

May 4, 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
Gregory Feeney
Gerald LaCrosse

Ronald Roma

Absent: Thomas Miserendino Patricia Moran

#2005-133 WHEREAS, an emergent condition has arisen with respect to the 2005 budget not being adopted as of this date and no adequate provision has been made in the 2005 temporary appropriation has been made for the expenses of the borough, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

NOW, THEREFORE, BE IT RESOLVED THAT two thirds of all members thereof affirmatively concurring that in accordance with the provisions of N.J.S. 40A:4-20: that the following amendments be done to the 2005 temporary budget of the Borough of Beachwood:

Department	from	to
Mayor & Council S/W	13,000.	21,000.
Municipal Clerk S/W	16,000.	24,000.
Municipal Clerk Postage	-0-	9,500.
Municipal Clerk Advertising	3,000.	4,000.
Municipal Clerk O/E	2,500.	10,000.
Financial Adm. S/W	7,500.	12,500.
Financial Adm. O/E	5,000.	10,000.
Revenue Adm. S/W	40,000.	60,000.
Assessment of Taxes S/W	8,000.	12,500.
Legal Serv. S/W	13,000.	20,000.
Legal Serv. O/E	8,000.	20,000.
Engineering O/E	20,000.	30,000.

Planning Board S/W	1,200.	2,500.
Uniform Construction S/W	7,000.	8,000.
Code Enforcement Zoning S/W	10,500.	25,500.
Code Enforcement Zoning O/W	100.	921.
Employee Group Health	375,000.	456,000.
Police S/W	600,000.	850,000.
Crossing Guards S/W	10,750.	13,000.
Police O/E	5,000.	8,000.
OEM S/W	2,000.	3,000.
Fire Prevention S/W	4,000.	8,000.
Fire Prevention O/E	500.	1,000.
Municipal Prosecutor O/E	9,000.	12,000.
Streets & Roads S/W	27,000.	35,000.
Streets & Roads O/E	10,000.	15,000.
Public Works O/E	5,000.	6,000.
Solid Waste Collection S/W	120,000.	157,000.
Solid Waste Collection O/E	8,000.	12,000.
Recycling S/W	61,000.	91,000.
Recycling O/E	5,000.	10,000.
Buildings & Grounds S/W	51,000.	66,000.
Equipment Maintenance S/W	35,000.	45,000.
Board of Health S/W	300.	500.
Recreation S/W	175.	300.
Recreation O/E	250.	500.
Lifeguards S/W	-0-	10,875.
Lifeguards O/E	-0-	475.
Celebration Public Events O/E	-0-	475.
Electricity O/E	45,000.	50,000.
Telephones O/E	10,250.	15,000.
Cell Telephones O/E	5,000.	7,000.
Natural Gas O/E	15,000.	18,000.
Gasoline & Oil O/E	30,000.	50,000.
Garbage & Trash Disposal O/E	240,000.	300,000.
Social Security O/E	75,000.	100,000.
Municipal Court S/W	22,000.	40,000.
Municipal Court O/E	2,000.	4,000.
Water S/W	142,000.	202,000.
Water O/E	200,000.	300,000.
Water Bonds O/E	-0-	65,000.
Water Interest on Bonds O/E	4,162.50	42,000.
Water Supply Rehabilitation Loan	-0-	35,000.
Water Social Security O/E	7,000.	10,000.

Motion: Feeney
Approve: Clayton – Feeney – LaCrosse- Roma
Abstain:

Second: Roma
Absent: Miserendino – Moran

#2005-134 RESOLVED by Mayor and Council to approve the 2005 Certified Bills List in the amount of \$ 1,167,647.63

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

#2005-135 RESOLVED by Mayor and Council to approve the following requests for rental of Community Center and Mayo Park as follows:

COMMUNITY CENTER 2005				
October	16	Moir	Rental:	\$WAIVE
		Eagle Scout Court of Honor	Deposit:	\$WAIVE
COMMUNITY CENTER 2006				
April	22	Clancy	Rental:	\$350
		716 Seaman Ave	Deposit:	\$500
April	30	High	Rental:	\$350
		1324 Cable Ave.	Deposit:	\$500
May	13	Tillander	Rental:	\$700
		1215 Echo Place TRNJ	Deposit:	\$700
May	27	Perez	Rental:	\$350
		1108 Mizzen Ave.	Deposit:	\$500
June	10	Cosgrove	Rental:	\$350
		840 Cable Ave.	Deposit:	\$500
August	05	Moran	Rental:	\$350
		726 Barnegat Blvd.	Deposit:	\$500
MAYO PARK 2005				
May	14	Brown	Rental:	\$125
		918 Pacific Ave.	Deposit:	\$175
June	12	Cub Scout Pack 70	Rental:	\$WAIVE
		c/o 929 Pacific Ave.	Deposit:	\$WAIVE
June	25	ARC Group Home	Rental:	\$WAIVE
		1353 Anchor Ave.	Deposit:	\$WAIVE
July	17	Pappalardo	Rental:	\$125
		921 Mermaid Ave.	Deposit:	\$175
July	30	Sibiga	Rental:	\$ 125
		1528 Berkeley Ave.	Deposit:	\$ 175

