

Feb.	02	Stephan	Rental:	\$400
		916 Beach Ave., Beachwood	Deposit:	\$600
June	29	Everetts	Rental:	\$400
		409 Beach Ave., Beachwood	Deposit:	\$600
<u>Mayo Park 2012</u>				
Oct.	21	Beachwood Democratic Org.	Rental:	\$WAIVE
		c/o Robyn Paciulli-Griffith (Pacific Ave)	Deposit:	\$WAIVE

Motion: Zakar
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar
 Second: Miserendino
Absent: Komsa

#2012-396 WHEREAS, on February 2, 2012 under Resolution #2012-67 approval was given for rental of the Community Center by Judith DeMarco 936 Tiller Avenue for May 11, 2013, noting that all resident fees were posted (\$1,000); and

WHEREAS, on September 20, 2012, a written notice of request to cancel was received, subjecting the renter to a cancellation fee of \$200.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund of \$800 to Community Center by Judith DeMarco 936 Tiller Avenue for May 11, 2013 cancellation.

Motion: Clayton
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar
 Second: Feeney
Absent: Komsa

#2012-397 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the following requests for conference, training or seminar

Date:	Oct. 26	Lesley Kirchgessner (Municipal Court)
Location:	Eatontown Municipal Court	
Subject:	Certification Program & Projects	
Cost:	\$0	Vehicle: No

Date:	Oct. 30	Linda Felton (Municipal Court)
Location:	Toms River – O.C. Library	
Subject:	Annual Mandatory Conference	
Cost:	\$0	Vehicle: No

Date:	Nov. 14	Ronald Roma Jr. (Mayor)
Location:	Atlantic City	
Subject:	NJLOM Mayor’s Luncheon	
Cost:	\$25.00	Vehicle: No

Motion: Clayton
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar
 Second: Feeney
Absent: Komsa

#202-398 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #12-00041 TO LIEN HOLDER, VIRGO MUNICIPAL FINANCE FUND LP THE AMOUNT OF \$801.73 PLUS A PREMIUM OF \$700.00.

WHEREAS, at the Municipal Tax Sale held on June 29, 2012, a lien was sold on Block 9.29 Lot 7 also known as 1109 Longboat Ave. for 2011 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00041 as sold to Virgo Municipal Finance Fund LP with a 0.00% interest rate; and a premium of \$700.00;

WHEREAS, Jennifer Jones; owner, effected redemption, for certificate #12-00041 in the amount of \$801.73.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, Virgo Municipal Finance Fund LP, for the redemption of certificate #12-00041 in the amount of \$1501.73.

#2012-399 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #09-00044 TO LIEN HOLDER, JOSEF HOFFMAN IN THE AMOUNT OF \$189.60.

WHEREAS, at the Municipal Tax Sale held on December 11, 2009, a lien was sold on Block 11.13 Lot 8 also known as 608 Windward Ave. for 2008 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #09-00044 as sold to Josef Hoffman with a 1.00% interest rate;

WHEREAS, Joseph Boyle; owner, effected redemption, for certificate #09-00044 in the amount of \$189.60.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, Josef Hoffman, for the redemption of certificate #09-00044 in the amount of \$189.60.

#2012-400 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #12-00022 TO LIEN HOLDER, US BANK CUST FOR LLL1-NJ THE AMOUNT OF \$504.22 PLUS A PREMIUM OF \$700.00.

WHEREAS, at the Municipal Tax Sale held on June 29, 2012, a lien was sold on Block 3.32 Lot 2 also known as 949 Seaman Ave. for 2011 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00022 as sold to US Bank Cust for LLL1-NJ with a 0.00% interest rate; and a premium of \$700.00;

WHEREAS, Gus & Patakia Dimitratos; owners, effected redemption, for certificate #12-00022 in the amount of \$504.22.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, US Bank Cust For LLL1-NJ, for the redemption of certificate #12-00022 in the amount of \$1204.22.

#2012-401 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #12-00061 TO LIEN HOLDER, US BANK CUST FOR LLF1-NJ THE AMOUNT OF \$492.04 PLUS A PREMIUM OF \$1,000.00.

WHEREAS, at the Municipal Tax Sale held on June 29, 2012, a lien was sold on Block 11.14 Lot 2 also known as 645 Windward Ave. for 2011 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00061 as sold to US Bank Cust for LLF1-NJ with a 0.00% interest rate; and a premium of \$1,000.00;

WHEREAS, Martin Gassard; owner, effected redemption, for certificate #12-00061 in the amount of \$492.04.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, US Bank Cust For LLF1-NJ, for the redemption of certificate #12-00061 in the amount of \$1492.04.

