Boro
Animal Licensing
1600 Pinewald Road
Beachwood, NJ 08722

The purpose of this letter is to obtain a waiver of a late fee imposed by the Municipal Animal License Office, and initiate a review of the notices sent to residents so the language used is clear and actually states what is intended so it is understood by residents.

The following statements reflect the language of the notices:

- a. Postal Patron Post Card which states: "...are not purchased by January 31, 2003....."if your pet's Rabies Vaccination expires between January 1 – October 31, 2003 you will NOT be able to obtain a 2003 Dog or Cat License....." (*I understood this to mean what was stated, the dog's license is due between Jan-Oct, and it was NOT possible to obtain a license until inoculation was received*)
- b. Animal Licensing Statement indicating Fee plus Late Fee is due.
- c. Yellow note threatening a summons will be issued and states in part:....."if the rabies inoculation expires prior to November 1, 2003 we are unable to renew the license until the dog or cat receives a current rabies shot. (*I understood this to mean, since the dog's license is due before Nov, it was not possible to obtain a license until inoculation as received*)

Based on the information sent above, since the Rabies Shot due in this case was between January 1 – October 31, 2003; the notices specifically states NOT able to obtain license, and that the license could not be renewed until a current Rabies Shot was administered, it was interpreted that NOT able and could not be renewed to mean that once the shot was administered, then the license could then be renewed.

The rabies shot in this case was due on 2/28/03. On 3/3/03, an immediate family member (88 years old) was rushed to Community Memorial Hospital with congestive heart failure, released after 10 days to a rehab center, after two weeks rushed back to the hospital for another week and was finally released home on 4 April 2003.

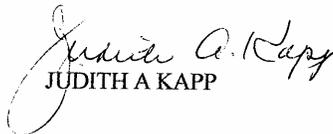
On 4 April 2003, a rabies shot was administered. Immediately after the veterinary visit the rabies certificate was presented indicating the license fee would be paid, and the late fee questioned based on the notice statements above sent to residents. Apparently the clerk who handles licensing was not available, other assistance could not be given until her return and the only advisement was to pay the fee and/or write to the Mayor and Council for waiver consideration of the late fee. It was also indicated because Beachwood holds a free clinic every year and dogs can get rabies shots prior to their due dates, residents are expected to come to the fee clinic, regardless if the shots are due or not, and have it done in January. My response addressed concern for administering shots to an animal prior to it being necessary and was advised that people do it all the time, and just call the vet.

It is apparent, based on the information received, that what is sent to residents does not reflect the intent of the Jan - Oct statement, and assumes that residents will every year attend the free clinic to avoid a late fee/summons, even when the official notice indicates you cannot and will not be issued a license until the shot is current.

In lieu of writing to the Mayor and Council, as it is expected their agenda contains more important issues to address, it is requested the late fee be waived and an amendment be made to the notices residents receive. Such amendment should reflect a clear statement of the requirements and intentions of those requirements.

Return of the late fee is requested and appears to be appropriate in this case. If that authority rests only with the Mayor and Council, please forwarded this letter and provide the date it will address as an agenda item. Small cost items should not have to be addressed this way as the time it takes for resolution usually costs more than a single fee. The concern is for the many fees that are being imposed because the intentions are not made clear to the residents. Licensing fees are warranted, ambiguous statements leading to late fees need to be corrected.

Sincerely,


JUDITH A KAPP

*\$ 13.00 enclosed
request return of \$ 5.00 late fee*

RESOLUTION

#2003-140

To approve the request of Pack 114 for Campfire on the Beach May 22, 2003, pending Fire Official issuing permit.

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

#2003-141

RESOLVED by Mayor and Council to approve the donation of one Trash Receptacle to the Beachwood PTO for use in their Chinese Auction.

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

COUNCIL REPORTS

Clayton; Beverly Status of Fireworks program. Alliance letter recently sent out was very good. Beach opening date June 28th. July 4th closing at 4:00. Hours of operation discussed.
Recreation Egg Hunt April 13 very successful.

DiBella; Robert Presented resolution to council he wished to read into minutes. On advise of Municipal Attorney M. McKenna, council had not sufficient time to review, Mr. DiBella was advised it should not be read at this time. Council needs opportunity to read. Wanted for the record, that in future when Mayor and Clerk ,groups such as scouts are attending a meeting, he be advised.

Feeney; Gregory County working on Recycling site.
Would like council to research “No Smoking – Parks and Recreational sites”.
Little League Opening day was rained out. Made snap decision to move teams into Complex for photo sessions. In future will send letter to council. Received phone call complimenting Court interaction. Alliance Dance April 11th was very successful. May 9th “Senior Health Day”

LaCrosse; Gerald W. Commend Pack 114 on behavior. School Budget approved. Will now be moving on new school. Water filtration program progressing.

Miserendino; Thomas Absent:

Moran; Patricia DPW busy on spring projects. Girls Softball volunteered to address building. Beach revetment on going. Many things left to do.

Mayor Morris Due to family matter was unable to attend Egg Hunt. Commended all involved on job well done. Read letter from JCPL advising of upgrade in Beachwood. Cell Tower construction under way. Oyster Creek will have representative attending meeting (May 7) to comment on recent security issue at the power plant. Thanked pack 115

Attorney McKenna: No report. Executive Session item.

Engineer; Thesing: Report on Bulkhead revetment.

Requested authorization as follows:

#2003-143 RESOLVED by Mayor and Council to authorize Engineer David Thesing (Owen Little Associates) to prepare applications for 2004 DOT Funding for Bikeway Project and Roadway Project.

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

OPEN TO PUBLIC DISCUSSION

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

CLOSE TO PUBLIC DISCUSSION

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

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 – Police
Potential Litigation - Police
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 – Moran
Absent: Miserendino

Re-Open

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

NO ACTION TAKEN RESULTING FROM EXECUTIVE SESSION THIS DATE

ADJOURNMENT

Motion: LaCrosse Second: Feeney
Approved: Clayton – Feeney – LaCrosse – Moran
Opposed: DiBella - Commented on his inability to discuss the resolution presented.
Absent: Miserendino

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

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