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

#2005-136 WHEREAS, Block 4.25 Lot 14 Owned by Rudolph and Sandra Rinderer was billed for minimum water usage for the 2nd Quarter 2005; and
 WHEREAS, the house was demolished, the meter pulled and the bill sent in error.
 NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to credit the account for the minimum bill in the amount of \$31.20.

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

#2005-137 RESOLVED by Mayor and Council to approve the “COIN TOSS APPLICATION” of the Beachwood Fire Company #1 Inc. for the following 2005 dates: May 28-29-30 July 2 -3 and September 3 – 4 – 5

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

#2005-138 RESOLVED by Mayor and Council to approve the following financial institutes for investment purposes:

Kearney Federal	Wachovia	Commerce
Ocean 1 st .	Bank of New York	Shore Community
New Millennium	Amboy National	Centar Federal
S & I Savings	Freehold S/L	Manasquan Savings Bank
PNC Bank	Provident	Penn Federal
Sovereign	Sun National	United Jersey
World S/B	Investors S/B	

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

#2005-139 RESOLVED by Mayor and Council to approve the following requests for Conference – Training & Seminars:

Date:	May 19	Elizabeth A. Mastropasqua
Location:	PNC Arts Center – Holmdel	
Subject:	Open Public Records Act – Update on Legislation and Case Decisions	
Cost:	\$55	
Vehicle:	No	

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

#2005-140 RESOLVED by Mayor and Council to approve the Raffle License Application of the Beachwood Volunteer Fire Company #1 Inc. for May 30, 2005.

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

THE FOLLOWING IS ACTION RESULTING FROM EXECUTIVE SESSION APRIL 27TH 2005.

#2005-141 RESOLVED by Mayor and Council to authorize the payment to the State of New Jersey for “Claims Experience” with regard to Healthcare.

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

#2005-142 WHEREAS, the Ocean County Board of Taxation, pursuant to N.J.S.A. 54:4-2.27, adopted the percentage level of table value of real property for the County of Ocean of 100%(percent) true value; and

WHEREAS, the Ocean County Board of Taxation, pursuant to it's statutory duty to revise, correct and equalize the assessed value of all property in the respective taxing districts (N.J.S.A. 54:4-47) has determined that the property assessments of the Borough of Beachwood result in an unequal distribution of the tax burden within said municipality; and

WHEREAS, pursuant to N.J.S.A. 54:3-13, the Ocean County Board of Taxation has the responsibility to secure the taxation of all property within Ocean County at it's taxable value in order that all property except as exempt by law, shall bear its full, equal and just share of taxes;

WHEREAS, it is the regular policy of the Ocean County Board of Taxation to review the measurements of uniformity and accuracy of assessments of each taxing district within Ocean County in accordance with the standards set forth in N.J.S.A. 18:12a-1.14 to assure the proper distribution of the local property tax burden in each municipality;

WHEREAS, the ratio of assessed value to true value for the Borough of Beachwood is indicated by recent sales to be considerably under assessed; and

WHEREAS, the general coefficient of deviation for the Borough of Beachwood, is reflected in the Stratfield and Segmented Coefficients of Deviation (reflects an assessment pattern) as lacking uniformity; and

WHEREAS, a district – wide revaluation was completed in the Borough of Beachwood for the tax year 1996 in accordance with N.J.S.A. 18:12a-1.14 (c)ii, interior inspection of all properties will be attempted in the proposed program of re-assessment; and

WHEREAS, neighborhood and zoning changes may have taken place within the Borough of Beachwood.

