

**December 5, 2007**

7:00 Mayor and Council Meeting

Beachwood Municipal Complex

1600 Pinewald Rd.

Call to Order

Flag Salute

While we pray for the safe return of our serving men and women, we must remember that 91 servicemen from New Jersey have been killed in Iraq and Afghanistan.



Our war dead must 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 Remembering our Honored Dead. In their memory, a moment of silence and a prayer for all our disabled vets and those missing in action and the swift return of all our serving men and women.

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 Asbury Park Press on January 4, 2007.

ROLL CALL MEMBERS PRESENT:

Mayor Harold R. Morris

COUNCILMEMBERS: Beverly Clayton Gerald W. LaCrosse  
Gregory Feeney Thomas Miserendino  
Steven Komsa Ronald Roma

Absent:

Beachwood Volunteer Fire Company Presented Honorary Membership to Mayor Morris and Councilman LaCrosse.



RESOLUTION  
#2007-338

Mayor appoints Phil Scarpa to fill the vacancy of Lewis Clayton – term ending December 31, 2009

#2007-339 RESOLVED by Mayor and Council to approve the 2007 Certified Bills List in the amount of A: \$ 2,941,114.13

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

#2007-340 RESOLVED by Mayor and Council to approve the minutes of the November 21, 2007 meeting of Mayor and Council.

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

#2007-341 RESOLVED by Mayor and Council to approve the minutes of the November 28, 2007 meeting of Mayor and Council

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

#2007-342 RESOLVED by Mayor and Council to approve the Community Center and Mayo Park Rentals as follows:

DATE		COMMUNITY CENTER	2008	
January	05	Velchik	Rental:	\$350
		733 Leeward Ave	Deposit:	\$500
		Beachwood		
January	20	Snedden	Rental:	\$350
		1213 Spar Ave	Deposit:	\$500
		Beachwood		
March	22	Jenkins	Rental:	\$700
		107 Mathis Drive	Deposit:	\$700
		Little Egg Harbor		
April	05	Colangelo	Rental:	\$350
		545 Ship Ave	Deposit:	\$500
		Beachwood		
October	25	Macneill	Rental:	\$350
		1129 Spray Ave	Deposit:	\$500
		Beachwood		

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

Abstain:

Absent:

#2007-343 RESOLUTION AURTHORIZING 2007 BUDGET TRASFERS

WHEREAS,transfers are permitted between budget appropriations during the last two months of the fiscal year:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Beachwood in the County of Ocean, New Jersey, that transfers between 2007 Budget Appropriations is made as follows:

Account No.	Title	From	To	AMOUNT
7-01-26-306-099	Recycling – OE	7-01-26-305-163	Garbage – OE Permits-Reports	1,766.89
7-01-26-306-225	Recycling – OE – Center Improve.	7-01-26-300-099	Public Works – OE	1,500.00
7-01-26-310-054	Building – OE – Janitorial Supplies	7-01-26-300-099	Public Works – OE	500.00
7-01-26-310-099	Buildings – OE Lawn Cutting	7-01-26-300-099	Public Works – OE	1,500.00
7-01-21-180-010	Planning Board S&W	7-01-25-255-265	Fire Company	1,000.00
7-01-22-200-010	Code Enforcement/Zoning S&W	7-01-25-255-265	Fire Company	4,000.00
7-01-22-200-010	Code Enforcement/Zoning S&W	7-01-26-305-010	Soils Waste Collection S&W	3,000.00
7-01-25-240-011	Crossing Guards S&W	7-01-26-305-010	Soils Waste Collection S&W	1,500.00
7-01-20-145-010	Revenue Administration S&W	7-01-26-305-010	Soils Waste Collection S&W	10,000.00
7-01-20-155-233	Legal Foreclosed Property OE	7-01-26-305-010	Soils Waste Collection S&W	5,500.00
7-01-20-155-233	Legal Foreclosed Property OE	7-01-20-165-099	Engineering Services	1,500.00
7-01-20-155-020	Legal OE	7-01-26-300-010	Other Public Works Functions S&W	26,000.00
7-01-20-155-020	Legal OE	7-01-31-440-844	Cell Telephone	4,000.00
7-01-30-416-020	Salary & Wage Adjustment	7-01-26-310-010	Buildings & Grounds S&W	10,000.00
7-01-26-290-010	Streets & Roads S&W	7-01-31-430-020	Electricity	10,000.00
7-01-31-440-020	Telephone	7-01-31-435-020	Street Lighting	5,000.00

