

August 17, 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:**

Council members:		Thomas Miserendino
	Gregory Feeney	Patricia Moran
		Ronald Roma

Absent: Mayor Harold R. Morris Beverly Clayton Gerald LaCrosse

Swearing in of Patrolman Derek Musari performed by Council President Feeney



**RESOLUTION**

#2005-255 RESOLVED by Mayor and Council to approve the 2005 Certified Bills List in the amount of \$ 1,839,811.26

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

#2005-256 RESOLVED by Mayor and Council to approve the minutes of the July 20, 2005 Meeting of Mayor and Council;

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

#2005-257 RESOLVED by Mayor and Council to approve the minutes of the July 27, 2005 Meeting of Mayor and Council;

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

#2005-258 RESOLVED by Mayor and Council to approve the following requests for rental of Community Center and Mayo Park as follows:

COMMUNITY CENTER 2005				
Aug.	07	Petersen	Rental:	\$350
Applied after July 20		513 Leeward Ave.	Rental:	\$500
Meeting		Beachwood		
Sept.	25	Belsky	Rental:	\$350
		848 Cable Ave.	Deposit:	\$500
		Beachwood		
Nov.	06	Caban	Rental:	\$350
		509 Halliard Ave	Deposit:	\$500
		Beachwood		
Nov.	13	Minnes	Rental:	\$350
		1544 Spray Ave	Deposit:	\$500
		Beachwood		
MAYO PARK 2005				
Aug	14	Howley	Rental:	\$75
		211 Barnegat Blvd	Deposit:	\$75
		Beachwood		
Aug	27	Carr	Rental:	\$125
		1428 Neptune Ave	Deposit:	\$175
		Beachwood		
Sept.	17	Higgins	Rental: :	\$125
		709 Beachwood Blvd.	Deposit:	\$175
Sept.	24	Mullen	Rental:	\$125
		336 Mizzen Ave.	Deposit:	\$175
		Beachwood		
COMMUNITY CENTER 2006				
Jan.	07	Sizelove	Rental:	\$350
		824 Leeward Ave.	Deposit:	\$500
		Beachwood		
May	21	Cappabianca	Rental:	\$350

		845 Pacific Ave	Deposit:	\$500
		Beachwood		
June	04	Ventrice	Rental:	\$350
		1508 Mizzen Ave.	Deposit:	\$500
		Beachwood		
July	07	Gill	Rental:	\$350
		209 Windward Ave	Deposit:	\$500
		Beachwood		
July	15	Kluxen	Rental:	\$350
		1237 Seaman Ave.	Deposit:	\$500
		Beachwood		
Sept	09	Wahlers	Rental :	\$350
		608 Bayside Ave	Deposit:	\$500
		Beachwood		
Sept.	30	Cohen	Rental:	\$350
		800 Ensign Ave	Deposit:	\$500
		Beachwood N.J.		
Oct.	07	Rutledge	Rental:	\$700
		557 Motor Road	Deposit:	\$700
		Pine Beach		

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

#2005-259 WHEREAS, on March 16, 2005 under Resolution #2005-087 approval was given for rental of the Community Center on Sept 25, 2005 by Susan Morris 1123 Morris Ave Pt. Pleasant NJ noting all fees were posted (\$1,400.); and

WHEREAS, on July 25, 2005, written notice of cancellation was received, subjecting the applicant to a \$100 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund Susan Morris 1123 Morris Ave Pt. Pleasant in the amount of \$1,300 said refund reflecting a \$100 cancellation fee.

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

#2005-260 RESOLVED by Mayor and Council to approve the following requests for Conference – Training or Seminar:



1. That the Borough Council of the Borough of Beachwood hereby awards a contract to Nextel of New York for the leasing of space on the monopole facility located on Block 8.54, Lots 5 and 6, Beachwood pursuant to the Borough's bid specifications and for the initial annual bid amount of \$25,860.00.

2. That upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it to the Borough Engineer and Nextel of New York.

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

#2005-262      **RESOLUTION PROVIDING FOR THE FINANCING OF A SPECIAL EMERGENCY APPROPRIATION OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY BY THE ISSUANCE OF SPECIAL EMERGENCY NOTES OF THE BOROUGH**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The Borough of Beachwood, in the County of Ocean, New Jersey (the "Borough") has heretofore finally adopted, on May 18, 2005, an ordinance entitled: " AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION AND OF A REAL PROPERTY REVALUATION/REASSESSMENT FOR THE BOROUGH OF BEACHWOOD AND APPROPRIATING THE SUM OF \$325,000 THEREFOR PURSUANT TO N.J.S.A. 40A:4-53" (the "Ordinance"), for the purpose of appropriating the sum of \$325,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(b).

