

March 18, 2009

**NOT OFFICIAL UNTIL APPROVED BY RESOLUTION OF COUNCIL**

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 104 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, posted on the Municipal Website and delivered to the Asbury Park Press on January 10, 2009.*

ROLL CALL MEMBERS PRESENT:

**Mayor Ronald Jones**

COUNCILMEMBERS:	Katina L. Clark	Steven Komsa
	Beverly Clayton	Ronald Roma
	Gregory Feeny	Bonnie Verga

**Absent:**

*Time has been allocated under Borough Code 2-6.9 for the public discussion by individuals. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda. Citizens must give their name and address when recognized to speak. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.*

*Also, please turn off all cell phones and pagers.*

*Presentation - Snowman Contest Award – Recreation Commission*

*Honorable Mentions:*



*First – Second – Third Place Winners*



Mr. Ed Zakar request to speak with Council. Seeking assistance on behalf of the Land Use Board for Legal Counsel Guidance at next meeting.

<p>Mr. Zakar Land Use Bd. Chairman</p>	<p>Addressing Land Use Board problem. Recent meeting had to be cancelled due to lack of legal assistance. The meeting was re-scheduled, don't know who called it, but a meeting was held. Basis for cancellation was we did not have legal representation available to represent the Land Use Board. We have a meeting coming up on the 23<sup>rd</sup>, and we still do not have an Attorney. I am asking the council to make a decision tonight to appoint counsel for the one night, a couple of hours, so that we can get through the legal ramifications going on with the Board that's emanated since the beginning of January. I need an attorney for March 23, so we can hold the Land Use Meeting to represent the people of Beachwood appropriately.</p>
<p>Mr. Roma</p>	<p>As council rep to Land Use Board, I was notified also by the Chairman through the Secretary that the Land Use Board was cancelled. meeting. Understands that some members had a meeting anyway. Believes not in compliance with law. Officially cancelled by Chairman earlier in afternoon. Law requires 48 hour notice of any meeting. Board members presented acted in an illegal fashion. Wants to know who was responsible and what were motives for holding meeting. They are holding the Borough Legally liable. Two scheduled applicants</p>

	were notified of cancellation. One happened to show up for an unrelated matter and questioned.
Mrs. Clark	Under Land Use 55D9 . Council does not have authority to discuss this or decide this.
Mr. Hiering	We can't make decisions for the Planning Board. I think what they are asking is can you get us an Attorney....
Mr. Roma	Nobody is trying to make a decision for this board. This body has an obligation, to make sure they (board) acts properly, If they are going to act irrationally, Borough is liable. Need to make sure they act accordingly. Suggesting a "special counsel" to guide board through next meeting. To make sure they do not violate and laws or rules. Simply get through that one meeting.
Mr. Feeney	Was the meeting cancelled?
Mrs. Clark	According to 55D20 you may want to take a look at that as well. We shouldn't be discussing that.
Mr. Feeney	Was the meeting cancelled?
	<p><b><u>Mrs. Clark:</u></b> The whole discussion of the Land Use Board meeting should not be taking place here.</p> <p><b><u>Roma:</u></b> We're not discussing the contents of the meeting</p> <p><b><u>Mr. Feeney:</u></b> Was the meeting cancelled or not.</p> <p><b><u>Mrs. Clark:</u></b> It's supposed to be for Court before the Land Use Board. According to Judge Grasso.</p> <p><b><u>Mr. Hiering:</u></b> That's correct. But what they are asking though is that the meeting was held properly and Judge Grasso.....Once a meeting is cancelled....</p> <p><b><u>Mrs. Clark:</u></b> Where in the statute does it say the Chairman has the authority to cancel.</p> <p><b><u>Mr. Hiering:</u></b> He has a right to call the meeting, so I guess he has the authority to cancel.</p> <p><b><u>Mrs. Clark:</u></b> He doesn't</p> <p><b><u>Mr. Hiering:</u></b> Once the meeting is cancelled its done. Its' posted it's over. You can't just come up afterward and say....</p> <p><b><u>Mrs. Clark:</u></b> If the majority board (section 55D) which there was 6 members present state that there shouldn't....</p> <p><b><u>Mr. Hiering:</u></b> Yes but it was cancelled. Once it's cancelled it's over with.</p> <p><b><u>Mrs. Clark:</u></b> Who cancelled it.</p> <p><b><u>Mr. Hiering:</u></b> The Chairman cancelled it. The Secretary posted it. It's done. Then it's 48 hour notice.</p> <p><b><u>Mr. Roma:</u></b> Legally you have to advertise it.</p> <p>Mrs. Clark: Was it cancelled by Asbury Park Press, was there any cancellation.</p> <p><b><u>Clerk:</u></b> Posted on the Door</p> <p><b><u>Mr. Roma:</u></b> And I believe the applicants were notified.</p> <p>Mrs. Clark: And a majority of the board chose to have the meeting.</p> <p><b><u>Mr. Feeney:</u></b> Did they all just show up or were they called to show up.</p> <p><b><u>Mrs. Clark:</u></b> I was here as a representative of the Girls Softball and I was able to speak. I know that much. Anything else you would have to discuss with the Land Use Board.</p> <p><b><u>Mr. Feeney:</u></b> You have 55D and your notes right there, my question to you is this..was the meeting cancelled?</p> <p><b><u>Mrs. Clark:</u></b> My answer to you is, according to 55D I don't have to answer that, nor should</p>