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

1. The Borough of Beachwood and its Tax Assessor, shall implement a municipal wide reassessment of all property to be completed by October 1st 2006 and to be effective for the 2007 (tax year)
2. The Tax Assessor for the Borough of Beachwood, shall, within 60 days from the date of approval of this order by the Director, of the Division of Taxation; submit a proposed plan for compliance with this reassessment order (Form AFR, Application for Reassessment)'Form AFR shall indicate whether the municipality proposes to enter into a contract with a qualified revaluation firm or individual for purposes, of accomplishing a reassessment of all real property within the municipality pursuant to 'N.J.S.A. 54:1-35.36, and shall further. indicate the date upon which it proposes to begin implementation of the program and the time estimated for completion..
3. If outside assistance is deemed necessary, the governing body of the Borough of Beachwood, shall take all necessary action to enter into a contract for a reassessment in accordance with the Local Public Contracts Law N.J.S.A. 40:11-1 et seq., Including, but not limited to the preparation of the reassessment contract and the appropriation of the monies to fund the reassessment contract.
4. The procedure to be utilized by the municipality , if a reassessment contract is awarded to a revaluation firm or individuals shall be made pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40:11-1 et seq, and shall not be delayed as a result of the municipality's utilization of either the public bidding or other available procedure for the purposes of securing qualified revaluation personnel.
5. The governing body of the Borough of Beachwood shall prepare, the necessary specifications for the reassessment contract and submit a copy thereof to, the Ocean County Board of Taxation, as reflected in NJAC 18:12-4.1 et seq, and in the Real Property Appraisal Manual for New Jersey Assessors.
6. The Borough of Beachwood, following the awarding of the reassessment contract, shall submit Form. "AFR and or the reassessment contract to the Director, Division of Taxation for his review and approval pursuant to the provisions of N.J.S.A. 54:1-35.36.
7. Having received contract approval from the Director of the Division of Taxation, the Tax Assessor of the Borough of Beachwood , shall submit written reports on the first day of each month during the implementation of the reassessment program to the County Board of Taxation, (Form POW/RSR). The reports shall set forth specifically the progress and status of the reassessment of all property in the Borough of Beachwood, including the number, of line items completed and left to be completed in ,connection with the reassessment and the amount of time needed to complete each phase of the reassessment.
8. The reassessment firm or individuals shall perform the reassessment on behalf of and as an agent of the tax assessor and the tax assessor shall be responsible for monitoring all phases of the reassessment work to insure the proper implementation of the reassessment program.

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

RESOLUTION
#2005-143

RESOLUTION OF THE BOROUGH COUNCIL OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY CONFIRMING ITS AGREEMENT WITH OWEN, LITTLE & ASSOCIATES, INC. CONCERNING ONGOING BOROUGH PROJECTS

WHEREAS, the Borough's previous engineers, Owen, Little & Associates, Inc., have presented a status report for various projects including that involving the Lime Feed System, new Well No. 7, Railroad Avenue Drainage and other miscellaneous projects; and

WHEREAS, the Borough and Owen, Little & Associates, Inc. wish to confirm their agreement in regard to the status of said project and the billing submitted in connection with those contractual agreements.

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 of Beachwood and Owen, Little & Associates, Inc. agree that the sum due and owing to said engineers in connection with the Lime Feed System Contract, Well No. 7 and the Railroad Drainage Project is \$47,500.00 based on the presentation set forth in the correspondence dated December 13, 2004 to the Borough from Owen, Little & Associates, Inc.

2. That the Borough recognizes that the Lime Feed System Contract has generated additional sums due to said engineers which will be presented for payment by said engineers. Additionally, engineers are continuing their work in connection with and in accordance with their contract concerning the Borough's Tax Maps.

3. That this resolution shall authorize the payment of the sum of \$47,500.00 to Owen, Little & Associates, Inc. as full compensation for their work for the Borough with the exception of those items hereinabove set forth.

4. That upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it to the Borough Attorney and Owen, Little & Associates, Inc.

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

#2005-144

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING A PAYMENT TO CLYDE N. LATTIMER & SON CONSTRUCTION CO., INC. IN THE AMOUNT OF \$9,000.00 FOR ADDITIONAL WORK IN REGARD TO THE BOROUGH'S CONTRACT FOR THE INSTALLATION OF THE LIME FEED SYSTEM

WHEREAS, the Borough of Beachwood previously awarded a contract to Clyde N. Lattimer & Son Construction Co., Inc. for the construction and installation of a new lime feed system; and

WHEREAS, during construction, there were additional claims by said contractor; and

WHEREAS, the contractor has submitted a claim for an additional \$12,000.00; and

WHEREAS, the Borough has reviewed said claim and met with the contractor and determined that the sum of \$9,000.00 is fair and equitable as an extra charge; and

WHEREAS, the Borough made said offer as a settlement of outstanding issues; and
WHEREAS, said offer of \$9,000.00 is without prejudice to the rights to the Borough of Beachwood.
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 authorizes the payment of \$9,000.00 based on the voucher submitted by Clyne N. Lattimer & Sons Construction Co., Inc. for extra work completed in the amount of \$12,000.00.
2. That upon the adoption of the within resolution, the Clerk is authorized to forward a certified copy of it to the Borough Treasurer and Borough Attorney as well as the contractor, Clyde N. Lattimer & Sons Construction Co., Inc.