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

#2007-344 RESOLVED by Mayor and Council of the Borough of Beachwood to approve the Agreement for Professional Services with Commerce Risk Control Services to coordinate Alcohol and Drug Testing Services; and

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

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

#2007-345 RESOLVED by Mayor and Council to authorize Notice to Bidders on Nautilus Street Water Main Replacement.

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

RESOLUTION

#2007-346 Authorize refund of tax overpayment for Block 1.16 Lot 8.02, Block 1.49 Lot 3 and Block 11.11 Lot 14 to Wells Fargo Home Mortgage

WHEREAS, Wells Fargo Home Mortgage has made payment for the 4<sup>th</sup> quarter installments for

1. Edward & Elizabeth Schultz; Block 1.49 Lot 3 property address 92 Wave Street in the amount of \$41.55
2. Laura Giovine; Block 11.11 Lot 14 property address 48 Nautilus Street in the amount of \$1,038.93; and

WHEREAS, 4<sup>th</sup> quarter installments were previously made unbeknownst to Wells Fargo Home Mortgage; and

WHEREAS, Wells Fargo Home Mortgage is requesting a refund due to the over payment.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey as follows:

The Tax Collector is directed to process a refund in the total amount of \$1,080.48 for the total overpayment of 4<sup>th</sup> quarter taxes.

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

ORDINANCE FINAL READING PUBLIC DISCUSSION AND ADOPTION

#2007-13 **AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XVII ENTITLED "DEVELOPMENT" OF THE CODE OF THE BOROUGH IN ORDER TO INTEGRATE STORM WATER MANAGEMENT REQUIREMENTS**

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Abstain:

Absent:

Resolution  
#2007-347

RESOLVED by Mayor and Council to approve and adopt Ordinance #2007-13 as presented and held for public discussion.

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

CORRESPONDENCE:

11/29/2007 11:09 7328317995

OC SECURITY DIRECTOR

PAGE 02/02

Members

John J. Mallon, *Chairman*  
Robert Singer, *Vice Chairman*  
Arlyne J. Rehak, *Secretary-Treasurer*  
Carmen Amato, Jr.  
Anthony Depaola  
Veronica Laureigh  
William T. Ritchings  
Patricia Seeber  
Warren Wolf  
Gerry P. Little, *Freeholder Liaison*



OCEAN COUNTY BOARD OF HEALTH  
P.O. Box 2191  
Toms River, NJ 08754-2191  
(732) 341-9700  
(800) 342-9738  
<http://www.ochd.org>



Public Health  
*Protect. Promote. Prevent.*  
Ella Boyd, VMD  
Public Health Coordinator

# Memorandum

To: Ron Roma, Beachwood Councilman  
From: Joanne Schuh, Ocean County Alliance Coordinator  
Date: 11/27/07

I am making an effort to move our Alliance Quarterly Meetings to various locations throughout the county. Would you check the availability of Beachwood Municipal hall for September 17<sup>th</sup> at 6:00 PM? (I will provide food so please keep that in mind).

If you have any questions or concerns please contact me at 732-341-9700 extension 7537. Thank you for your help.