	we be discussing this today.
Mr. Roma	Mrs. Clark, you are not on the Land Use Board. Mayor, you and I are on the Land Use Board, To Mayor . I represent this governing council, you represent yourself. .. I was told it was cancelled, I did not go. I want to know who told you to go, who called this meeting. I wasn't called to go to the meeting
Mayor	Mr. Roma, the proper form is the Land Use Board, regarding this matter. I indicated to the Secretary, that even though the meeting was cancelled, since we were on a court order from the assignment judge, to specifically pick a Land Use Attorney on March 9 <sup>th</sup> , that I I did not want to be held in contempt of court, that I personally was still going to show up, and that was sent to all the members. I did not call anyone.
	<p><b>Mr. Roma</b> I'm not going to get into a legal argument here. Simple thing is this, the Chairman cancelled it, so therefore, he would be the guy that would be in trouble with the court, if anyone was going to be in trouble. Not the members. The Chairman cancelled it and we were all told don't come. And we didn't show up. I want to know how other members mysteriously showed up and voted on action.</p> <p><b>Mayor:</b> I can't speak for them</p> <p><b>Mr. Feeney:</b> Action was taken?</p> <p><b>Mr. Roma: I</b> Understand that action was taken. I can't imagine, how some members could show up and vote. We're supposed to have transparency in government ( Asbury Park Press article) When we legally cancel a meeting, we have an obligation to all these people in the room, and everybody else, that may want to come, to let them know when we're going to re-schedule. We just don't show up behind closed doors and have a meeting.</p>
Mayor	<p>I take offense to the closed door part. I am indicating to you as I just mentioned, that I notified the Secretary that I was going to continue to be at the meeting . You received a copy of that because she sent it to all the board members. Simple as that. I can't speak for the other members.</p> <p><b>Mr. Roma:</b> Mayor, I did not receive a copy of that.</p> <p><b>Mayor:</b> Then you should speak with her about that. Well you don't receive e-mails anyway, ok.</p> <p><b>Mr. Roma:</b> The question I guess is still not answered, we don't know how mysteriously six members showed up.</p>
	<p><b>Mr. Feeney</b> Who Chaired the meeting.</p> <p><b>Mrs. Clark:</b> Is there minutes or a recording available.</p> <p><b>Mayor:</b> To my knowledge the recordings were turned over to the Planning Board Secretary.</p> <p><b>Feeney:</b> Who chaired the meeting?</p> <p><b>Mayor:</b> Mr. Feeney if you would like an inquiry, I would suggest you do it in the proper manner....</p> <p><b>Mr. Feeney:</b> Proper manner ..... Mayor you were at the meeting, I was not at the meeting. I am asking you as a representative...</p> <p><b>Mayor:</b> I did not handle the recording.</p> <p><b>Mr. Feeney</b> – Who chaired the meeting.</p> <p><b>Mayor:</b> The board decided at that time to pick a chairman to run the meeting and Mr.Gugger</p>