#2012-402 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #10-00127 TO LIEN HOLDER, US BANK CUST-PRO CAPITAL I, LLC IN THE AMOUNT OF \$743.58.

WHEREAS, at the Municipal Tax Sale held on September 10, 2010, a lien was sold on Block 11.13 Lot 8 also known as 608 Windward Ave. for 2009 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #10-00127 as sold to US Bank CUST-Pro Capital I, LLC with a 0.00% interest rate;

WHEREAS, Joseph Boyle; owner, effected redemption, for certificate #10-00127 in the amount of \$743.58.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, US Bank CUST-Pro Capital I, LLC, for the redemption of certificate #10-00127 in the amount of \$743.58.

#2012-403 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #12-00064 TO LIEN HOLDER, US BANK CUST FOR LLF1-NJ THE AMOUNT OF \$296.34 PLUS A PREMIUM OF \$800.00.

WHEREAS, at the Municipal Tax Sale held on June 29, 2012, a lien was sold on Block 11.27 Lot 12 also known as 432 Longboat Av. for 2011 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00064 as sold to US Bank Cust for LLF1-NJ with a 0.00% interest rate; and a premium of \$800.00;

WHEREAS, Leonor Trangailino; owner, effected redemption, for certificate #12-00064 in the amount of \$296.34.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, US Bank Cust For LLF1-NJ, for the redemption of certificate #12-00064 in the amount of \$1,096.34.

#2012-404 RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF OVERPAYMENT OF TAXES ON BLOCK 10.43 LOT 6 TO THE OWNER, COMMUNITY OPTIONS ENTERPRISES IN THE AMOUNT OF \$3,093.08 DUE TO OCEAN COUNTY TAX BOARD JUDGEMENT

WHEREAS, Community Options Enterprises, was awarded a reduction in assessment by the Ocean County Tax Board for Block 10.43 Lot 6, creating an overpayment in the amount of \$3,093.08; and,

WHEREAS, Community Options Enterprises is now requesting a refund of said overpayment;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to authorize the refund of overpayment caused by the Ocean County Tax Board Judgment in the amount of \$3,093.08.

TO APPROVE RESOLUTIONS #2012-398 to #2012-404

Motion: Feeney Second: Zakar
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar Absent: Komsa

ORDINANCE FIRST READING TITLE ONLY
#2012-07 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III (POLICE REGULATIONS), SECTION 3-2 ENTITLED, “BRUSH, GRASS AND WEEDS” TO INCLUDE “EMERGENT REPAIRS”

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean, and State of New Jersey, as follows:

Section 1. Section 3-2.1 entitled, “Accumulation of Brush, Weeds and Trash Prohibited”, Section 3-2.2 entitled, “Violations and Penalties”, and Section 3-2.3 entitled, “Notice to Remove; Removal by Borough; Costs a Lien” are hereby deleted and in their place instead the following shall be inserted:

“Section 3-2.1, Accumulation of Brush, Weeds and Trash Prohibited.

It shall be unlawful for any owner or owners, occupant or occupants, tenant or tenants of any lot or tract of land situate within the Borough to permit or maintain on any such lot or tract of land any brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris injurious to the public health, safety and general welfare or where the same shall tend to create a fire hazard. Grass or weeds in excess of 8 inches in height shall be considered a violation of the within Section and Ordinance.

3-2.2 Violations and Penalties.

Any owner or owners, occupant or occupants, tenant or tenants who shall neglect to cut and remove or otherwise destroy such brush, grass, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris as directed by this Section shall, upon conviction thereof, be subject, for each offense, to the General Penalty as established in Chapter I, Section 1-5.

3-2.3 Notice to Remove; Removal by Borough; Costs a Lien.The Borough Code Enforcement Officer or his or her designee may at any time he or she believes there was a violation of the within provisions shall give notice to the owner or owners, occupant or occupants, tenant or tenants to cut and remove or otherwise destroy any such brush, weeds, grass, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris within ten (10) days after notice to remove the same has been received from the Borough, which notice may be effected by personal service, by regular mail, by certified or registered mail, return receipt requested. Thereafter, the Borough shall cause the same to be removed under the direction of the Code Enforcement Officer or the designee or any other duly authorized individual of the Borough; and such officer shall certify the costs thereof to the Borough Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against the land and premises; and the cost shall

be added to and become and form a part of the taxes next to be assessed and levied upon the land, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.”

Section 2. Section 3-2 of the Code of the Borough of Beachwood is hereby supplemented to include the following:

Section 3-2.5 Emergent Repairs.