Motion: Roma Second: Feeney
Question: LaCrosse – To Mr. Hiering re: letter we agreed to this.
Approved: Clayton – Feeney – LaCrosse - Roma
Abstain: Absent: Miserendino - Moran
- Absent: Miserendino - Moran

ORDINANCE FIRST READING TITLE ONLY

#2005-09 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE 2004-08 ENTITLED “AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE ACQUISITION OF A FIRE TRUCK AND SALT SHED, THE REMOVAL AND INSTALLATION OF GASOLINE STORAGE TANKS AND VARIOUS ROAD IMPROVEMENTS WITHIN THE BOROUGH OF BEACHWOOD AND APPROPRIATING THE SUM OF \$600,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000.00 IN GENERAL IMPROVEMENT BONDS OR NOTES TO FINANCE THE COST THEREOF”

#2005-146 RESOLVED by Mayor and Council to approve Ordinance #2005-09 as presented on First Reading Title Only.

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

ORDINANCE FIRST READING TITLE ONLY

#2005-10 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE 95-20 ENTITLED “AN ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$100,000.00 FOR THE REMOVAL AND REPLACEMENT OF BOROUGH FUEL TANKS LOCATED AT THE PUBLIC WORKS DEPARTMENT AND APPROPRIATING THE SUM OF \$100,000.00 IN AND FOR THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROPRIATING THE SUM OF \$100,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000.00 IN GENERAL IMPROVEMENT BONDS OR NOTES TO FINANCE THE COST THEREOF”

#2005-147 RESOLVED by Mayor and Council to approve Ordinance #2005-10 as presented on First Reading Title Only.

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

ORDINANCE
#2005-11

FIRST READING TITLE ONLY
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE 2000-05 ENTITLED "AN ORDINANCE PROVIDING FOR AN ADDITIONAL SUPPLEMENTAL APPROPRIATION OF \$100,000.00 FOR THE REMOVAL AND REPLACEMENT OF BOROUGH FUEL TANKS LOCATED AT THE PUBLIC WORKS DEPARTMENT AS WELL AS ALL REMEDIATION COSTS IN RELATION THERETO IN AND FOR THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AND FURTHER AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$95,000.00 IN ORDER TO FINANCE THE COST THEREOF"

#2005-148 RESOLVED by Mayor and Council to approve Ordinance #2005-11 as presented on First Reading Title Only.

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

ORDINANCE
#2005-12

FIRST READING TITLE ONLY
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE 2000-11 ENTITLED "AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE RECONSTRUCTION OF LOCKER STREET AND THE ACQUISITION OF A RACK BODY TRUCK FOR THE PUBLIC WORKS DEPARTMENT AND APPROPRIATING THE SUM OF \$120,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$114,000.00 TO FINANCE THE COST THEREOF"

#2005-149 RESOLVED by Mayor and Council to approve Ordinance #2005-12 as presented on First Reading Title Only.

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

ORDINANCE
#2005-13

FIRST READING TITLE ONLY
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE NO. 95-21 ENTITLED "AN ORDINANCE AUTHORIZING THE ACQUISITION OF EQUIPMENT AND VARIOUS ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROPRIATING THE SUM OF \$95,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$90,250.00 IN GENERAL IMPROVEMENT BONDS OR NOTES TO FINANCE THE COST THEREOF"

#2005-150 RESOLVED by Mayor and Council to approve Ordinance #2005-13 as presented on First Reading Title Only.

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

ORDINANCE

FINAL READING – PUBLIC HEARING - ADOPTION

#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.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

No Questions

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2005-154 RESOLVED by Mayor and Council to approve and adopt Ordinance #2005-04 as presented and held for public discussion.

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

ORDINANCE

FINAL READING PUBLIC DISCUSSION AND ADOPTION

#2005-06

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

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

No Questions

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2005-155 RESOLVED by Mayor and Council to approve and adopt Ordinance #2005-06 as presented and held for public discussion.