	<p>– Class IV member chaired the meeting.  Mr. Feeney: So the people present picked a different Chairman.  Mr. Komsa: So the Chairman wasn't there, the Vice Chairman wasn't there</p>
Mayor	Mr. Gugger
Mr. Komsa	<p>Chairman wasn't there. Vice Chairman wasn't there. They just temporarily appointed....  <u>Mr. Zakar:</u> The Land Use Board Secretary was not there either.</p>
Mr. Roma	<p>There are two issues here, I am Asking governing body to have attorney through proper channels to find out how this meeting occurred, who took part, and if they committed any crimes.  Second to appoint special to show up at the next meeting to guide the Chairman, the Vice Chairman and the board through the meeting to the point where they can appoint an Attorney, and that Attorney can take over. It should be a relatively easy process, however as we would all agree, there are going to be a number of issues to come up at that time, for a number of the board members and therefore, what's going to happen is, there are going to be questions that won't be able to be answered.</p> <p><b><u>RESOLUTION:</u></b>  <b><u>I am making a motion that we appoint special counsel for that meeting.</u></b></p>
<b>Motion: Roma</b>	<b>Second: Clayton - Approved: Clayton – Feeney – Komsa – Roma Opposed: Verga - Clark</b>
	<p><b><u>Roma:</u></b> I want to see them guided through the proper channels.  <b><u>Clark:</u></b> I believe it was properly done.  <b><u>Verga:</u></b> I don't believe we have the authority to do this.  <b><u>Roma:</u></b> Mr. Hiering, do we have the authority to do that.  <b><u>Hiering:</u></b> We don't appoint the actual attorney. The trouble is if you need someone I don't know who else would make the appointment.  <b><u>Mayor:</u></b> I believe the Mayor would make that appointment.</p> <p><b><u>RESOLUTION:</u></b>  <b><u>Mr. Roma: The first part of my proposal was that we authorize the Attorney and whoever he deems necessary to look into this matter</u></b></p>
<b>Motion: Roma</b>	<b>Second: Clayton  Approved: Clayton – Feeney – Komsa – Roma - Verga  Opposed: Clark</b>
Mayor	Did you receive a copy of an order from Judge Grasso concerning, in that order did it indicate that a Land Use Attorney had to be chosen on March 9 <sup>th</sup> .
Mr. Hiering	He had directed , he had put that in the order yes. I think the only question was the meeting held properly. He did say that, but once the meeting was cancelled...
Mr. Roma	Such a thing called intent – I think the judges intent was the next legal meeting.
Mrs. Clayton	Why were only 6 members called to the meeting after it was cancelled and no one else was.

	<b><u>Roma:</u></b> That's what the question was, but the Mayor doesn't want to answer.
Mayor	<p>What part of the fact that I said I sent an e-mail don't you understand . That's a pretty specific answer.</p> <p><b><u>Roma:</u></b> Are you saying that you called the meeting.</p> <p><b><u>Mayor:</u></b> I said that I indicated that I was still going to the meeting.</p> <p><b><u>Roma:</u></b> You said you were going to be there. My question was who called the meeting. Did you call it.</p> <p><b><u>Mayor:</u></b> No</p> <p><b><u>Mrs. Clayton:</u></b> The next question would be to the members are you normally e-mailed or are you called. ( Called)</p> <p><b><u>Mr. Roma:</u></b> You don't cancel a meeting in the afternoon, people are at work, and expect to re-schedule a meeting without calling them on the phone and physically talking to them.</p>
Mr. Roma	<p>To Mr. Zakar, we authorized our Attorney to look into it.</p> <p>Mr. Zakar: Basically if there is no Attorney at the 23<sup>rd</sup> meeting, that meeting will be cancelled. I will not hold meeting without legal representation. Recommending amendment to professional service contract permitting the expiration of services until new counsel appointed.</p>
Mrs. Clayton	Are we to understand that all actions at that meeting are
Mr. Roma	<p>It's an illegal meeting.</p> <p><b><u>Mrs. Clark:</u></b> That has to be determined.</p> <p><b><u>Mrs. Clayton:</u></b> It was an illegal meeting.</p>
Mr. Zakar	<p>Mr. Grietz offered his services for free.</p> <p><b><u>Mayor:</u></b> Would have to check into that.</p>