At any time the Code Enforcement Officer, his designee or a law enforcement officer of the Borough determines that an emergent situation exists which presents a condition which could cause serious or life threatening injury or death said official shall request immediate securing or repairing to alleviate said condition. Thereafter, said officer shall certify the cost thereof to the Borough Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against the land and premises; and the cost shall be added to and become and form a part of the taxes next to be assessed and levied upon the land, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

Section 3-2.6 Violations and Penalties.

The owner or owners, occupant or occupants, tenant or tenants responsible for causing said emergent situation shall, in addition to the above referenced costs, be subject, upon conviction, to the General Penalty as established in Chapter I, Section 1-5.”

Section 3. Section 3-2 of the Code of the Borough of Beachwood is hereby supplemented to include the following:

Section 3-2.7 Control of Invasive Plants

- a. Purpose. The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.
- b. Definition. Invasive plants and all native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.
- c. All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident’s property is a violation of this chapter.
- d. All places and premises in the Borough of Beachwood shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Beachwood. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.
- e. Violations and Penalties.
 - (i) Whenever an invasive plant as defined by this chapter is found on any plot of land, lot or any other premises or place, a violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein. (recommend time in years – due to difficulty of removing bamboo)
 - (ii) The cost of abatement shall be borne by the property owner.
 - (iii) If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

Section 4. If the provisions of any subsection paragraph, subdivision or clause of this Section shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of this Section.

Section 5. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 6. This Ordinance shall take effect immediately.

#2012-405 RESOLVED to approve Ordinance #2012-07 on First Reading Title Only

Motion: Feeney Second: Zakar
 Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar Absent: Komsa

Correspondence None

Reports:

Mayor	Addressed new ordinance purpose. To address property repairs by DPW. Last evening met with Cub Scout Pack 70 on Oct. 2, 2012. Sworn in as honorary Council members and had a tour of complex. Great time had by all. Over summer involved in 14 week program "strengthening parenting program" graduation event well attended. 14 Families participated. Alliance Dances 2nd Friday of the month at the Community Center. Winter volleyball sign ups soon. Habitat for Humanity will be doing 4th annual bike/build starting at Beachwood Bicycles 09:00.
Council President Clayton	Re: Ordinance, addressed control of invasive plants as part of the ordinance. Electrical work done at Com. Center / Marina upgrading.
Councilman LaCrosse	Working with OCBH trying to put dyes into drains weather did not cooperate. Report from Matt Cisk.... Some issues will be addressed under County Ordinances. OCBH will attempt to secure some funding to help Borough address some issues. Beachwoods example of cooperation may encourage other communities to address issues.
Councilman Miserendino	No report
Councilman. Zakar	One injury September.... about 16% reduction in rate. Kudos to all departments.
Councilman Feeney	DPW getting ready for winter. All equipment ready for winter. Met with JCPL for solar on street lights to address savings for Borough. Meeting next week with 2 solar consultants and meeting with Engineer on Landfill.
First Aid	14 turnovers... members were absent due to Convention (Firemens).
RESOLUTION #2012-406	RESOLVED to authorize the approval of purchase order #12-1627 issued Motorola c/o WPCS for First Aid Radio upgrades in the amount of \$57,652.80 under state Contract #53084 Motion: Feeney Second: Clayton Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar Absent: Komsa
Engineer J. Oris	6-7-800 Cable projects should start soon. (overall comprehensive improvement program) Opportunity to submit NJDOT Aid Program asking to consider Anchor (Nautilus Bowline) and a small portion of Nautilus. Route 9 Water Main project approaching close out phase.
RESOLUTION #2012-407	RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SUBMISSION OF THE FY2013 NJDOT MUNICIPAL AID GRANT PROGRAM IN THE AMOUNT OF \$295,038.25

OPEN TO PUBLIC DISCUSSION

Motion: Clayton Second: Zakar
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar
Absent: Komsa

