

June 1, 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

Thomas Miserendino
Patricia Moran
Ronald Roma

Absent:

ORDINANCE FINAL READING PUBLIC HEARING AND ADOPTION

#2005-08 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ESTABLISHING A SEX-OFFENDER RESIDENCY PROHIBITION

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Novaky
Maple St. Commended Council on job well done. Anything
CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2005-188 RESOLVED by Mayor and Council to approve and adopt Ordinance #2005-05 as presented and held for public discussion.

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

#2005-189 RESOLVED by Mayor and Council to approve the 2005 Certified Bills List in the amount of \$ 252,778.34

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

#2005-190 RESOLVED by Mayor and Council to approve the minutes of the May 18, 2005 Meeting of Mayor and Council;

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

#2005-191 RESOLVED by Mayor and Council to approve the following requests for rental of Community Center and Mayo Park as follows:

COMMUNITY CENTER 2005				
August	14	White	Rental:	\$350
		116 Neptune Ave	Deposit:	\$500
COMMUNITY CENTER 2006				
April	29	Sansone	Rental:	\$350
		142 Beachwood Blvd.	Deposit:	\$500
MAYO PARK 2005				
June 8-9-10-14		Pine Beach Elementary School	Rental:	WAIVE
			Deposit:	WAIVE
June	26	Clayton	Rental:	\$75
		1452 Longboat Ave.	Deposit:	\$75

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

#2005-191 WHEREAS, on March 16, 2005 under resolution #2005-87, approval was given for rental of the Community Center for April 29, 2006, by Frank DeRogatis, 1509 Longboat Ave. noting all resident fees were posted (\$850); and

WHEREAS, on May 8, 2005, written notice of cancellation was received, subjecting the applicant to a \$100 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council to authorize a refund in the amount of \$750, said refund reflecting a \$100 cancellation fee, payable to Frank DeRogatis, 1509 Longboat Ave, Beachwood N.J.

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

#2005-192 WHEREAS, on February 16, 2005 under resolution #2005-64, approval was given for rental of Mayo Park for May 28, 2005, by Patti L. Brown 208 Barnegat Blvd, Beachwood, noting all resident fees were posted (\$300); and

June 01, 2005

WHEREAS, on May 10, 2005, written notice of cancellation was received, subjecting the applicant to a \$75 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council to authorize a refund in the amount of \$225, said refund reflecting a \$75 cancellation fee, payable to Patti L. Brown 208 Barnegat Blvd, Beachwood N.J.

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

#2005-193 RESOLVED by Mayor and Council to approve the following 2005-2006 Liquor Licenses.

CLUB LICENSE Beachwood Yacht Club \$140

DISTRIBUTION
PLENARY RETAIL McCullough Inc.
T/A Sawyers Buy Right \$575

CONSUMPTION
PLENARY RETAIL M&P Corp
T/A High Velocity \$800

The Pub At Beachwood LLC \$800
T/A The Pub At Beachwood

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

#2005-194 **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BEACHWOOD AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE LEASING OF CELLULAR ANTENNA SPACE ON THE BEACHWOOD MONOPOLE LOCATED ON A PORTION OF BLOCK 8.54, LOTS 5 AND 6, BEACHWOOD**

WHEREAS, the Borough of Beachwood previously advertised and received a bid from Omnipoint Facilities Network 2, LLC for the construction of a monopole facility on a portion of Block 8.54, Lots 5 and 6, Beachwood, New Jersey; and

WHEREAS, the Borough subsequently awarded a lease to Omnipoint Facilities Network 2, LLC and they constructed and monopole facility upon said site; and

WHEREAS, the Borough required as part of said agreement that the Borough would have the right to lease additional space on said monopole as long as the subsequent bidders shared in the cost pursuant to a co-location agreement; and

WHEREAS, it is now the desire of this governing body to advertise for the location of said cellular antenna facilities and supporting bay station upon a portion of said Block 8.54, Lots 5 and 6.

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 authorizes the advertisement for bids for cellular antenna carriers upon the monopole constructed on a portion of Block 8.56, Lots 5 and 6, Beachwood, New Jersey.

2. That upon the adoption of the within resolution, the Clerk is authorized to forward notice to any carrier who has previously expressed an interest in said site as well as to properly advertise the Notice to Bidders as required by the Local Public Contracts Law.

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

#2005-195 WHEREAS, Marilyn H. Ferguson was hired on April 2002 as a Substitute Crossing Guard at \$5.75 per hour; and

WHEREAS, said employee reached the 2nd year anniversary date in May of 2004; and

WHEREAS, the hourly wage should be \$6.00 per hour effective May 2, 2005;

NOW, THEREFORE, BE IT RESOLVED to increase the hourly wage and pay the back pay due to Marilyn H. Ferguson.