**RESOLUTION                      EMERGENCY TEMPORARY RESOLUTION**  
**#2009-103**

WHEREAS,        an emergent condition has arisen with respect to the ability of the Borough of Beachwood to continue paying its employees and vendors; and

WHEREAS,        the Borough Council has not yet adopted the 2009 budget; and

WHEREAS,        no adequate provision has been made in the 2009 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS,        the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of Chapter 96,P.L.1951 (N.J. S. 40A:4-20) including this resolution total \$ 2,760,019.87

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-20:

An emergency temporary appropriation be and the same is hereby made for:

	2009	SALARY	OTHER	EXPENSES	TOTAL
			& WAGES		
1	MUNICIPAL CLERK		3,500.00		3,500.00
2	MAYOR & COUNCIL		3,500.00	100.00	3,600.00
3	REVENUE ADMIN.(TAX COLLECTION)		1,500.00		1,500.00
4	TAX ASSESSMENT		1,200.00		1,200.00
5	FINANCIAL ADMINISTRATION		4,000.00		4,000.00
6	ENGINEERING			7,000.00	7,000.00
7	POSTAGE			1,000.00	1,000.00
8	UNIFORM CONSTRUCTION CODE	27,000.00			27,000.00
9	LIABILITY INSURANCE			20,000.00	20,000.00
10	CODE ENFORCEMENT	3,300.00			3,300.00
11	EMPLOYEES GROUP HEALTH			100,000.00	100,000.00
12	POLICE	66,500.00			66,500.00
13	FIRE PREVENTION	1,500.00			1,500.00
14	STREETS & ROADS	4,000.00		10,000.00	14,000.00
15	PROSECUTOR SERVICES			1,500.00	1,500.00
16	SOLID WASTE	6,000.00			6,000.00
17	BUILDINGS AND GROUNDS	4,000.00			4,000.00
18	VEHICLE MAINTENANCE	5,500.00			5,500.00
19	RECREATION	100.00			100.00
20	ENVIRONMENTAL COMMISSION			200.00	200.00
21	RECYCLING	3,000.00			3,000.00
22	ELECTRICITY			10,000.00	10,000.00
23	STREET LIGHTING			10,000.00	10,000.00
24	TELEPHONE			10,000.00	10,000.00
25	CELL PHONES			2,000.00	2,000.00
26	NATURAL GAS			8,000.00	8,000.00
27	GASOLINE & OIL			10,000.00	10,000.00
29	SOCIAL SECURITY			10,000.00	10,000.00
<u>30</u>	<u>COURT</u>		<u>7,000.00</u>		<u>7,000.00</u>
	SUB-TOTAL		141,600.00	199,800.00	<b>341,400.00</b>
---	<u>WATER UTILITY FUND</u>				
31	WATER			<u>100,000.00</u>	<u>100,000.00</u>
	TOTAL WATER OPERATING			100,000.00	100,000.00
<u>32</u>	<u>CAPITAL OUTLAY</u>			<u>25,000.00</u>	<u>25,000.00</u>
	TOTAL CAPITAL OUTLAY			25,000.00	25,000.00

That said emergency temporary appropriations have been provided for in the 2009 Budget under the aforementioned line items.

That one certified copy of this resolution be filed with the Director of Local Government Services.

Motion: Clayton Second: Roma  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Opposed: Absent:

**RESOLUTION**

#2009-104 RESOLVED by Mayor and Council to approve the 2009 Certified Bills List in the amount of **\$566,754.86**

Motion: Clayton Second: Roma  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
 Opposed: Absent:

**RESOLUTION**

#2009- 105 RESOLVED by Mayor and Council to approve the minutes of the March 4, 2009 Meeting of Mayor and Council.