TO APPROVE

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



## State of New Jersey

DEPARTMENT OF AGRICULTURE  
HEALTH / AGRICULTURE BUILDING  
PO BOX 330  
TRENTON NJ 08625-0330

JON S. CORZINE  
*Governor*

CHARLES M. KUPERUS  
*Secretary*

November 23, 2007

Ms. Elizabeth Mastropasqua  
Municipal Clerk  
Borough of Beachwood  
1600 Pinewald Road  
Beachwood, New Jersey 08722

Dear Ms. Mastropasqua:

The New Jersey Department of Agriculture is pleased to report that no major infestations were detected in your municipality from our fall gypsy moth egg mass survey. Therefore, the Department is not recommending any aerial treatment next spring.

The combination of past biological spraying with *Bacillus thuringiensis*, along with declines in gypsy moth population levels caused by fungal and viral diseases as well as parasites and predators, have reduced the population to near innocuous levels in your municipalities forested residential areas.

The Department believes that our policy of exclusively utilizing biological control techniques against the gypsy moth is working very well. Aerial spraying would only be used when egg mass counts are high and defoliation and tree loss are likely.

Thank you for your interest and cooperation in the Department's Gypsy Moth Program. The Department will continue to aerially monitor the gypsy moth population and should it reappear, you will be contacted. Feel free to contact the Department at (609) 292-5442 if you have any other questions.

Sincerely,

Joseph W. Zoltowski  
Chief, Bureau of Plant  
Pest & Disease Control



REPORTS

Mayor Morris Thanked the Fire Company for the honor extended to him.

COUNCILMEMBERS

Beverly Clayton "I would like to clarify the motion from the last meeting awarding a contract to Yezzi Associates for the Mayo Park Recreation Building. This motion acknowledges the \$31,000.00 contract award for preliminary phase and construction document phase prepared by Yezzi Associates. We would like to acknowledge that we received with that proposal an option to include the bidding phase for \$1,400.00 and the construction phase for \$6,550.00. We are not awarding the bidding and construction phase at this time, but we want that option available to us if we intend to move in that direction.

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

Commented on project of Cook Book for Beachwood. Flag Banner Program. Troop 99 decorated the Christmas Tree at the Community Center. Fireworks 2008 program to begin.

Congratulated Mayor and Mr. LaCrosse and Mr. Miserendino

Gregory Feeney Solid Waste Council moving along on single source recovery. Board of Health beginning to address enforcement in this area. Schools may be included as well. More information will be coming.

Congratulated Mayor and Mr. LaCrosse and Mr. Miserendino

Steven Komsa Invited representatives of "Wind Power" to make Presentation.

RESOLUTION #2007-349

RESOLVED to authorize a preliminary study (Wind Power) not to exceed \$1,500.

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

Thanked Recreation for hard work on "Tree Lighting" ceremony. Dec. 12th is deadline for entering House Decorating Contest. Thanked Fire Company for their work. Congratulated Mayor and Mr. LaCrosse.

Gerald W. LaCrosse Noted that a while back he began to look into the Borough "going green". Hopes we will move forward. Fire Company breakfast was great. Thanked them for the honorary membership. Water tank, public hearing scheduled for January 16th. Thanks to all people and volunteers for the past 21 years.

Thomas Miserendino Congratulated Mayor and Mr. LaCrosse. Honorary memberships are not given out lightly. Fire Company hasn't done it for over 30 years.

Ronald Roma County Schedule "C" paving began. Weather permitting project will be completed soon. Announce \$5,000 donation to Municipal Alliance by CMX for ski program.

Administrator Lacey No report

Municipal Attorney No report

Municipal Clerk No report

Engineer James Oris Absent

**OPEN TO PUBLIC DISCUSSION**

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

Lipton

Pennant Ave To Mayor Morris and Councilmen LaCrosse and Miserendino note of appreciation for all that they have done.

Comment on solar power and T.R. Schools being on forefront.

James Fry  
 Ocean Gate

Spoke on Wind Power and applauded council for taking initial steps.

Fire Chief  
 Roger Hull

Reminder – Santa will be traveling around town on December 16<sup>th</sup> beginning at 08:00.

