

April 20, 2005

7:00 P.M.  
Beachwood Municipal Complex  
1600 Pinewald Rd.

Flag Salute

A Moment of silence in memory our Military men and women who have lost their lives in service to our country. For the men and women serving around the world, may they have a safe return home.

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 was posted on the Bulletin Board located in the Municipal Complex and delivered to the Asbury Park Press and Ocean County Observer on January 1, 2005.

Members Present:

Mayor Harold R. Morris

Council members:

|                 |                    |
|-----------------|--------------------|
| Beverly Clayton | Thomas Miserendino |
| Gregory Feeney  | Patricia Moran     |
| Gerald LaCrosse | Ronald Roma        |

Absent:

PUBLIC HEARING – MUNICIPAL BUDGET 2005

To Open:

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

Novaky

Maple St. Expressed frustration with budget. No help with municipal property tax. Local rate is 13% increase. Someone needs to take a financial leadership roll. Comments on the Cap Index Ordinance.

Council: Borough is caught between rock and hard place. Increases in health benefits, tipping fees, insurance and implementation of mandatory requirements (stormwater management).

PUBLIC HEARING

To Close

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

RESOLUTION NO PERMISSION FROM THE STATE TO ADOPT

#2005-115 RESOLVED by Mayor and Council to approve and adopt the Municipal Budget 2005 as presented and held for public discussion.

#2005-116 RESOLVED by Mayor and Council to approve the 2005 Certified Bills List in the amount of \$265,899.34

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

#2005-117 RESOLVED by Mayor and Council to approve the following requests for rental of Community Center and Mayo Park as follows:

|                       |    |                 |          |       |
|-----------------------|----|-----------------|----------|-------|
| COMMUNITY CENTER 2005 |    |                 |          |       |
| August                | 28 | Butler          | Rental:  | \$350 |
|                       |    | 708 Tiller Ave  | Deposit: | \$500 |
| MAYO PARK 2005        |    |                 |          |       |
| May                   | 21 | Nealn           | Rental:  | \$125 |
|                       |    | 1024 Spray Ave. | Deposit: | \$175 |
| May                   | 22 | Fagan           | Rental:  | \$125 |
|                       |    | 1237 Cable Ave  | Deposit: | \$175 |

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

#2005-118 RESOLVED by Mayor and Council to approve the following requests for Conference Training and Seminar

|           |                               |                        |
|-----------|-------------------------------|------------------------|
| DATE::    | May 03                        | Anthony Bernard (DPW)' |
| SUBJECT:  | Initial Blood Borne Pathogens |                        |
| LOCATION: | Jackson Township              |                        |
| COST:     | \$0                           |                        |
| VEHICLE:  | Yes                           |                        |

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

#2005-119 RESOLVED by Mayor and Council to correct resolution #2005-70 February 16<sup>th</sup>, approving an agreement between Schoor DePalma and the Borough of Beachwood for T2W2 Water License – from effective April 1, to effective date April 15<sup>th</sup>.

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

**THE FOLLOWING IS ACTION RESULTING FROM EXECUTIVE SESSION APRIL 6<sup>th</sup> 2005.**

#2005-120 TABLED

#2005-121 WHEREAS, in January 2005, Charles Bauer submitted his letter of resignation; and

WHEREAS, there was a balance of vacation time due from 2004 and 2005, totaling 192 hours at a rate of \$19.95;and

WHEREAS, there is no written contract defining compensation upon resignation with Mr. Bauer; and

WHEREAS, the Borough of Beachwood compensated non-contracted employees similar to Blue and White Collar employees.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Treasurer to cut a check representing unused vacation time to Charles Bauer totaling \$3,830.40.

