

October 18, 2006

Beachwood Municipal Complex
1600 Pinewald Rd.

7:00 PM

Call to Order

SALUTE TO FLAG

While we pray for the safe return of our serving men and women, we must remember that 73 Servicemen have been killed, from New Jersey (most recently Marine Lance Cpl. Christopher Cosgrove, Cedar Knolls, age 23) in Iraq and Afghanistan. Our war dead shall always be remembered. Their HEROISM deserves its' glory, so too does the bravery of each who entered the unknown of conflict and gave their lives to the cause of FREEDOM.

The greatest tribute we can give is a REMEMBRANCE of OUR HONORED DEAD. In their memory, a moment of silence and a prayer for the swift return of all our serving men and women.

Also we honor the memory of Lou Ravese age 47 - First Aid Volunteer.

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 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 1, 2006

Roll Call Members Present

Mayor Harold R. Morris

Council members:

Beverly Clayton
Gregory Feeney
Gerald W. LaCrosse

Steven Komsa
Thomas Miserendino
Ronald Roma

ABSENT: -

Letter of Commendation - Andrew Clayton



Presentation of Citizen of the Year - Julia Kelly - Beachwood Fire Company #1 Inc. Ladies Auxiliary.



Fifty years of service to the Beachwood Volunteer Fire Company #1 Ladies Auxiliary.

RECESS

Motion: Feeney Second: Clayton
Approved: Clayton - Feeney - Komsa - LaCrosse - Miserendino - Roma

RE-OPEN

Motion: Komsa Second: Miserendino
Approved: Clayton - Feeney - Komsa - LaCrosse - Miserendino - Roma

ORDINANCE FINAL READING – PUBLIC DISCUSSION – ADOPTION (Taken out of order so that the public in attendance for the awards would be provided information on this ordinance.

#2006-23 **AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 3 ENTITLED “POLICE REGULATIONS” AS IT AFFECTS SEX OFFENDER RESIDENCY PROHIBITIONS**

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 3-22.2 of the Code of the Borough of Beachwood is hereby supplemented at Subsection a. to include the following: The within prohibition shall also apply to school bus stops as designated by the Toms River Board of Education. The distance prohibition shall be five hundred (500') feet from said school bus stop.

SECTION 2. Section 3-22.2 of the Code of the Borough of Beachwood is hereby supplemented at Subsection b. to include the following: “Additionally, any person who resides or lives within five hundred (500') feet of a school bus stop as designated by the Toms River Board of Education shall have sixty (60) days from receipt of written notice of the

prohibition set forth herein to move. Failure to move to a location which is in compliance with this section within the time period shall constitute a violation of this section.”

SECTION 3. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second	X					
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

Mayor Morris offered comments on the status of various issues addressing Megans Law. The end result of this ordinance will provide a practically pedophile free municipality.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second	X					
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-359 RESOLVED by Mayor and Council to approve and adopt Ordinance #2006-23 as presented and held for public discussion.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	UNANIMOUS					
Second	UNANIMOUS					
Approved	UNANIMOUS					
Abstain						
Opposed						
Absent						

#2006-351 RESOLVED by Mayor and Council to approve the 2006 Certified Bills List in the amount of \$1,041,977.01.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second		X				
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-352 RESOLVED by Mayor and Council to approve the minutes of the
October 4, 2006 meeting of Mayor and Council

	Clayton	Feeny	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second	X					
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-353 RESOLVED by Mayor and Council to approve the Community Center rentals
as follows:

2006 Community Center Rentals

Nov.	04	Bowman	Rental:	\$350
		19 Larboard	Deposit:	\$500
		Beachwood		
<u>2007 Community Center Rental</u>				
Jan.	16	O.C. JIF	Rental:	\$WAIVE
		Elected Officials Seminar	Deposit:	\$WAIVE
Feb.	24	Merritt	Rental:	\$700
		200 20 th Ave.	Deposit:	\$700
		Seaside Park		
Mar.	31	Montalbano	Rental:	\$350
		216 Spray Ave.	Deposit:	\$500
		Beachwood		
May	26	Stroup	Rental:	\$350
		545 Longboat Ave.	Deposit:	\$500
		Beachwood		
June	24	Sczerenet	Rental:	\$350
		56 Elm St.	Deposit:	\$500
		Beachwood		
Oct.	27	Wurmbrand	Rental:	\$350
Prev. App. 10/4		138 Seaman Ave.	Deposit:	\$500
For 10/20/07		Beachwood NJ		

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second	X					
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-354 WHEREAS, on June 07, 2006 under resolution #2006-186, approval was given for rental of the Community Center on December 23, 2006 by Everett Pfeiffer , 720 Windward Beachwood N.J. , noting all resident fees were posted (\$850.00);and

WHEREAS, on October 04, 2006, written notice of cancellation was received subjecting the applicant to a \$100 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Beachwood to authorize a refund in the amount of \$750.00 to Everett Pfeiffer , 720 Windward Beachwood N.J, said refund reflecting a cancellation fee of \$100.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second					X	
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-355 RESOLVED by Mayor and Council to approve the following request for Conference – Training – Seminar