Motion: Clayton Second: Verga  
 Approved: Clayton — Komsa – Roma - Verga  
 Opposed: Clark –  
 Abstain: Feeney

**RESOLUTION**

#2009-106 RESOLVED by Mayor and Council to approve the following rentals for the Community Center – Mayo Park

<b>2009 Community Center</b>				
<b>May</b>	<b>09</b>	<b>Harrigan</b>	<b>Rental:</b>	<b>\$350</b>
		<b>65 Birch St.</b>	<b>Deposit:</b>	<b>\$500</b>
		<b>Beachwood</b>		
June	07	Tyler	Rental;	\$350
		913 Ship Ave	Deposit:	\$500
		Beachwood		
June	21	Curatolo	Rental:	\$350
		321 Leeward Ave	Deposit:	\$500
		Beachwood		
July	12	Belkowski	Rental:	\$350
		37 Cherry St.	Deposit:	\$500
		Beachwood		
July	17	Petersen	Rental:	\$350
		501 Cable Ave	Deposit:	\$500
		Beachwood		
July	19	Nagy	Rental:	\$350

		801Beach Ave	Deposit:	\$500
		Toms River		
July	26	Shenk	Rental:	\$350
Previously approved for		310 Ship Ave	Deposit:	\$500
November 9, 2009		Beachwood		
October	03	Roselli	Rental:	\$350
		800 Seaman Ave	Deposit:	\$500
		Beachwood		
2011		COMMUNITY CENTER		
May	15	Beachwood Republican Organization	Rental:	\$WAIVE
		P.O. Box 252	Deposit:	\$WAIVE
		Beachwood		
<b><u>MAYO PARK 2011</u></b>				
April	4	Birzin	Rental:	\$ 75.00
		120 Halliard Ave.	Deposit:	\$ 75.00
		Beachwood		
September	18	Beachwood Republican Organization	Rental:	\$WAIVE
		P.O. Box 252	Deposit:	\$WAIVE
		Beachwood		

Motion: Feeney Second: Komsa  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

**RESOLUTION**

#2009-107 WHEREAS, Block 4.28 Lot 4 Account #1701-0 (Allan & Doris Kammerer) was read incorrectly for the 2<sup>nd</sup> quarter of 2009; and

WHEREAS, it was read and posted as 3972 when it should have been posted as 3872.

NOW, THEREFORE, be it resolved by Mayor and Council to credit the account Block 4.28 Lot 4 Account #1701-0 (Allan & Doris Kammerer) in the amount of \$555.00

Motion: Feeney Second: Verga  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION  
#2009-108

**RESOLVED to AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00012 TO LIEN HOLDER CRUSADER LIEN SERVICES, IN THE AMOUNT OF \$ 979.75 PLUS REFUND THE PREMIUM IN THE AMOUNT OF \$100.00**

**WHEREAS,** at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 3.10 Lot 10 , also known as 724 Surf Avenue, for 2007 delinquent municipal charges; and,

**WHEREAS,** this lien, known as Tax Sale Certificate #07-00012, was sold to Crusader Lien Services, with a 0% interest rate and a premium amount of \$100.00; and,

**WHEREAS,** OCWEN Loan Servicing, has effected redemption on behalf of property owners, Raymond & Diana Knapp for certificate # 07-00012 in the amount of \$979.75.

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

1. Authorize the Treasurer to issue a check in the amount of \$,1,079.75 payable to Crusader Lien Services, 179 Washington Lane, Jenkentown, PA 19046 for the redemption of Tax Sale Certificate #07-00012 and refund of the premium

Motion:	Feeney	Second:	Clayton
Approved:	Clark – Clayton – Feeney – Komsa – Roma - Verga	Absent:	
Opposed:			

RESOLUTION  
#2009-109

**RESOLVED to AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00041 TO LIEN HOLDER CCTS TAX LIENS II, LLC, IN THE AMOUNT OF \$ 1,112.45 PLUS REFUND THE PREMIUM IN THE AMOUNT OF \$100.00**

**WHEREAS,** at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 9.03 Lot 6, also known as 1417 Ocean Avenue, for 2007 delinquent municipal charges; and,

**WHEREAS,** this lien, known as Tax Sale Certificate #07-00041, was sold to CCTS Tax Liens II, LLC, with a 0% interest rate and a premium in the amount of \$100.00; and,

**WHEREAS,** Countrywide, has effected redemption on behalf of property owners, Thomas & Kathleen Wheeler for certificate # 07-00041 in the amount of \$1,112.45.