Motion: Miserendino Second: Roma  
Question: Moran – how leave time was determined  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstain: Absent:

#2005-122 WHEREAS, Five Rings , LLC previously purchased a Tax Sale Certificate #04-0008, comprising of a lien on property known as Block 3.21 Lot 7 assessed to Jeffrey J. & Linda Birch, and has filed a duly executed affidavit stating that he is still the lawful owner of said certificate, but has lost same;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby authorized to issue a duplicate certificate to be marked “Duplicate Certificate” to Five Rings, LLC upon his payment of the sum of \$100.00

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

#2005-123

WHEREAS, the Assessor changed the property classification on Block 3.17 Lot 4 from Property Class 15F to Property Class 2 for the 2004 Tax Rolls; and

WHEREAS, in addition to the change of property class, the Assessor also did an “Added Assessment” billing for the year 2004, which created a double billing.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council to cancel the 2004 Added Assessment billing in the amount of \$3,084.15; and refund the overpayment.

Motion: LaCrosse Second: Feeney  
Question: Moran - ?Difference 15F from Class 2 Explanation: Collector  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstain: Absent:

**ORDINANCE FIRST READING TITLE ONLY**

**#2005-05**

**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING ROAD AND DRAINAGE IMPROVEMENTS AND MUNICIPAL BUILDING UPGRADES AND APPROPRIATING THE SUM OF \$1,220,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,159,000.00 IN GENERAL IMPROVEMENT BONDS OR NOTES TO FINANCE THE COST THEREOF.**

**RESOLUTION**

**#2005-124**

RESOLVED by Mayor and Council to approve Ordinance #2005-04 as presented on First Reading Title Only.

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

**ORDINANCE**

**#2005-06**

**FIRST READING TITLE ONLY**

**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER III ENTITLED “POLICE REGULATIONS” AS IT AFFECTS TOWING SERVICES AND WRECKERS.**

**RESOLUTION**

**#2005-125**

RESOLVED by Mayor and Council to approve Ordinance #2005-06 as presented on First Reading by Title Only.

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

**ORDINANCE  
#2005-07**

**FIRST READING TITLE ONLY  
AN ORDINANCE AMENDING CHAPTER XVII, DEVELOPMENT,  
ARTICLE IV, ZONING, SECTION 17-27.16, AFFORDABLE  
HOUSING, OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF BEACHWOOD.**

**RESOLUTION  
#2005-126**

RESOLVED by Mayor and Council to approve Ordinance #2005-07 as presented on First Reading by Title Only.

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

**ORDINANCE**

**FINAL READING – PUBLIC HEARING AND ADOPTION**

**#2005-04**

**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN  
COUNTY, NEW JERSEY AMENDING CHAPTER II  
(ADMINISTRATION) AS IT APPLIES TO FEES CHARGED FOR  
COPIES OF POLICE REPORTS**

**OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY**

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

**NO QUESTIONS**

**CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY**

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

**RESOLUTION  
#2005-127**

**WHEREAS** , Ordinance No. 2005-04 was introduced for first reading on April 6, 2005 and was adopted after final reading and public hearing by the Mayor and Council of the Borough of Beachwood on Wednesday April 20, 2005; and  
**WHEREAS**, that after introduction there was a minor amendment needed to the above ordinance. Said ordinance is supplemented to include the working, “The fees for copies of motor vehicle accident reports shall be as set forth in N.J.S.A. 39:4-131.”  
**NOW THEREFORE, BE IT RESOLVED** that Ordinance 2005-04 is hereby amended to include the wording as set forth above, and adopted.

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

RESOLUTION  
#2005-128

RESOLVED by Mayor and Council to authorize U.S. Filter to remove and replace existing filter media of Vertical Filter in the amount of \$14,870.00. It is understood that that should investigation conclude that problems requiring this action resulted from the action of the contractor, they would bear the costs.

FURTHER NOTED that should contractor error not be the cause of media loss, the Borough will be responsible for the fees noted herein.

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

#2005-129

RESOLVED by Mayor and Council to approve the following awards with regard to the Drought Management Plan response/Water Allocation Permit Modification;

|                      |            |
|----------------------|------------|
| Schoor DePalma       | \$3,000.00 |
| Demicco & Associates | \$5,000.00 |

Motion: LaCrosse Second: Feeney  
Explanation: Mr. LaCrosse notes that this is a final hurdle before Well #7 becomes productive.  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstain: Absent:

CORRESPONDENCE

- a. Recreation Commission  
Re: Memorial Day – Closing of Road  
  
Referred to the Police Chief

COUNCIL REPORTS:

Mayor Morris

COUNCILMEMBERS:

Clayton: Beverly T Dock damage will be repaired in house. Not covered under insurance. All projects moving along well. Had inquiry from Senior Ladies regarding parking during a bus trip. Working with JCPL on Flag project.