Motion: LaCrosse Second: Roma
Question : Feeney – What happened.
Dehnz- Received no notification of anniversary date from Police Dept.
Approved: Clayton – Feeney – LaCrosse – Miserendino – Moran - Roma
Abstain: Absent

#2005-196 WHEREAS, Deana J. Rankin was hired in April 2003 as a Substitute Crossing Guard at \$5.75 per hour; and

WHEREAS, said employee reached the 2nd year anniversary date ; and

WHEREAS, the hourly wage should be \$6.00 per hour effective May 3, 2004;

NOW, THEREFORE, BE IT RESOLVED to increase the hourly wage and pay the back pay due to Deana J. Rankin..

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

#2005-197 RESOLVED by Mayor and Council to approve the membership application of Joseph E. Diehl 6 Beachwood Blvd. into the Beachwood Volunteer Fire Company #1 Inc.

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

ORDINANCE #2005-07 (COAH FEES) has been carried to June 18)

CORRESPONDENCE

a. Vallo – Use of Beach – and Bonfire for June 21st, for scout troop ceremonies.

Use of Beach o.k. – Bon Fire not permitted during bathing season.

COUNCIL REPORTS:

Mayor Morris Memorial Day Events provided a “great” day. Thanks extended to Fire Company and Recreation for job well done.

COUNCILMEMBERS:

Clayton: Beverly Commended all for great Memorial Day Parade and events.

RESOLUTION

#2005-198 RESOLVED by Mayor and Council to accept and approve the Beachwood Annual Fireworks Program – July 4.

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

Feeney: Gregory Thanked Mayor for efforts put forth on Megans Law issues.

Great Memorial Day Service and events.
Getting more cover from County for Landfill. Should be going out to bid and hopefully should be closing by end of year.

JIF – insurance requirements for contractors – and outside organizations.
SWAC – Solid Waste Advisory Council – new grants coming out. Paint program, scheduled for Beachwood in Fall.
Recycling issues being addressed from State on down via an educational program.

LaCrosse; Gerald Congratulated Mayor on his efforts regarding the Megan’s Law amendments and the ordinance addressing pedophile free zone.
Rusty water issue, resulted from problems with the filtration system. The manufacturer is addressing controls.

Mayor: ?When will we be completely done?

Don’t know. Posed question to Engineer regarding “Filtration” letter, which should be addressed by June 6.

Miserendino; Thomas Thanked the community for their participation in the Memorial Day activities. Grows bigger every year.

Eric Harris dinner a huge sell out. Community again came together.

Meeting June 9th regarding the First Aid building. Project is getting back on track.

Moran: Patricia Thanked Fire Company and Recreation for all efforts on Memorial Day event. Addressed committing monies for remainder of items at Fire House. Paving to be done behind the building.
Met with Beverly and Mr. Gluck (new principal at Intermediate South) regarding some field maintenance. Soccer field will close for about two (2) months to address hyrdo seeding to be done by the school. Waiting on updated survey to address re-location of park.

Roma: Ronald Congratulations to all – Parade and Picnic great event.
Railroad drainage should begin June 10th.
Alliance Last Dance of season June 10. July 23 is Luau at the Beach.

Engineer
James Oriss: Contacted J. Behrens regarding storm water regulations. Borough is in compliance. Only thing left is an ordinance to comply.

Administrator
James F. Lacey Code Enforcement J. Nuzzo resigned. Zoning being addressed by part timer on staff. Advertising in papers and on League website.

Attorney

William T. Hierung Jr. Advertising bids for lease of tower space on "monopole".

PUBLIC DISCUSSION: TO OPEN

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

Lipton

Pennant Ave: Commented on current zoning situation and how council averted a crisis.
Commends council's actions.

Novaky

Maple St. Advised Mr. LaCrosse that over the weekend he changed his water filter, and it was the cleanest he has seen in a long time.

LaFranca

Birch St. Memorial Day parade had the largest attendance of people he has seen.

PUBLIC DISCUSSION: TO CLOSE

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

Litigation – Lattimer vs. Beachwood
Zuromski vs. Beachwood
Lesniak vs. Beachwood

Terms & Condition – Personnel Policy
Code Enforcement/Zoning

Contractual – COAH

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

ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION THIS DATE

#2005- 198 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Schoor DePalma for Scope and Budget for Professional Services – Beachwood Landfill Capping (05009100-03/050091-03) not to exceed \$35,000.00 and

FURTHER RESOLVED that the Mayor and or the Administrator are authorized to execute on behalf of the Borough of Beachwood

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

#2005-199 RESOLVED by Mayor and Council to hire Tom DiMichele as temporary Zoning Officer during current vacancy. Salary \$30 per hour.

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

#2005-200 RESOLVED by Mayor and Council to hire the following as Lifeguards for the 2005 Bathing Season:

Head Lifeguards:	Stephanie Ackerman 410 Roosevelt Ave. Bayville N.J.	\$10 p.h.
	Nicole Castle 30 Korman Road Bayville N.J.	\$10 p.h.
Lifeguard:	Kathleen Duffe 306 Washington St. Toms River N.J.	\$7.50 p.h.

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

ADJOURNMENT

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

Submitted by : E.A. Mastropasqua

Harold R. Morris
Mayor

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