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

1. Authorize the Treasurer to issue a check in the amount of \$1,212.45, payable to CCTS Tax Liens II, LLC, 141 Shreve Avenue, Barrington, NJ 08007, for the redemption of Tax Sale Certificate #07-00041 and the refund of premium

Motion:	Roma	Second:	Feeney
Approved:	Clark – Clayton – Feeney – Komsa – Roma - Verga	Absent:	
Opposed:			

RESOLUTION  
#2009-110

**RESOLVED to AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00019 TO LIEN HOLDER LEVINE INVESTMENTS, LLC, IN THE AMOUNT OF \$ 3,169.45**

**WHEREAS**, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 3.32 Lot 6, also known as 917 Seaman Avenue, for 2007 delinquent municipal charges; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #07-00019, was sold to Levine Investments, LLC, with a 0% interest rate; and,

**WHEREAS**, Comerica Bank, has effected redemption on behalf of property owners, Laura & Antonio for certificate # 07-00019 in the amount of \$3,169.45.

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

1. Authorize the Treasurer to issue a check in the amount of \$3,169.45, payable to Levine Investments, LLC, 415 Fawns Run, Morganville, NJ 07751 for the redemption of Tax Sale Certificate #07-00019

Motion: Komsa Second: Roma  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION  
#2009-111

**RESOLVED to AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00025 TO LIEN HOLDER MOORING SECURITIES LIQUIDITY FUND, LLC, IN THE AMOUNT OF \$ 640.26**

**WHEREAS**, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 4.25 Lot 7, also known as 409 Forepeak Avenue, for 2007 delinquent municipal charges; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #07-00025, was sold to Mooring Securities Liquidity Fund, LLC, with a 0% interest rate; and,

**WHEREAS**, Countrywide, has effected redemption on behalf of property owners, Patrick & Amy Parenteau for certificate # 07-00025 in the amount of \$640.26.

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

1. Authorize the Treasurer to issue a check in the amount of \$640.26, payable to Mooring Securities Liquidity Fund, LLC, 8614 Westwood Center Drive, Suite 500, Vienna, VA 22182 for the redemption of Tax Sale Certificate #07-00025

Motion: Feeney Second: Roma  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION  
#2009-112

RESOLVED to **AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00027 TO LIEN HOLDER CCTS TAX LIENS II, LLC, IN THE AMOUNT OF \$ 176.28**

**WHEREAS**, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 4.45 Lot 12, also known as 116 Barnegat Blvd, for 2007 delinquent municipal charges; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #07-00027, was sold to CCTS Tax Liens II, LLC, with a 0% interest rate; and,

**WHEREAS**, Countrywide, has effected redemption on behalf of property owner, Zigrid Florio for certificate # 07-00027 in the amount of \$176.28.

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

1. Authorize the Treasurer to issue a check in the amount of \$176.28, payable to CCTS Tax Liens II, LLC, 141 Shreve Avenue, Barrington, NJ 08007, for the redemption of Tax Sale Certificate #07-00027

Motion: Clayton Second: Roma  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION  
#2009-113

RESOLVED to **AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00043 TO LIEN HOLDER LEVINE INVESTMENTS, LLC, IN THE AMOUNT OF \$ 1,598.39**

**WHEREAS**, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 9.23 Lot 15, also known as 1244 Cable Avenue, for 2007 delinquent municipal charges; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #07-00043, was sold to Levine Investments, LLC, with a 0% interest rate; and,

**WHEREAS**, Countrywide, has effected redemption on behalf of property owners, Stanley & Christine Paskiewicz for certificate # 07-00043 in the amount of \$1,598.39.

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

1. Authorize the Treasurer to issue a check in the amount of \$1,598.39, payable to Levine Investments, LLC, 415 Fawns Run, Morganville, NJ 07751 for the redemption of Tax Sale Certificate #07-00043

Motion: Clayton Second: Roma  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION  
#2009-114

RESOLVED to **AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00063 TO LIEN HOLDER MOORING SECURITIES LIQUIDITY FUND, LLC, IN THE AMOUNT OF \$ 920.53**

**WHEREAS**, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 11.44 Lot 1.01, also known as 26 Bowline Street, for 2007 delinquent municipal charges; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #07-00063, was sold to Mooring Securities Liquidity Fund, LLC, with a 0% interest rate; and,

**WHEREAS**, Countrywide, has effected redemption on behalf of property owners, Patrick & Amy Parenteau for certificate # 07-00063 in the amount of \$920.53.

