

May 19, 2004  
Beachwood Municipal Complex

**7:00 PM**

Call to Order

Salute to the Flag

***Moment of Silence in memory of those who lost their lives in service to our nation, while serving in Iraq, both military and civilian. We also offer a moment of silent prayer for the swift and safe return of all our military personnel.***

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, 2004.

Roll Call Members Present

Council Members:

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

Absent: Mayor Harold R. Morris

#2004-169      RESOLVED BY THE MAYOR AND COUNCIL: TO AMEND THE TEMPORARY BUDGET AS FOLLOWS:

DEPARTMENT	FROM	TO
ADVERTISING	3,000.	4,000.
TAX ASSESSMENT S/W	10,500.	11,000.
POLICE S/W	612,000.	650,000.
AID TO VOL. FIRE COMPANIES O/E	8,000.	10,000.
PUBLIC WORKS O/E	1,000.	2,000.
SOLID WASTE COLLECTION O/E	4,000.	8,000.
RECYCLING O/E	5,000.	8,000.
VEHICLE MAINTENANCE	30,000.	35,000.

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

#2004-170      RESOLVED by the Governing Body of the Borough of Beachwood to approve the 2004 Certified Bills List in the amount of A: \$ 1,533,717.75

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



Sept. 12	St. Paul Lutheran Church	Rental:	\$75
	c/o M. Rinderer	Deposit:	\$75
	1244 Spar Ave. Beachwood		

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

#2004-173 RESOLVED by Mayor and Council to approve the following Conferences – Seminars – Training requests.

Date:	May 21 – June 4	Municipal Court	Linda Felton
Location:	O.C. Training Center		
Subject:	Microsoft Excel – MS Word Training – Admin. Office of Court		
Cost:	\$		
Vehicle:	No		

Date:	June 1	E. Mastropasqua	
Location:	Little Egg Harbor		
Subject:	Comcast Cable –Discussion of developments and new services affecting residents		
Cost:	\$ 0		
Vehicle:	No		

Date:	July 23	DPW - T. L. Clayton – J. DeMorato (re-scheduled from May 10)	
Location:	Barnegat Twp.		
Subject:	Jetter/Rodder Safety – Municipal JIF	9:30 – 11:00	
Cost:	\$		
Vehicle:	Yes		

Motion: Feeney Second: LaCrosse  
 Comment: Feeney – NJLOM is sponsoring “Development Transfers – June 22 – someone should attend Clerk was authorized .  
 NOTE: Spoke with Mr. Heiring at the meeting – and discussed possibility of someone from his office attending. He agreed.  
 Approved: Clayton – Feeney – LaCrosse- Miserendino – Moran - Roma  
 Abstain: Absent :

#2004-174 RESOLVED by Mayor and Council to authorize a refund on Fire Prevention Permit Smoke Detection Inspection in the amount o f \$30 to Karen Tomkovich 325 Anchor Ave. Inspection was performed as part of New Construction inspection by Building Dept, and not required of Fire Prevention.

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

#2004-175

WHEREAS, the Borough of Beachwood is a member of the Ocean County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2004 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Beachwood agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Municipal Clerk shall be and are hereby authorized to execute the agreement to renew membership and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew it's membership.

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

**ORDINANCE**

**FINAL READING AND ADOPTION**

#2004-08 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

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

**NO QUESTIONS**

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

**RESOLUTION**

**#2004-176 RESOLVED by Mayor and Council to approve and adopt Ordinance #2004-08 as presented and held for public discussion.**

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

**ORDINANCE**

**FINAL READING AND ADOPTION**

#2004-09 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING VARIOUS WATER UTILITY IMPROVEMENTS AND APPROPRIATING THE SUM OF \$600,000.00 IN WATER UTILITY BONDS OR NOTES TO FINANCE THE COST THEREOF

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

**NO QUESTIONS**

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

**RESOLUTION**

#2004-177 **RESOLVED by Mayor and Council to approve and adopt Ordinance #2004-09 as presented and held for public discussion.**

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

#2004-178 **RESOLVED by Mayor and Council to approve the hiring of David Guild – for Summer Beach Guard for the 2004 Summer Season/ Salary \$6.25 per hour.**

**Motion: Clayton Second: LaCrosse  
Question: Clayton – Requested explanation.  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
Abstain: Absent:**

**CORRESPONDENCE**

a. 1. Dover Township – Supportive on Ciba Geigy removal of drums

RESOLUTION

#2004-179

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACHWOOD REQUESTING THE ASSISTANCE OF GOVERNOR MCGREEVEY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMISSIONER CAMPBELL TO COMPEL CIBA-GEIGY TO REMOVE 37,000 DRUMS OF HAZARDOUS WASTE CURRENTLY BURIED IN THE LANDFILL KNOWN AS CELL NO.1

WHEREAS, in 1977 the New Jersey Department of Environmental Protection issued a landfill permit to Ciba Geigy for the disposal of "only solid chemical waste from the manufacturing operation and sludge from the waste treatment plant (and).- no other solid or liquid waste are permitted for disposal" in the landfill known as Cell No.1; and

WHEREAS in 1979 the DEP renewed said permit for ten years; and

WHEREAS in violation of the DEP permit, Ciba-Geigy representatives admitted during the criminal prosecution for illegal dumping that toxic pollutants were in fact illegally dumped into Cell No.1; and

WHEREAS a DEP investigation has determined that the primary liners of the landfill known as Cell No.1 "have had a history of leaking. . . (and) elevated levels of organic chemicals are currently being detected in both the leachate collection and detection systems of Cells No.1 and 2"; and