**CLOSE TO PUBLIC DISCUSSION**

Motion: Roma Second: Miserendino  
 Approved: Clayton – Feeney – Komsa – LaCrosse – Miserendino – Roma  
 Abstain: 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 Beach wood, 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 Personnel

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

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

**RE-OPEN**

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

**ACTION TAKEN RESULTING FROM EXECUTIVE SESSION**

**#2007-350 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and CMX for Trails Grant Program application not to exceed \$2,500.**

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

**ADJOURN**

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

Submitted by: E.A. Mastropasqua

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

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

BOROUGH OF BEACHWOOD

ORDINANCE 2007-13  
AN ORDINANCE OF THE BOROUGH OF  
BEACHWOOD, OCEAN COUNTY, NEW JERSEY  
AMENDING CHAPTER XVII ENTITLED  
"DEVELOPMENT" OF THE CODE OF THE  
BOROUGH IN ORDER TO INTEGRATE  
STORM WATER MANAGEMENT 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 17-12.5 entitled "Information Required", Subsection c5, is hereby supplemented to include the following at the end of the first paragraph, "Where a variance is required from building coverage the applicant shall be required to mitigate run off from increased building coverage."

SECTION 2. Section 17-14.2 of the Code of the Borough of Beachwood entitled "Submission of Preliminary Plat of a Major Subdivision for Preliminary Approval" is hereby supplemented at Subsection a to include the following additional language at the end of said section: "Major subdivision applications shall require the "Low Impact Development Checklist" from Appendix A of the BMP Manual be submitted."

SECTION 3. Section 17-15.2 entitled, "Submission of Site Plan for Preliminary Approval" of the Code of the Borough of Beachwood is hereby supplemented at Subsection a to include the following language at the end of said section: "Developments meeting the most current definition of a "Major Development" must comply with the Low Impact Development Checklist from Appendix A of the BMP Manual."

SECTION 4. Section 17-15.5 of the Code of the Borough of Beachwood entitled "Preliminary Site Plan Detail Requirements for a Minor Site Plan" is hereby amended and supplemented to include the following section: "a. 27. For any development meeting the most current definition of "major development" must comply with the Stormwater Management rules N.J.A.C. 7:8."

SECTION 5. Section 17-15.6 of the Code of the Borough of Beachwood entitled "Primary Site Plan Requirements for a Major Site Plan" is hereby amended at subsection c to delete the sentence reading, "Drainage facilities shall include facilities to comply with the stormwater run off provisions in the standards" and to insert in its place instead the following language: "Drainage facilities shall include facilities to comply with the stormwater runoff provisions in the standards. Any development meeting the most current definition of "major development" must comply with the Stormwater Management Rules N.J.A.C. 7:8."

SECTION 6. Section 17-21.2 of the Code of the Borough of Beachwood entitled, "Specific Requirements" is hereby amended at subsection d1 to delete the sentence reading, "No structure, activity, storage of materials, or parking of vehicles shall be permitted in a buffer area", and to insert in its place instead the following: "No structure, activity, storage of materials or parking of vehicles shall be permitted in a buffer area except that a buffer area may be utilized for Stormwater Management by disconnecting impervious surfaces and treating run offs from impervious surfaces."

SECTION 7. Section 17-21.2 of the Code of the Borough of Beachwood entitled, "Specific Requirements", is hereby amended at subsection g by the inclusion of the following at the end of said section: "The Municipal requirements of this section may allow for curb cuts or flush curbs with curb stops to allow vegetated swales to be used for stormwater conveyance and to allow the disconnection of impervious."

SECTION 8. Section 17-21.2 of the Code of the Borough of Beachwood entitled, "Specific Requirements", is hereby amended at subsection h by the inclusion of the following subsections: "10. All grates located within roadways, parking lots and pedestrian areas shall be bicycle safe. All curb inlets shall be of the "N-ECO" type, limiting curb opening to no larger than 2 inches. The use of natural vegetated swales in lieu of pipe inlets, where feasible, shall be encouraged."