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

ORDINANCE FINAL READING – PUBLIC HEARING – ADOPTION

#2005-07 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.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Lipton Pennant Ave Questioned increase in fees from 1% - 6%.

LaCrosse: Increase is dramatic – wants the figures to be verified.

Ordinance needs to go through the Planning Board. Borough has made more than it needs.

Mr. LaCrosse asked If we could carry this to another meeting.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2005-156 RESOLVED by Mayor and Council to carry ordinance number 2005-07 to the May 18th meeting.

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

TABLED

#2005-157 RESOLUTION OF THE BOROUGH OF BEACHWOOD INFORMING COURT OF AMENDMENT TO DEVELOPMENT FEE ORDINANCE: CODE CHAPTER XVII, SECTION 17-27.16

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WHEREAS, on May 4, 2005, the Borough Committee for the Borough of Beachwood adopted an Ordinance amending Section 17-27.16 of the Borough Code entitled "AFFORDABLE HOUSING" (hereinafter "fee ordinance amendment"); and

WHEREAS, the fee ordinance amendment increases the fee to the higher fees contemplated by the new regulations the Council on Affordable Housing adopted on October 13, 2004 and that became effective on December 20, 2004; and

WHEREAS, the fee ordinance amendment also imposes fees on nonresidential development at

the rates set forth in the aforesaid new COAH regulations; and

WHEREAS, the Borough wishes to take advantage of the right to charge a higher fee.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough Council does hereby direct and authorize its special Mount Laurel counsel to inform the Court of the fee ordinance amendment and to offer to make any additional changes should the Court deem that necessary.
2. The Borough does hereby commit to petitioning COAH for approval of an amendment to its plan to address its cycle III responsibilities by December 20, 2005; or to adopting an amended plan addressing all three cycle by December 20, 2005.
3. The Borough acknowledges that its failure to seek approval of a Cycle III amendment or plan including cycle III responsibilities by December 20, 2005 shall render the fee ordinance amendment null and void.

Motion:	Second:
Approved:	
Abstain:	Absent:

CORRESPONDENCE

- a. Cub Scout Pack 114 – Permission to use the beach for year end ceremony and bon fire May 18th –

RESOLUTION

#2005-158 To approve the request for use of beach and bon fire by Cub Scout Pack 114 May 18 – pending all permits and approval from Fire Prevention, and with condition of CLEAN UP.

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

COUNCIL REPORTS:

Mayor Morris Announcements on behalf of Board of Social Services. Spoke with Pine Beach and Berkeley about Interlocal Service agreement for washing station that Berkeley built.

Sex Offenders – Bill amending Megans Law – A-963 is sitting in Trenton – with no action. Urged residents to contact legislature about moving the bill.

Commended Florida on action taken with regard to sexual offenders., and notes that New Jersey is contemplating similar action.

RESOLUTION: To authorize Attorney to prepare Ordinance addressing restrictions

#2005-159

of 1,000 for sex offenders

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

Clayton: Beverly Congratulated Mark Rutkowski on Eagle Scout Achievement and hard work in achieving the rank. Applauded Mayor for had work on addressing issues with pedophiles. Beach opens June 18 badges and decals are on sale.

Memorial Day Parade May 30, Summer Day Camp June 20 to July 28 . Movies on the Beach June 11 and September 10. Fireworks program on target.

Feeney: Gregory Changing name of program due to lack of participation by other communities. "Beachwoods Annual Fireworks".
Kanka Foundation addresses ½ cost of fingerprinting for volunteers. Would like to see Borough address fingerprinting requirement for all volunteers working with children.

Roma: State Police won't waive fees for fingerprinting and back grounding of volunteers.

Attended Eagle Court of Honor for investment of Mark Rutkowski on May 1st. a wonderful event. Many projects around done by Eagle Scouts. There are 26 Eagle Scouts out of Beachwood.

Received \$9,400 in recycling grant. We need to get our recycling numbers up.

Status of Officer Harris. He came home but had a reaction to pain meds and had to be transported back to hospital. But he's back now.

LaCrosse; Gerald Was planning on attending Girls Softball opener – but rained out.

Miserendino; Thomas Advised of Absence

Moran: Patricia Advised of Absence

Roma: Ronald Congratulated Mark Rutkowski on rank achievement. Alliance Dance coming up. Senior Breakfast on 20th. Schedule is 2-5 weeks on drainage Rail Road Ave.

Engineer U.S. Filter working on repairs of vertical filter. Landfill work
James Oriss: progressing . Moving along on design phase of DOT program.

