

November 03, 2004

Beachwood Municipal Complex



7:00 PM

Call to Order

Salute to the Flag

Moment of Silence in memory of the men and women who lost their lives in service to our country. We pray for a swift and 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 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

Mayor Harold R. Morris

Council Members:

Beverly Clayton

Thomas Miserendino

Patricia A Moran

Ronald Roma

Absent: Gregory Feeney - Gerald W. LaCrosse

#2004-291 RESOLVED by the Governing Body of the Borough of Beachwood to approve the Certified Bills List in the amount of **\$ 957,065.37**

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

#2004-292 RESOLVED by Mayor and Council to approve the minutes of the October 20, 2004 Meeting of Mayor and Council.

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

#2004-293

RESOLVED by the Governing Body to approve the following rentals of the Community Center and Mayo Park.

| COMMUNITY CENTER 2005 | | | | |
|-----------------------|----|-------------------|----------|-------|
| Aug | 20 | Maslin | Rental: | \$350 |
| | | 617 Anchor Ave | Deposit: | \$500 |
| Sept. | 10 | Steuer | Rental: | \$700 |
| | | 1242 Dove St. | Deposit: | \$700 |
| | | Toms River . | | |
| Sept. | 16 | Brady | Rental: | \$700 |
| | | 1200 Central Ave | Deposit: | \$700 |
| | | Seaside Hts. N.J. | | |
| Dec. | 12 | Thompson | Rental: | \$350 |
| | | 30 Bowline St. | Deposit: | \$500 |

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

WAIVER NOT APPROVED:

| | | | | |
|------|----|---------------------|----------|---------|
| Nov. | 12 | O.C. Shrine Ladies | | |
| | | c/o Tilton | Rental: | \$WAIVE |
| | | 821 Riverside Drive | Deposit: | \$WAIVE |
| | | Pine Beach | | |

#2004-294

RESOLVED by Mayor and Council to approve the following conference – training – seminar requests.

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|-----------|---|----------------|--------------------------------------|--|
| Date: | Nov. 08 | Public Works - | D. Ceccarelli – J. Wutzer – G. Silva | |
| Location: | Stafford Township | | | |
| Subject: | JIF – Personal Protective Equipment Initial & Re-Training | | | |
| Cost: | \$0 | | | |
| Vehicle: | Yes | | | |

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|-----------|---|----------------|--|--|
| Date: | Nov. 08 | Public Works - | G. Silva – J. Clayton – J. Behrens – E. Bosley | |
| Location: | Stafford Township | | | |
| Subject: | JIF – Blood Borne Pathogens – Re-Training | | | |
| Cost: | \$0 | | | |
| Vehicle: | Yes | | | |

#2004-297

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY TO ESTABLISH A SYSTEM TO ACCEPT ELECTRONIC PAYMENTS FOR THE BOROUGH’S MUNICIPAL COURT AND TO FURTHER APPOINT COMMERCE BANK FOR THE PURPOSE OF PROCESSING THE SAME PURSUANT TO STATUTE, RULES OF COURT AND RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR OF DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, the Borough of Beachwood desires to establish a program of a government electronic receipt acceptance for the Borough’s Municipal Court to accept electronic payments for fees, costs, fines, penalties, service charges and other traditionally imposed obligations pursuant to the procedures established by the Administrative Director of the Courts; and

WHEREAS, the Borough has obtained quotes from banking institutions concerning charges to the Borough for said electronic processing; and

WHEREAS, Commerce Bank has agreed to provide said services and to absorb all credit card processing fees, equipment and supplies for the first year of processing pursuant to Tax Schedule A entitled “Credit Card Proposal for Borough of Beachwood”; and

WHEREAS, it is the desire of the Borough of Beachwood to establish said program through Commerce Bank in accordance with the appropriate statutes and administrative regulations regulating said payments.