Feeney: Gregory Presentation of Stormwater management plan scheduled for April

April 20, 2005

25<sup>th</sup> at Planning Board. Storm drains identified.

Proposed:

RESOLUTION  
#2005-132

RESOLVED to authorize the submittal of 2005 grant application for NJDEP Phase II Tier "A" funding.

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

Absent:

April 27<sup>th</sup> NRC meeting in Toms River.

April 7<sup>th</sup> meeting (Maureen Kanka) , program addresses fingerprinting costs of volunteers for sports. Will be implementing in Little League.

Proposing to acknowledge Honor Roll Students, from various schools, at a Borough meeting.

LaCrosse; Gerald

Comment earlier on added Health – Insurance and Tipping Fees in budget. Costs for Bulk Tras \$120 - \$150,000 a year. Would like to meet with the Administrator to come up with recommendations to off set costs.

Fireworks meeting April 25. Possible will be missing 4/27 meeting. Girls Softball opening day May 1 at 10 a.m.

Little League opener was pleasure to participate in. Attended PBA Tournament.

Miserendino; Thomas

CAFRA permit received on First Aid Building. The Engineers will be doing preliminary work to go to bid.

Moran: Patricia

Met with scouts to address bumpers at Mayo Park. It's looking much neater. Met with Fire Company to address final work. Scheduled to meet with architect to review some small problems. All going well.

Roma: Ronald

Offered condolences to Mr. Hiering on recent loss of his step mother. April 7<sup>th</sup> – session with Maureen Kanka was successful. May do it again. Alliance dances going very well. Will be checking with Fire Inspection regarding occupancy load numbers.

Possible start date for Railroad Ave drainage. Can do some of the work through Schedule "C" but will have to amend our current agreement. County will do a change order to the Drainage Contract. Proposed following RESOLUTIONS

RESOLUTION  
#2005-130

RESOLVED by Mayor and Council to authorize the amendment of Schedule "C" with Ocean County to reflect \$50,000 for Railroad Avenue Drainage piping etc..

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

#2005-131 RESOLVED by Mayor and Council to authorize expenditure of \$50,000 for drainage pipe and associated work out of “Schedule C”.

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

Engineer

James Oriss: Met earlier this week regarding Landfill. Much has been accomplished. Will be presenting same to council.

Administrator

James F. Lacey Have been monitoring “Bulk Trash” over last months. Increasing. Approx \$2,400 range for curbside pick up.

Miserendino: Noted that with recent good weather, our compost center was overwhelmed, and we had to turn people away.

Moran: Noted that our “Bulk Trash” pick ups seem to always be the same houses.

LaCrosse: Suggested that we might want to look into quarterly pick ups and address issue of contractors.

Attorney

Working on Cellular Carriers.

William T. Hering Jr.

PUBLIC DISCUSSION: TO OPEN

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

Schiffmiller

Windward Ave: Commented on recent duty injury involving Private Security. How is this Possible.

Hiering: Policy approved by Governing Body.

Re: authorization for vertical filter repair.

LaCrosse: Explanation.

Novaky  
Maple St.

Received recent political literature urging residents to request their elected officials to support property tax reform.?

Mayor: Responded in the affirmative.

PUBLIC DISCUSSION: TO CLOSE

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

**EXECUTIVE SESSION**

WHEREAS, SECTION 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:

Terms and Condition of Employment - DPW employees  
Litigation – Lattimer  
Contractual – Engineer

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

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

**RE-OPEN**

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

**ACTION TAKEN RESULTING FROM EXECUTIVE SESSION**

**RESOLUTION**

#2005-132 RESOLVED by Mayor and Council to authorize the bid process for closing of the Landfill.

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

ADJOURNMENT

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

Submitted by: E.A. Mastropasqua

\_\_\_\_\_ Attested to by: \_\_\_\_\_  
Harold R. Morris Elizabeth A. Mastropasqua  
Mayor Municipal Clerk