SECTION 2. The Borough hereby determines to finance the special emergency appropriation referred to in Section 1 herein by the issuance of Special Emergency Notes of the Borough, which may be renewed from time to time, as provided by law. Special Emergency Notes of the Borough are hereby authorized to be issued in the principal amount of \$325,000 pursuant to the Local Budget Law. At least 1/5 of all such Special Emergency Notes, and the renewals thereof, shall mature and be paid in each year, so that all such Special Emergency Notes shall have matured and have been paid not later than the last day of the fifth year following the date of adoption of this resolution.

SECTION 3. All Special Emergency Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, subject to the limitations set forth in Section 2 hereof. The chief financial officer shall determine all matters in connection with Special Emergency Notes issued pursuant to this resolution, and the chief financial officer's signature upon the Special Emergency Notes shall be conclusive evidence as to all such determinations. All Special Emergency Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:4-55(b). The chief financial officer is hereby authorized to sell part or all of the Special Emergency Notes from time to time, at no less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or

delivery of the Special Emergency Notes pursuant to this resolution is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Special Emergency Notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full on the minutes of such meeting.

SECTION 4. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the Special Emergency Notes authorized by the Ordinance and hereunder. The Special Emergency Notes shall be direct, unlimited obligations of the Borough. The powers and obligations of the Borough to pay any Special Emergency Note issued pursuant to this resolution and the Local Budget Law shall be unlimited and the Borough shall have the power and be obligated to levy ad valorem taxes upon all taxable property within the Borough for the payment of such Special Emergency Notes and interest thereon, without limitation of rate or amount.

SECTION 5. All Special Emergency Notes issued pursuant to this resolution shall be executed by the Chief Financial Officer and the Mayor of the Borough, and shall be under the seal of the Borough and attested by the Borough Clerk. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the Special Emergency Notes.

SECTION 6. The Borough reasonably expects to commence the purpose described in the ordinance referred to in Section 1 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of Special Emergency Notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the Special Emergency Notes authorized in Section 2 hereof.

SECTION 7. A copy of this resolution as adopted shall be filed with the Director of Local Government Services in the Department of Community Affairs, State of New Jersey.

SECTION 8. This resolution shall take effect immediately.

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

#2005-263 WHEREAS, the governing Body of the Borough of Beachwood desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$7,655.00 to fund stormwater activities as described in the "Scope of Services"; and

WHEREAS, the governing body hereby resolves that James F. Lacey (Administrator) or the successor to the office of Administrator, is authorized

- (a) to make application for such a grant
- (b) if awarded, to execute a grant agreement with the State and
- (c) to execute  any amendments thereto  any amendments thereto which do not increase the Grantee's obligations

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Beachwood agrees to comply with all applicable federal, State and Municipal laws, rules and regulations in its performance pursuant to the agreement.

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

#2005-264 WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue into the budget of any county or municipality when such item shall become available by and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS; said Director may also approve the insertion of any item of appropriation equal amount.**

NOW, THEREFORE,, BE IT RESOLVED, by Mayor and Council that the Borough of Beachwood hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue into the budget of the year 2005, in the sum of \$4,000.00 which item is now available as a revenue from the Division of Highway Traffic Safety Grant ; and

BE IT FURTHER RESOLVED, that a like sum of \$4,000.00 be and the same is hereby appropriated under the

DIVISION OF HIGHWAY TRAFFIC SAFETY GRANT

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

#2005-265 WHEREAS, Frank Delello has applied for and was granted a 100% exempt property deduction for a disabled Veteran effective March 21, 2005; and

WHEREAS, taxes for the second half 2005 and first half 2006 are showing as due and payable;

NOW, THEREFORE BE IT RESOLVED by Mayor and Council to credit Block 11.38 Lot 12 (328 Mizzen Ave) as follows:

2005	3 <sup>rd</sup> Quarter	\$642.64
	4 <sup>th</sup> Quarter	\$642.64
2006	1 <sup>st</sup> Quarter	\$610.17
	2 <sup>nd</sup> Quarter	\$610.16

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

#2005-266 WHEREAS, certain Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formal cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to surplus and unused debt authorizations may be cancelled.