Administrator Absent

James F. Lacey

Attorney

William T. Hering Jr.

Executive Session

Municipal Clerk

Auction Report.

03-092
1970Sea Trailer
T73KZX

MINIMUM BID
\$50.00



E. Conka \$50

03-097
1990 TOYOTA CELICA
JT2ST87F3L0000287
MILEAGE:187,115

MINIMUM BID
\$300.00



NOT SOLD

04-042
1997 MAZDA MX6
LYVGE31COR5140117
MILEAGE:159,132

MINIMUM BID
\$100.00



SOLD \$100. B&A Tower

04-056
1989 DODGE
DAYTONA ES
1B3XG44K6KG107210
MILEAGE: 159,156

MINIMUM BID
\$100.00



SOLD \$100 B & A Tower

04-057
1991 HONDA ACCORD
LX

1HGCB7253MA008295

MILEAGE: 202,233

MINIMUM BID
\$300.00



SOLD \$300 Frank Santos

04-075
1992 PLYMOUTH
VOYAGER
1P4GH44R1NX311521

MILEAGE: 126,146

MINIMUM BID
\$200.00



NOT SOLD

05-001
1988 LINCOLN TOWN
CAR

1LNBM81F7JY638629

MILEAGE: 235,605

MINIMUM BID \$150.00



SOLD \$150 B & A Tower

05-002
1989 DODGE ARIES K
1B3BK46K3KC470660

MILEAGE: 251,560

MINIMUM BID
\$70.00



SOLD \$75 Rick DeGraff

CLK01
1988 DODGE RAM
3B4GW02W5JM839698

MILEAGE: 72,694

MINIMUM BID
\$50.00



SOLD \$600 Bill Maxwell

CLK02
 1995 FORD CROWN VIC
 2FALP71W3SX1718175
 MILEAGE: 102,178
 MINIMUM BID \$200.00



SOLD \$1,300 Bal Auto

CLK03
 1996 FORD CROWN VIC
 2FALP71W1TX149632
 MILEAGE: 102,946
 MINIMUM BID \$200.00



SOLD \$1,375 Bal Auto

CLK04
 1989 GMC SANI
 TRUCK CJ8
 4GDT8C4Y9KV800464
 MILEAGE: 71,689
 MINIMUM BID \$700.00



SOLD \$2,800 Jersey 1 Auto

Total Sales	\$6,850
Impound Vehicles	\$ 775
Minus Towing Costs	\$ 550
Funds Returned to PD	\$ 225
Funds to Borough	\$6,625

Note: This is the second sale we conducted on a week day. The last was with the Auctioneer, in December of 2002. Choosing a week day did not impact on the sale. We advertised this sale twice as required by law for the impounded vehicles. We posted on the Web Site from April 7th to the sale date. With the help of Capt. Cairns the Auto Shopper had an announcement of the sale. The lack of an Auctioneer did not impact this sale in the least. Thanks are extended to Ed Bosley (for getting the vehicles ready for inspection) as well as Terry Clayton. Thanks to Chris Dehnz for handling the collection of fees. The sale was a success.

Bette Mastropasqua

PUBLIC DISCUSSION: TO OPEN

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

Lori
701 Capstan Ave. Neighbors trash can out 24 Hours 7 days a week. Spoke with Code Enforcement on April 13. On April 27, spoke again and advised him only half of the job was done.

Brooks
720 Tiller Ave Comments on position of Administrator.
1. Why not Beachwood Resident
2. Salary could go to “Bulk Trash”.

Mayor: He is doing dual job (replacing director). He’s a former administrator.

Novaky
Maple St. Asking for “voice of reason” where “bulk trash proposal” is concerned. Spoke to some neighbors who don’t like the idea as well.

Mayor: We’re looking into it. It always seems to be the same houses over and over.

Zakar
Proposal for Proclamation for National Safety Council month – June. Asked Council to consider.

Clayton: Advised that she is looking into a Safety Awareness Fair for 2006.

Schiffermiller:
Windward Ave. Traffic Light at Mizzen and Rt 166 is a problem. Potential for accident.

Mayor: DOT looking at that problem.

PUBLIC DISCUSSION: TO CLOSE

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

Litigation – Lattimer
 Terms & Condition – Public Safety

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

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

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

NO ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

ADJOURNMENT

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

Submitted by : E.A. Mastropasqua

 Harold R. Morris
 Mayor

Attested to by : _____
 Elizabeth A. Mastropasqua
 Municipal Clerk