Date:	October 20	Chief Cairns - Sgt. Tapp
Location:	FBI Academy – Ocean City NJ	
Subject:	Leadership – “A New Definition”	
Cost:	\$100.00 PP	
Vehicle:	Yes	

Date:	TBA	Elizabeth Sarantinoudis
Location:	Municipal Budget Process – Current Fund 1	
Subject:	Rutgers	
Cost:	\$TBA	
Vehicle:	No	

Conditional Approval – pending dates and costs

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second			X			
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-356 RESOLVED by Mayor and Council to approve the Interlocal Service Agreement between the Borough of Beachwood and the Ocean County Prosecutor for DWI Checkpoints 2007; and

FURTHER RESOLVED that the Mayor and Clerk are authorized to execute on behalf of the Borough of Beachwood.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second						X
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

ORDINANCE FINAL READING – PUBLIC DISCUSSION AND ADOPTION

#2006-21 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE NO. 2006-16 ENTITLED “AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XVI ENTITLED “FLOOD PREVENTION” IN ORDER TO UPDATE AND REVISE ITS VARIOUS PROVISIONS AND REQUIREMENTS”

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 of Ordinance 2006-16 is hereby amended to delete the portion reading, “The areas of special flood hazard for the Borough of Beachwood, Ocean, Community No. 340518,” and in its place and stead the following shall be inserted: “The areas of special flood hazard for the Borough of Beachwood, Ocean, Community No. 340368,”.

SECTION 2. Section 3 of Ordinance 2006-16 is hereby amended at Subsection (1) to delete the portion reading, ““Flood Insurance Study, of Beachwood, Ocean County, New Jersey (All Jurisdictions)” dated September 29, 2006.” and to insert in its place and stead, ““Flood Insurance Study, Ocean County, New Jersey (All Jurisdictions)” dated September 29, 2006.”

SECTION 3. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

1,2 and 3 to create Block 10.40, New Lots 2.01, 4.01 and 6.01; and Block 11.18, New Lots 1.01 and 3.01, which are intended to be suitable for variance free residential development in accordance with the provisions of the R-D Single-Family Residential District.

WHEREAS, the Mayor and Borough Council are now rezoning certain lots to the R-D Single-Family Residential District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey, that the following provisions of the Revised General Ordinances of the Borough of Beachwood shall be amended and supplemented as follows:

That Subsection 17-22.2 be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 10.40, Lots 1, 2, 3, 4, 5, and 6; Block 11.17, Lots 1, 2, 3, 4, and 5; and, Block 11.18, Lots 1, 2, 3, 4, and 5 from the R-B Single-Family Residential District and so as to include said tax lots in the R-D Single-Family Residential District .

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjusted by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict; and

BE *IT* FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Forwarded to Planning Board October 2, 2006

ORDINANCE
#2006-24

**FINAL READING – PUBLIC DISCUSSION - ADOPTION
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AMENDING AND SUPPLEMENTING ORDINANCE NO. 2006-08 ENTITLED “AN ORDINANCE OF
THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY SUPPLEMENTING
CHAPTER 17 ENTITLED “DEVELOPMENT” TO INCLUDE STORMWATER MANAGEMENT
CONTROL WITHIN THE BOROUGH AND THE BOROUGH’S PINELANDS AREA” AND ADDING
APPENDICES THERETO**

The above ordinance is being adopted to amend the minimum stormwater management requirements in the “Pinelands” area of the Borough involving development applications requiring site plan and subdivision approvals as established in the ordinance. It will affects site plan and subdivisions of certain major developments that require preliminary or final site plan or subdivision review including non-residential major developments and aspects of residential major developments that are not pre-empted by the residential site improvement standards at N.J.A.C. 5:21. The ordinance further adopts methods for calculating and determining groundwater recharge.

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second	X					
Approved	X	X	X	X	X	X
Abstain						
Opposed						

Absent						
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Lipton

Pennant Ave.

Would like the opportunity to have the time to review the ordinance.

Mr. Hering:

Explanation of ordinance.

Mr. Lipton

Clarke

524 Seaman Ave.

Borough not providing information to public on ordinances. Not in accordance with law.

Questioned council if this is normal and reasonable way to do.

Yes.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second					X	
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

#2006-359

RESOLVED by Mayor and Council to approve and adopt Ordinance #2006-24 as presented and held for public discussion.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second				X		
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

CORRESPONDENCE:



OCEAN COUNTY POLICE CHIEF'S ASSOCIATION

26 September 2006

Chief William Cairns
Beachwood Police Department
1600 Pinewald Road
Beachwood NJ 08757

Patrolman Keith Meissner/
Patrolman Derek Mussari
Patrolman Derek Hartman

Dear Chief Cairns:

Each year, the Ocean County Police Chiefs Association presents their Police Officer Valor Award to police officers within the county that merit this honor. It is my pleasure to notify you that the above three officers from your department have been selected to receive this year's award for their contributions to Public Safety.