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 of Beachwood hereby establishes a system of accepting electronic payments to collect certain court-imposed obligations in accordance with appropriate statutes, rules of court and those rules promulgated by the Director of the Division of Local Government Services. Said agreement for processing shall be through the Commerce Bank in accordance with Schedule A attached hereto and made a part hereof establishing various rates and charges and indicating that Commerce Bank will absorb all credit card processing fees, equipment and supplies for the first year of processing.
2. That in accordance with the appropriate administrative regulations and in particular in accordance with N.J.A.C. 5:30-9.5, the Borough shall follow those particular financial procedures.
3. That upon the adoption of the within resolution, the Mayor and Clerk are authorized to execute an agreement with Commerce Bank for said electronic processing in relation to the use of credit cards through the Beachwood Municipal Court in accordance with all statutes and applicable rules and regulations.

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

#2004-298 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AWARDING A CONTRACT TO SHELL OIL FOR USE AS NECESSARY OF THEIR SERVICE STATION LOCATED WITHIN THE BOROUGH OF BEACHWOOD**

WHEREAS, the Borough of Beachwood from time to time requires the ability to obtain gasoline and/or diesel fuels from private vendors when supply is not available through the Borough’s facilities; and

WHEREAS, the Borough has requested of several service stations located within the Borough of Beachwood for a price for gasoline and diesel fuel on the basis of excluding taxes as a result of the Borough’s being an instrumentality of the State of New Jersey; and

WHEREAS, Shell has agreed that the Borough will enter an agreement which will be entitled "Shell Fleet Credit Card Application and Account Information in order that the Borough can obtain said petroleum products at the service station's posted price less taxes as a result of the Borough's status as a municipal corporation and instrumentality of the State of New Jersey.

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 Mayor is authorized to execute the customer agreement with Shell Oil in order to take advantage of the above-described services on an intermittent and as-needed basis.
2. That this resolution is contingent upon the receipt of the required "Business Registration" certification issued by the State of New Jersey.
3. That upon the adoption of the within resolution, the Clerk is authorized to forward it along with the completed credit card application and account information to Shell Fleet Management and the Borough Treasurer.

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

#2004-299 RESOLUTION CONFIRMING THE DETAILS OF THE: I SALE OF GENERAL OBLIGATION BONDS, SERIES 2004, \: IN THE AGGREGATE PRINCIPAL AMOUNT OF \$582,644 OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST PURSUANT TO THE 2004 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Beachwood (the "Local Unit"), in the County of :Ocean, New Jersey, has determined that there exists a need within the Local Unit to acquire the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan \Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the: New: Jersey Department of Environmental Protection (the "State"), all pursuant to the 2004 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to refinance a portion of the cost of acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the :Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2004, to the Trust in an aggregate principal amount not to exceed \$290,000 (the "Trust: Loan Bond") and General Obligation Bonds, Series 2004, to the State in an aggregate principal amount not to exceed \$292,644 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Loan Agreements and the Escrow :Agreement dated September 2,2004 (the "Escrow Agreement") by and among the Trust, the State, the Local Unit and the escrow agent named therein; I

WHEREAS, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein; and:

WHEREAS, in accordance with the terms of the Escrow Agreement, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Local Unit Bonds. ::

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The sale of the Trust Loan Bond to the Trust and the Fund Loan Bond to the State is hereby confirmed. The Trust Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in Schedule A attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the maturity schedule set forth in Schedule B attached hereto and made a part hereof.
 Section 2. This resolution shall take effect immediately.

Section 3. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Gluck Walrath LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

#2004-300 RESOLVED by Mayor and Council to approve the following transfers in the 2004 Budget.

| FROM | TO | AMOUNT |
|-------------------------------|-------------------------|-----------|
| DPW Salary / Wages | Gasoline & Oil O/E | \$15,000. |
| | Vehicle Maintenance O/E | \$15,000. |
| Legal Foreclosed Property O/E | Employees Group Health | \$ 7,000, |
| Legal O/E | Employees Group Health | \$15,000. |
| Legal O/E | Tax Assessor O/E | \$ 277.83 |