NOW, THEREFORE, BE IT RESOLVED to cancel the following balances:

Ord. #	Project	Amount Cancelled
<b><u>GENERAL CAPITAL:</u></b>		
1998-07	Spruce & Beachwood Blvd.	\$2,628.31
1999-04	Automated Refuse Truck	8.05
2001-13	Spar & Mermaid Ave	654.08
2002-11	Seaman Ave & Walnut Street	1,136.98

**WATER CAPITAL**

1998-01-17	New Well Housing	\$ 622.00
2001-09	Structural Repairs	3,000.00
2002-04	Acquisition of Back Hoe	160.00

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

#2005-267 RESOLVED by Mayor and Council to approve the hourly wage for Crossing Guards Deana Rankin – Linda Budesca – Marilyn Ferguson of \$6.15 per hour. This change is reflective of the new minimum wage increase.

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

#2005-268 RESOLVED by Mayor and Council to to extend the “grace” period for tax bills to September 6, 2005 to avoid interest.

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

#2005-269 RESOLVED by Mayor and Council to approve the following agreements between the Borough of Beachwood and Schoor DePalma:

Ground Storage Tank Rehabilitation \$26,000  
 (MBA obsv svc \$10,000) (Schorr Depalma const. admin \$16,000)

Detention Tank Cleaning and Finsh Water Upgrades \$15,000  
 (Mumford –Bjorkman \$5,500 - Schoor DePalma \$9,500)

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

**ORDINANCE – FINAL READING – PUBLIC DISCUSSION – ADOPTION**

#2005-17 **AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 2 (ADMINISTRATION) AS IT APPLIES TO FEES FOR COPIES OF ELECTRONIC FILES**

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Lipton  
Pennant Ave: Believes ordinance needs clarification as to type of “electronic” files to be addressed.  
Does not want any e-mail request (RTK) to be considered as “electronic” file and charged these fees.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

**TABLED ADOPTION TO ADDRESS CLARIFICATION OF ORDINANCE**

RESOLUTION

#2005-270 RESOLVED by Mayor and Council to approve and adopt Ordinance #2005-17 as presented and held for public discussion.

Motion: Second:  
Approved: Abstain:  
Abstain: Absent:

ORDINANCE FIRST READING TITLE ONLY

#2005-18 **AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER IV ENTITLED “GENERAL LICENSING”, CHAPTER VI ENTITLED “ALCOHOLIC BEVERAGE CONTROL” AND CHAPTER XVII ENTITLED “DEVELOPMENT REGULATIONS” AS THEY APPLY TO LICENSING AND ZONING REVIEW FEES**

#2005-271 RESOLVED by Mayor and Council to approve Ordinance #2005-18 as presented on First Reading by Title only.

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

ORDINANCE FIRST READING TITLE ONLY

#2005-19 **AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER V ENTITLED “ANIMAL CONTROL” AS IT APPLIES TO “NUISANCES PROHIBITED” AND TO AMEND CHAPTER III ENTITLED “POLICE REGULATIONS” AS IT APPLIES TO THE PROHIBITED FEEDING OF WATERFOWL; THE COLLECTION AND DISPOSAL OF YARD WASTE; AND ESTABLISHING AN ILLICIT CONNECTION REGULATION AS IT APPLIES TO THE BOROUGH’S STORMWATER SYSTEM AND FURTHER PROVIDING FOR VIOLATIONS AND PENALTIES THEREOF**

#2005-272 RESOLVED by Mayor and Council to approve Ordinance #2005-19 as presented on First Reading by Title only.

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

**RESOLUTION**

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY,  
NEW JERSEY AWARDING A CONTRACT FOR THE LANDFILL  
CLOSURE TO JAC EXCAVATING, INC. IN THE AMOUNT OF \$224,580.00**

---

**WHEREAS**, the Borough of Beachwood previously advertised for the receipt of bids on August 16, 2005 at 11:00 a.m. for the Beachwood Landfill Closure; and

**WHEREAS**, at the time and place for the receipt of bids, seven bids were submitted ranging from a low of \$224,580.00 to a high of \$524,320.00; and

**WHEREAS**, the low bid is below the engineer’s estimate of costs for the project; and

**WHEREAS**, the Borough Engineer has reviewed and recommended the award to the low bidder, JAC Excavating, Inc.; and

**WHEREAS**, the Borough Attorney has reviewed all supporting documentation and has approved the same for award; and

**WHEREAS**, it is the desire of this governing body to award a contract to the lowest bidder in accordance with the Borough’s Engineer’s recommendation; and

**WHEREAS**, the Borough Treasurer has certified that funds are available for said closure project; and

**WHEREAS**, the within bid of award is based upon the Borough’s receipt of the landfill closure permit from the NJDEP, Division of Solid Waste Management as required by law.

**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 formally awards a contract to JAC Excavating, Inc. of Farmingdale, New Jersey in the amount of \$224,580.00 in accordance with the Borough’s bid specifications.

2. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to Borough Engineer, James Oris, and JAC Excavating, Inc. as well as the Borough Treasurer.

Motion: Feeney

Second: Moran

Approved: Feeney – Miserendino – Moran – Roma

Absent: Clayton – LaCrosse

Abstain:

August 17, 2005

CORRESPONDENCE

- a. Scout Troop 70 – Joseph Vallo  
Re: Use of Beach – 6:00 Sept. 13 for picnic and “bonfire”

RESOLUTION

#2005-274 RESOLVED BY MAYOR AND COUNCIL to approve the request pending obtaining all appropriate fire permits.

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

- b. Toms River Schools Transportation System  
Re: Thanks for use of Mayo Park (June 16)
- c. Toms River H.S. South  
Re: Use of Soccer Fields Sept. 2 & 3  
Pending letter from Soccer agreeing to use.

COUNCIL REPORTS:

Mayor Morris Absent

COUNCILMEMBERS:

Clayton: Beverly Absent

Feeney: Gregory DPW yard work done by County and Borough. Site looks great. Commended work done by all during recent heat wave. Staying on top of Storm water management regulations. NRC holding public meeting on the review of Oyster Creek renewal process on August 24, 2005 at 7:00 .

LaCrosse; Gerald Absent

Miserendino; Thomas First Aid Building project meeting held. Moving on construction documents to determine costs. Still need Mayor to discuss situation with Pine Beach. To reporter present, would like news coverage on new Fire Truck. Housing planned for May 13, 2006. Working on FEMA grant.

Moran: Patricia DPW working on various projects. Fall planning in the works. Eagle project “Mayo Park Parking Bumpers” in planning stages. Vandalism is being experienced at various locations. ATV problem along Berkeley Ave and at the Beachwood Elementary School site.

Roma: Ronald  
#2005-275

Asked for approval as follows:  
RESOLVED by Mayor and Council to authorize Schoor DePalma to begin the bid process on Road Work.

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

Mr. Oris explained the proposed project. Questions were posed by Council member Moran regarding the paving of the roads and widths to be determined.

#2005-276 RESOLVED by Mayor and Council to authorize Schoor DePalma to begin the bid process on Phase II drainage portion of Railroad Ave.

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

Engineer

James Oris: Interconnect should begin by end of month. Railroad Ave Drainage Phase I complete. Vertical Filter repairs completed.

Administrator

James F. Lacey No formal report. All items discussed during Council reports.

Attorney

Edward Corrigan No report

Moran; Patricia

Would like Council to consider going back to original REHAB LOAN format. Borough secures applicants through lottery method. Will meet with Clerk and develop format.

Clerk:

1. Issue of Rental Waivers – requiring a deposit for all rentals including waivers - to cover loss on cancellation

Example: August 7, 2005 Community Center and Mayo Park  
Cancellation notice received July 20 ( less than 30 days)

Needs further discussion

2. Rehab Loan - Discharge of Mortgage.

#2005-273

RESOLVED by Mayor and Council to authorize a fee of \$40 to be charged with regard to Discharge of Mortgage on Rehab Loan Agreements.

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

**PUBLIC DISCUSSION: TO OPEN**

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

Novaky  
 Maple St. Discussed change in Sanitation Schedule for holidays.  
 Mr. Lacey will review.

LaFranca  
 Birch St. Drainage project – locking in prices with contractors.  
 Mr. Oris will oversee.

**PUBLIC DISCUSSION: TO CLOSE**

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

Feeney; Greg #2005-274 Proposed following  
**RESOLVED** by Mayor and Council to authorize Schoor DePalma to advertise bids for the Water Storage Tank Rehabilitation.

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

**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 Works
  - Contractual – Engineer – Police – Public Works
3. It is anticipated that the subject matter discussed may be made public in (90) days.

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

RE -OPEN

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

**ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION THIS DATE**

#2005-275 RESOLVED by Mayor and Council to authorize a Professional Service Contract with Schoor DePalma for 2005 Road Project not to exceed \$115,000.00

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

#2005-276 RESOLVED by Mayor and Council to authorize a Professional Service Contract with Schoor DePalma for Railroad Drainage Phase II as follows:

\$ 3,500 Field Survey  
\$ 1,500 Permits  
\$36,500. Engineering design.

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

#2005-277 RESOLVED by Mayor and Council to refund rental fee of \$350 to Roleke 643 Capstan Ave for difficulties incurred during their August 13<sup>th</sup> rental event.

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

#2005-278 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and William Cairns (Police Captain) for 2005 (3.75% +1%) and 2006.(3.75%).

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

**ADJOURNMENT**

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

Submitted by: E.A. Mastropasqua

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

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