This award will be presented at our next regular meeting that will be held on Wednesday, October 11th at 10:30 a.m. at the Anchor Inn in Ocean Gate. The Ocean County Police Chiefs Association invites these officers to attend our luncheon and to receive their awards. **It is requested that you notify them of this invitation.**

Sincerely yours,

CHIEF KENNETH FLATT
President

REPORTS

Mayor Morris

Congratulated Mrs. Kelly on being named Citizen of the Year.
Thanked Mrs. Kelly and all the Volunteers.
Andrew Clayton for his letter of commendation.

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Councilmember

Beverly Clayton

Congratulated Mrs. Kelly and Mr. Clayton. Harvest Bonfire was great success. Blood drive and Flu clinic coming up. Calendar in print process. DPW did a great job over recent weeks. Town Yard Sale generated \$2,500 for Recreation. Thanks to Chris for her hard work.

Gregory Feeney

Congratulated Andrew and Mrs. Kelly and all Volunteers in the community. Welcomed PLE students from H.S. South. Bids for Robo truck due in the 23rd of October. Summer schedule in use for public works is working out very well. Good reports on vegetation at the Landfill. Tipping fees expected to increase \$4 per ton. Borough now spending in excess of \$250,000 for fees.

Steven Komsa

Congratulated Andrew Clayton and Mr. Kelly. November 13, Library hosting meet the Mayor and Council. Alliance Dane Oct 13th was well attended. Recreation Harvest Bonfire was very good.

Gerald LaCrosse

Congratulated Andrew Clayton and Mrs. Kelly. Additionally thanked volunteers – Scouts etc the back bone of the community. Moving forward on 600,000 gallon tank.

Thomas Miserendino

Congratulated Julia Kelly – a true “volunteer”. Thanked Council for recognition of Fire Company. Noted the passing of First Aider Lou Ravese.

Ronald Roma

Alliance Costume Dance October 13 was well attended. Just under 300. Thanked all chaperones. **November 10th** – next dance. Thanked Council for their support of the Alliance.

Administrator Lacey

No report.

Municipal Attorney

Mr. Hiering advised of interest from Verizon for an antennae on the water tower.

Municipal Engineer;

Road and Drainage (re-stripping) done by the school. Additional projects continuing until weather changes.

Mayor:

Questioned “crosswalks” created by the County in certain areas, and how they could be expanded to all school crossing areas.

Roma:

County is planning more.

Treasurer Dehnz:

No report

Clerk Mastropasqua:

Requested authorization to secure the DOP list for Police Officer.
Reminder – Auction October 26, 2006.

RESOLUTION:
#2006-36

RESOLVED by Mayor and Council to approve the Halloween Curfew from October 27th to November 2nd (9:00 p.m.) for all under the age of 18, unless accompanied by an adult.

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion	X					
Second		X				
Approved	X	X	X	X	X	X
Abstain						
Opposed						

Absent						
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PUBLIC DISCUSSION TO OPEN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second						X
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

Novaky

Maple St.

Article in Observer – re: Bulk Trash Fee proposal. Outraged at possibility of charging a fee for trash pick up.

Mr. Feeney: Borough has to start looking at the cost of tipping fees.

If vote were called for today how would council vote????

Lipton

Pennant Ave:

With taxes and finance going up and up – same services may not be available any more. Some of the items we take at the yard we should not be accepting.

Mr. Feeney: Explained why we had to prohibit Commercial plates from accessing the site.

Borough should have been compensated by Mr. Ritacco for the playground property. The replacement is inadequate. Should be getting difference in cash. What he is doing is insulting. Borough has to do something regarding rateables.

Clark

Seaman Ave.

Notice on Website about a \$7 million dollar bond for roads.

Clerk: Legal notice for bond sale – not an ordinance for new roads.

Has a “Sewerage Authority” issue – who does he complain to if he has no success in resolving.?

Priority List of Roads to be done should be published on the Web site.

What is status of FEMA storm damage.

Mr. Roma: Explanation

Has the Borough ever considered an “Eye Sore Law” ?

Mr. Feeney: Any problems call the Code Enforcement Officer or Mr. Lacey.

PUBLIC DISCUSSION TO CLOSE

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second				X		
Approved	X	X	X	X	X	X
Abstain						
Opposed						
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 - Community Center

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

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion		X				
Second					X	
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

TO RE-OPEN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion			X			
Second				X		
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

RESOLUTION:

#2006-361 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Schoor DePalma for Soft Costs not to exceed \$40,000.00 for Railroad Drainage Phase II

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion						X
Second		X				
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

TO ADJOURN

	Clayton	Feeney	Komsa	LaCrosse	Miserendino	Roma
Motion				X		
Second					X	
Approved	X	X	X	X	X	X
Abstain						
Opposed						
Absent						

Submitted by : E.A. Mastropasqua

Harold R. Morris
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua
Municipal Clerk