Calligan; A. 901 Cable Ave	Wondering if she is going to be part of the project(drain)..... just spent thousands to water proof basement. Comment on catch basins on Birch.
Mayor	Talked to Sewerage Authority, and it's a County project. Asked Mr. Oris to look into her request. Also to look at the drainage and get back to her to check the flow and how it affects her. Mr. Oris will check with Public Works and County to see what can be done as to improvements.
Calligan	Read in papers, that several councils in the State are not taking health benefits. Think it would be a good idea, that you could do something about it.
Fitzgerald; J. Compass Ave.	A year ago addressed council about Larboard Ave. Where is that on the list of drainage, water...
Engineer Oris	Thought that he had reported earlier... it is in the group for consideration, but the water mains would have to be addressed. Looked at it to see if there was any preventive repairs.
Fitzgerald	Patchwork doesn't hold up. Heavy rain affects road and drainage.
Mayor	The Borough has a "comprehensive" road maintenance program. Over last 9 or 10 years there has been a lot addressed.
Fitzgerald	Why not put the cost of health coverage for council into roads to benefit town.
DiBella R; Halliard Ave	<p>Last meeting asked about employees are paid for their time cards or sign in sheets. Clerk: Not all of them What employees are excluded ? Those that are salaried. Paid on "x" amount of hours. Sign in sheets are then used to monitor time (vacation/sick) Certain employees . Some do not get sick, vacation etc. Monitoring of time by Clerk. Is Chief under contract? No. When did that start? After he became Chief. So if working without a contract then at any given time, he could re-negotiate the terms of his employment No contract given because of Civil Service status. and guidelines that cover position. Prior Chiefs and the Captain had contracts which spelled out sick time, vacation time , personal time, free time and what not...so there's nothing that spells that out, it's based on the fact that he's Civil Service. As far as the time is concerned the Chief falls under the Administrative positions. Inaudible portion – commenting on maybe better to not have a contract , making him an at will employee in the state of N.J. it's always good to have at will employees .rather than contracted employees. New ordinance 2012-07 in the actual ordinance is it spelled out or.....Emergent repair seems to broad , giving to much discretion to one individual, just want to make sure it's spelled out. Mayor deferred to Mr. Hiering....Put the standards as to when they can act. There is a provision in the property maintenance code, this would just be supporting that. Just wanted to make sure.....inaudible.</p>
DiBella -	Is there a new policy addressing waiving of fees for organizations....
Mayor	Not a new policy, what we came up with last year was, Non Borough organizations ---- addressing waiver requests by limiting number they can request and an organizational fee.
DiBella	Brought up a couple of meetings ago "Resident - "shoot dog" I requested it be part of minutes it was

never done. It was explained to me, of course I already knew, the minutes are a synopsis. So I started to take some time and reviewing minutes over the last several years., there was one time when Mrs. Clark, there was an individual was discussing something with her that she allegedly said about her husbands, and I noticed that it was just about verbatim in minutes., something that should not even have had to have been mentioned in the minutes, appears verbatim... however, something serious it's alleged an employee threatens to kill a living animal, is not even a mention in the minutes, so I would think that there has to be some sort of policy that spells out, doesn't give discretion to one person on what one person considers important to be in the written minutes, because keep in mind, the written set of minutes are essentially the official minutes for the lifetime of this Borough. The audio minutes, as we all know, the Clerk can have them destroyed after one year., so the audio minutes are only good for a year, the written minutes are a lifetime record, so what I would like to see, is, I would like to see either some type of policy put together that certain things, that one person doesn't determine what is significant enough to put in the minutes and/ or the council set a policy that audio records not destroyed for maybe a minimum of five (5) years rather than a year, keep in mind the state says that it can be after a year, the state also says that governing bodies can strengthen laws, you just can't weaken them. So certainly you can strengthen it requiring the Clerk to keep them for five years, if the records aren't going to be accurate as to something that is so significant as an employee threatening to shoot two (2) animals. So, obviously you have an opportunity to correct that, you can go into Closed Session and come out and vote to amend the records, amend the minutes to include that or you could put a policy that audio records can't be destroyed for a minimum of five (5) years, otherwise it would seem like it was arbitrary and capricious that one person is making the decision so Mrs. Clark was attacked or put verbatim what was said, but an employee was, actually is should have been referred to the Prosecutor's Office because he violated the law by threatening to kill something and that's not even mentioned in the minutes. I would like to see something done, the minutes be amended, that be included or some sort of policy be put out that audio minutes cannot be destroyed for a minimum of five (5) years rather than a year.

CLOSE TO PUBLIC DISCUSSION

Motion: LaCrosse **Second:** Clayton
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar **Absent:** Komsa

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 & Condition of Employment
 Contractual
 Litigation

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 – Zakar
Absent: Komsa

RE-OPEN

Motion: LaCrosse
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar
Absent: Komsa

Second: Clayton

No Action Taken as a Result of Executive Session.

Adjournment

Motion: LaCrosse
Approved: Clayton – Feeney – LaCrosse – Miserendino – Zakar
Absent: Komsa

Second: Miserendino

Prepared by: E.A. Mastropasqua

Ronald F. Roma; Jr.
Mayor

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