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

COUNCIL REPORTS

- Mayor: Congratulated re-elected Council members LaCrosse and Miserendino. Over all it was a great election.
Alliance Dance (10/29) great event. Great job done by all. Halloween Harvest Bonfire great job done by Recreation.
- Clayton; Beverly Congratulated re-elected Council members LaCrosse and Miserendino. November 4th Blood Drive at Beachwood Community Center. All donors welcomed.
- Feeney; Gregory Absent
- LaCrosse; G.W. Absent
- Miserendino; T. Thanked all for support during re-election process. Honor to serve over last six years and ensuing years. Turn out was impressive. Successful ticket. Alliance has sponsored extended version of Jr. Fire Academy program.
- Moran; Patricia Congratulated re-elected Council members LaCrosse and Miserendino. Saturday 2 Eagle Scout programs at Mayo Park (parking bumpers). Looking for one (1) more Eagle Scout to take on similar program to complete the area. Trails at Mayo Park were marked via an Eagle Scout project.
\$40,000. from 2003 Block Grant did Woman's Handicapped Bathroom at Fire House and work on Men's Room. Still some items on punch list remaining and the painting of the floors.
- Roma; Ronald Congratulated re-elected Council members LaCrosse and Miserendino. Alliance sponsoring "Exercise" program for seniors to be held during the Womens Senior meetings on Wednesday for 12 weeks. Next Alliance Dance Dec. 10. Senior Luncheon December 17, with speaker (Chief Wagner) and "entertainment". December 1 – 2 Volleyball registration at Beachwood Elem. School. Attended Governor's Council on Alcoholism event honoring young volunteers. The recipient from Ocean County was Alexandra Russo, a 15 year old Beachwood Resident.
- Attorney No report.
- Engineer : Comment on County request for GIS information.
- Christine Dehnz: Rabies Clinic Nov. 6 – 1:00 to 2:00 at Mayo Park.
- Municipal Clerk

SUBJECT: AUCTION 2004 (10/30/04)

On Saturday October 30, 2004 the undersigned conducted an auction of impounded and surplus vehicles, approved by resolution of the governing body.

The sale was properly advertised as required by law and the State of New Jersey as it relates to the impound vehicles (requiring 2 notices).

Inspection of vehicles which should have commenced at 09:00 was delayed while we secured a key to the site after a call to the on-duty officer C. Roselli. It should be noted at this time, that there was NO POLICE

PRESENCE during the course of the sale, as should have been provided, since the majority of vehicles sold are under their jurisdiction..

Ed Bosley, representing the public works vehicles, remained at the site with me during the sale and provided access to vehicles approximately 15 minutes preceding the sale, and starting all vehicles with keys that were able to start as well as addressing any questions from interested buyers.

At the close of the sale, all purchasers were directed to the Municipal Offices, where Christine Dehnz and I addressed the collection of monies and distribution of title sheets.

Of the 14 items on the list – item #2 (trailer) was not sold. Item #10 – 1994 Mazda was removed from the sale on the Wednesday preceding the sale, on the instruction of Sgt. Scalzo, who determined the vehicle was improperly placed on his list for sale.

The total of all sales taken in was - \$\$6,470 before any costs are deducted and noting that one item was not picked up or paid for at the time of this report.

The Police Department did not provide us with a list of bicycles for the sale, at any time from our initial request in April to and including our final request in early September. I made a decision to proceed with the sale without it, because of the retirement of Sgt. Scalzo, who was instrumental in providing all information and documentation connected to the impound vehicles.

OPEN TO PUBLIC DISCUSSION

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

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION

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

Terms & Condition of Employment - Hire
Contractual – Owen Little Flood Elev. Cert
Potential Litigation – Belkowski – Clyde Lattimer

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

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

Mrs. Clayton did not attend Executive Session

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

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION THIS DATE

#2004-301 RESOLVED by Mayor and Council to approve the proposal of Owen Little to do a “ Flood Elevation Certification of the Community Center in the amount of \$400 and to authorize the Municipal Clerk to execute on behalf of the Borough of Beachwood.

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

#2004-302 RESOLVED by Mayor and Council to hire Tom DiMichele as Fire Prevention Officer effective immediately, annual salary \$3,453.00. (Pro-rated)

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

ADJOURNMENT

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

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua
Municipal Clerk