WHEREAS a DEP internal memorandum dated January 25, 1989 disclosed, "contamination, both organic and inorganic, has been observed in the leachate collection and leachate detention sumps (indicating leakage through the primary liner) of Cells No.1 and 2, and in the groundwater downgradient from the landfill"; and

WHEREAS a Groundwater Quality Report prepared on behalf of Ciba Geigy acknowledges a plume of organic contamination in the area of Cell No.1 but claims that the source of the contamination is unknown; and

WHEREAS the Borough of Beachwood disputes Ciba-Geigy's conclusion that the landfill is not the source of the plume of contamination surrounding Cell I No.1; and

WHEREAS, the DEP in a letter to Ciba-Geigy dated April 4, 1996, stated "since the monitoring well data indicates that there is a groundwater contamination problem at the landfill, you (Ciba-Geigy) are directed to investigate all possible causes and sources of contamination; and

WHEREAS to this day Ciba-Geigy still has not identified the source of the contamination plume surrounding the landfill known as Cell No.1; and

WHEREAS approximately 37,000 drums of illegally dumped toxic chemicals are buried in the landfill known as Cell No.1 and are not part of the current remediation process; and

WHEREAS Ciba-Geigy is guilty of decades of polluting activities that have already adversely impacted the residents of Ocean County, in particular Dover Township; and

WHEREAS by allowing 37,000 drums of illegally dumped toxic chemicals to remain on site, Ciba-Geigy threatens to cause further contamination plume surrounding the landfill known as Cell No.1.

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

1. Requesting Governor McGreevey and DEP Commissioner Campbell to cause the immediate removal of 37,000 drums of illegally dumped toxic chemicals from the landfill known as Cell No.1;
- 2.. Revoke any permit that allows Ciba-Geigy to leave 37,000 drums of illegally dumped toxic chemicals in the landfill known as Cell No. 1 ;
3. Compel Ciba-Geigy to determine the cause of the contamination plume surrounding the landfill known as Cell No.1;

4. Compel Ciba-Geigy to remediate, as part of its current remediation program, the contamination plume surrounding the landfill known as Cell No.1

5. A certified copy of this resolution shall be provided by the Municipal Clerk to each of the following:

Governor James McGreevey  
DEP Commissioner Bradley Campbell

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

### **COUNCIL REPORTS**

Mayor:

Clayton; Beverly Memorial Day activities (Recreation) in final preparations. Fireworks Committee meeting held, committee is trying to get general public to boost up donations. Article in Observer helped in getting the concerns addressed.

June 13<sup>th</sup> at Veterans Park there will be an official “Flag Burning” ceremony to address the disposal of flags.

Thanked Mr. Zakar for steel drums. Also working with the Zakar younger daughter to address continuation of House Numbering project.

Issue of “noise” from school construction attended to.

Letter – Yacht Club – Swimming Test - Beach Approved pending receipts of insurance and certifications.

RESOLUTION  
#2004-177

RESOLVED by Mayor and Council to accept the 2004 Fireworks Program from Fireworks on the Toms River in the amount of \$ 22,000.

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

Feeney; Gregory Presented Tax Collectors report of receipts. Attended Policing your Community presented by Chiefs of Police Association. Very informative.

LaCrosse; Gerald W. New Well House construction on-going. Waiting on DEP approvals to making it a full working well.

Miserendino; Thomas Memorial Day activities schedule. Fire Company services outside building at 10:00 Parade kicks off at 11:00

Commented on the resolution supporting Dover Townships attempt to address the removal of drums at Ciba Geigy.

First Aid building committee scheduled to meet on May 25.

Moran; Patricia Last February meeting regarding Library needs. We are attempting to address as best we can.

Fire House punch list being prepared. -- Girl Scout troop planted flowers outside the Municipal Complex.

Roma; Ronald

June 18 – Alliance Dance at the Community Center. September 12<sup>th</sup> Senior Breakfast. Monday July 5<sup>th</sup> begins Family Fun Nights (1<sup>st</sup>. Monday) at Birch & Surf. August 6<sup>th</sup> Luau at the park.

Roads – 171 pot holes addressed in the April 22 – May 5 period.

Municipal Clerk named to General Code National Honor Roll, nominated by William Dressel N.J. League Municipalities and Heather Mailander; Secretary to Municipal Clerks Association of N.J.

Attorney

Executive Session matters only

#### OPEN TO PUBLIC DISCUSSION

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

Lipton

Pennant Ave: Comments on Fireworks Program and lack of participation on part of river communities.

#### CLOSE TO PUBLIC DISCUSSION

Motion: Feeney Second: Clayton  
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma  
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:  
Contractual - Engineer  
Contractual - Architect – Fire House  
Terms & Condition of Employment – Planning Board/Building Dept.  
Terms & Condition of Employment – Tax Dept.  
-
3. It is anticipated that the subject matter discussed may be made public in (90) days.

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

RE-OPEN

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

ACTION RESULTING FROM THIS EXECUTIVE SESSION

**CONTRACTUAL:**

**#2004-178 RESOLVED by Mayor and Council to authorize Owen Little to perform stakeout for landfill work not to exceed \$2,800.**

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

**CONTRACTUAL**

**#2004-179 RESOLVED by Mayor and Council to approve payment to Harry Harper for services regarding the Fire House Rehab in the amount of \$2,970.00**

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

ADJOURNMENT

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

Submitted by: E.A. Mastropasqua

\_\_\_\_\_  
Harold R. Morris; Mayor

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