SECTION 9. Section 17-21.2 of the Code of the Borough of Beachwood entitled, "Specific Requirements" is hereby amended to delete subsection s and to insert its place instead the following: "s. Natural Features. Natural features such as trees, brooks, swamps, hilltops and views, shall be preserved whenever possible. This shall include forested areas to ensure that leaf litter and other beneficial aspects of the forest are maintained in addition to trees." When individual lots, care shall be taken to preserve selected trees to enhance soil stability

and the landscape treatment of the area".

SECTION 10. Section 17-21.2 of the Code of the Borough of Beachwood entitled, "Specific Requirements", subsection t is hereby supplemented to include the following at the end of subsection 4: "Mitigation of the impact of additional impervious surfaces shall be required, unless the Stormwater Management Plan for the development of which the lot is a part provided for these increases in impervious surfaces."

SECTION 11. Section 17-21.2 of the Code of the Borough of Beachwood entitled, "Specific Requirements", subsection w1(h) is hereby supplemented, to include the following subsection (4): "Pervious paving materials may be used to minimize Stormwater run off and provide groundwater recharge."

SECTION 12. Section 17-21.2 of the Code of the Borough of Beachwood entitled, "Specific Requirements", at subsections w.4, w.5, w.6 and w.8 are each amended and supplemented as follows:

a. Section w.4 is supplemented to include the following at the end of the first paragraph: "Flush curbs with curb stops or curbing with curb cuts to encourage the discharge of impervious areas into landscaped areas for Stormwater Management as deemed appropriate by the Board Engineer. Additionally, naturally vegetated swales for water quality design storm, with overflow for larger storm events into storm sewers may be allowed."

b. Section w.5 is amended to have the first paragraph read as follows: "Dimensions. Off-street parking spaces shall be nine (9) feet wide (depending on the angle of parking) and a minimum of eighteen (18) feet in length in accordance with the following schedule: Handicapped parking spaces must meet the latest ADA rules and regulations"

c. Section w-6 is hereby supplemented by the inclusion of the following at the end of said section: "Where feasible, the use of natural vegetated swales in lieu of pipe and inlets shall be allowed where deemed appropriate by the Board Engineer. Additionally, pervious paving materials may be allowed to minimize Stormwater run off and provide groundwater recharge and native vegetation shall be required in landscaped areas."

d. Section w.8 shall be supplemented to include the following language at the end of said section: "Native vegetation shall be required in landscaped areas."

SECTION 13. Section 17-21.3 of the Code of the Borough of Beachwood entitled, "Performance Standards; General", is hereby supplemented at subsections i, q, v, and x as follows:

a. Subsection i shall be supplemented to include the following language at the end of said section: "No bulk storage shall take place within fifty (50) feet of a Stormwater Management basin/facility."

b. Subsection q shall be supplemented to include the following language at the end of said section: "Developers shall design sidewalks to discharge stormwater to neighboring lawns, where feasible, to disconnect these impervious surfaces, as well as use permeable materials, where appropriate."

c. Subsection v is hereby supplemented to include the following subsection: "6. Notwithstanding the above, Stormwater Management shall be per the Residential Site Improvement Standards for all residential development and per the Stormwater Management Rules, N.J.A.C. 7:8, "All Major Development" which is currently described as disturbing one (1) or more acres."

d. Subsection x shall be supplemented by the inclusion of the following subsection: "16. Notwithstanding the above provisions, the developer shall be required to follow the most current Capital Residential Improvement Standards RSIS for street classification and construction."

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the 21st day of November, 2007 and will be considered for second reading and final passage at a regular meeting of said governing body to be held on the 5th day of December, 2007 at 7:00 p.m. at the Beachwood, Municipal Complex, 1500 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard upon the same will be given an opportunity to be so heard.

ELIZABETH A. MASTROPASQUA, Clerk  
(\$122.14) 590105