

#2006-386

RESOLVED by Mayor and Council to approve the following transfers in the 2006 Municipal Budget.

FROM	TO	AMOUNT
Animal Control O/E	Social Security	\$ 5,000.00
Salary & Wage Adjustment	Social Security	\$10,000.00

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

#2006-387

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED FOR PUBLIC USE BEING BLOCK 11.39, LOTS 10, 10.01, 8.01 AND 9.01

WHEREAS, the Borough of Beachwood currently holds title to real property known as Block 11.39, Lots 10, 10.01, 8.01, and 9.01 located on Pearl Street and Berkeley Avenue being three 80' x 100' lots and one an irregular shaped parcel of property which are being offered at public auction to the highest bidder; and

WHEREAS, said sale will be for all the Borough's right, title and interest in the lands and premises hereinabove described and the Borough has determined said property is not needed for public purposes or use; and

WHEREAS, the following terms and conditions shall prevail and shall be hereinafter published in a public notice pursuant to N.J.S.A. 40A:12-13:

A. The minimum bid price established for the afore-referenced properties is set forth in Schedule A attached hereto and made a part hereof. Said minimum price shall be the minimum bid considered for the sale of said real property. Upon the completion of the bidding, the highest bid may be accepted and all bids, including the highest bid, may be rejected by the Borough Council. The Borough will offer the properties individually and in combination with adjoining properties.

B. The date of said sale shall be _____ at _____ p.m. and the place shall be the Borough Council Meeting Room located at 1600 Pinewald Road, Beachwood, New Jersey.

C. Said lot shall be sold as a parcel, as designated more specifically on Schedule A and no bid will be accepted on a portion of any parcel.

D. The sale and conveyance hereunder shall be subject to all covenants, conditions, easements and restrictions whether of record or not, as well as subject to all presently existing municipal rules, regulations and ordinances, including the zoning ordinance and amendments thereto of the Borough of Beachwood. The sale of said parcels shall in no way bind the Borough of Beachwood to make any improvements, to provide access, or to improve presently existing accesses, whether they be by public road or not, nor is there any representation in fact that access does exist to any of the parcels named therein. The sale shall in no way bind the Borough of Beachwood to bring utilities to the property in question. All costs regarding utilities shall be borne by the developer.

E. The form of conveyance of said lands by the Borough shall be a standard form of municipal Quitclaim Deed. The successful bidder shall notify the Borough Attorney in writing of any specific request for designation of grantees in said deed. The right to reject any and all bids, including the highest bid, is reserved. If the purchaser shall present a title insurance binder to the Borough of Beachwood showing good and marketable title in the Borough, then the Borough shall convey to the purchaser in a Bargain and Sale Deed with Covenant vs. Grantors Act.

F. At least 10% of the amount bid shall be paid by the successful bidder at the close of bidding, which may be by personal check. The balance of the bid price or purchase price shall be by certified or bank official's check, payable at time of transfer of title, but in no event later than sixty (60) days after the date of the land sale. In the event the Borough Attorney certifies to the Borough Council that questions of title exist, in that event payment shall be made within 150 days after the date of land sale, unless further extended by resolution of the governing body.

G. In the event the purchaser shall fail to pay the balance due as herein provided, the payment made at the time of the public auction shall be retained by the Borough as liquidated damages for the non-performance of the bidder.

H. No representation is made by the Borough as to the marketability or insurability to title to any parcel. In the event that the title of the Borough to any parcel or portion thereof is not marketable or insurable at regular rates by a reputable title insurance company licensed to do business in the State of New Jersey, a

successful bidder's sole remedy shall be the right to demand the return of any deposit paid to the Borough.

I. The successful bidder shall be responsible to pay the administrative fee of \$50.00 towards the sale, a \$500.00 attorney fee to the Borough Attorneys and recording fees. If bidder requires a title search, survey, etc., they shall obtain the same at their own expense.

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 hereby authorizes the sale of the afore-mentioned lands and premises by public auction for the sale price as listed on Schedule A.
2. That upon the adoption of the within resolution, the Borough Clerk is authorized to publish the required notices for the within sale.

SCHEDULE A

PUBLIC AUCTION

<u>Block</u>	<u>Lot</u>	<u>Street</u>	<u>Size</u>	<u>Minimum Bid</u>
Block 11.39	10	Pearl & Berkeley Avenue	80 x 100r	\$130,000.00
Block 11.39	10.01	Berkeley Avenue	80 x 100	100,000.00
Block 11.39	8.01	Berkeley Avenue	80 x 100	100,000.00
Block 11.39	9.01	Berkeley Avenue	Irregular 21,349 sq. ft.	100,000.00

The above lots will be offered individually and in combination with any adjoining lot.

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

#2006-388

RESOLVED by Mayor and Council to memorialize the hiring of James Holzapfel, of the firm of Citta, Holzapfel, Zabarsky et als; as Labor Attorney representing the Borough of Beachwood in the PBA negotiations , hrly rate same as Municipal Attorney.

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

Mayor Morris

Congratulated Feeney's on return of son Jonathan from Iraq.
Congratulated candidates on election victory.

Thomas Miserendino

Congratulated Feeney's on return of son from Iraq.

Ronald Roma

Congratulated Feeney's on sons return from Iraq. Noted that the Borough will be received \$140,000 in DOT Aid.

PUBLIC DISCUSSION TO OPEN

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

Novaky
Maple St.

Happy Thanks Giving. Comments on Holiday schedule for pick ups. Commented on Article quoting Mr. Roma

PUBLIC DISCUSSION TO CLOSE

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

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 - Public Defender Alternate , Haskell
 - Litigation - Lattimer
 - Personnel -
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
Abstain						
Opposed						
Absent	X		X	X		

TO RE-OPEN

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

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION

RESOLUTION:

#2006-389 RESOLVED by Mayor and Council to authorize payment to the American Association of Arbitration – Rhode Island and \$2,000 for Arbitration Attorney.

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

#2006-390

RESOLVED by Mayor and Council to approve the Field Change of \$1,200 on the Haskell contract for removal of a wall in the Mizzen and Elm street area.

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

#2006-391

RESOLVED by Mayor and Council to name Dina M. Vicari as Public Defender alternate, per session – based on pro-rated annual fee, not to exceed (\$2,568 prorated for 23 Sessions)

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

TO ADJOURN

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

Submitted by E.A. Mastropasqua

Harold R. Morris
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua
Municipal Clerk