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

1. Authorize the Treasurer to issue a check in the amount of \$920.53 payable to Mooring Securities Liquidity Fund, LLC, 8614 Westwood Center Drive, Suite 500, Vienna, VA 22182 for the redemption of Tax Sale Certificate #07-00063

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION  
#2009-115

RESOLVED to Authorize a **REFUND of OVERPAYMENT OF LIEN REDEMPTION FOR BLOCK 11.44 LOT 1.01**

**WHEREAS**, Nusbaum, Stein, Goldstein, Bronstein & Kron; Counsellors at Law, have made payment for the redemption of lien 07-00063 on Block 11.44 Lot 1.01; property address 26 Bowline Street on behalf of property owner, Nicole Bocchino; in the amount of \$919.24; and,

**WHEREAS**, the redemption had previously been made by the property owner's mortgage company, Countrywide Tax Services; and,

**WHEREAS**, Nusbaum, Stein, Goldstein, Bronstein & Kron; Counsellors at Law are requesting a refund due to this overpayment.

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

1. The Tax Collector is directed to process a refund in the amount of \$919.24 for the overpayment of lien 07-00063 payable to Nusbaum, Stein, Goldstein, Bronstein & Kron Trust Account, 20 Commerce Blvd., Succasunna, NJ 07876

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION

#2009-116

WHEREAS, on June 18, 2008 under Resolution #2008-234 approval was given for rental of the Community Center June 6, 2009 by Huntley , 644 Seaman Avenue Beachwood, noting all resident fees were posted (\$850) ; and

WHEREAS on March 10, 2009 written notice of cancellation was received subjecting the applicant to a \$100 cancellation penalty.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of \$750 to Huntley , 644 Seaman Avenue Beachwood, said refund reflecting \$100 cancellation penalty.

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION

#2009-117

RESOLVED by Mayor and Council to authorize the Treasurer to establish an Escrow Account on behalf of N.K. Properties LLC for Block 6.43 Lots 1 & 4 ( Pinewald Rd & Tiller Ave).

Motion: Clayton Second: Roma  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION

#2009-118

RESOLVED by Mayor and Council to approve the 1 day Liquor License Application of the Beachwood Soccer Club for April 25, 2009.

Motion: Clayton Second: Roma  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION

#2009-119

RESOLUTION AUTHORIZING THE BOROUGH OF BEACHWOOD TO ENTER INTO A RENEWAL AGREEMENT WITH THE COUNTY OF OCEAN ENERGY COOPERATIVE PRICING SYSTEM.

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes governmental units to enter into a Cooperative Pricing System for the purchase of electric generation service, gas supply service and other energy related services (hereinafter collectively referred to as “Energy Services” ); and

WHEREAS, the Electric Discount and Energy Compensation Act (N.J.S.A. 48:3-49 et seq ) and the Government Energy Aggregation Program Standards adopted by the Board of Public Utilities permit municipalities and other governmental units to join together for the purchase of Energy Services; and

WHEREAS, the County of Ocean ( hereinafter referred to as the “Lead Agency”) previously offered municipalities and other governmental units an opportunity to participate in the Ocean County Energy Cooperative Pricing System ( hereinafter referred to as the “System”) for the purchase of Energy Services; and

WHEREAS, the Borough of Beachwood, County of Ocean, State of New Jersey, previously agreed to participate in the System and executed a Cooperative Pricing System Agreement with the Lead Agency for the supply of Energy Services; and

WHEREAS, the previous Agreement executed by the parties for certain energy services expired on December 31, 2008; and



Date:	April 29 -30 May 1	Ronald W. Jones, Jr. (Mayor)
Location:	Atlantic City	
Subject:	N.J. Conf. of Mayor Annual Conference	
Cost:	\$215.00	
Vehicle:	No	

Date:	April 04	Land Use Board Members: Ely – Gugger – Marx – Boyle – Miranda
Location:	O.. Fire Academy – Waretown	
Subject:	Mandatory Training for Board Members	
Cost:	\$59.00 per person	
Vehicle:	No	

Motion: Clayton Second: Feeney  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

**RESOLUTION**

#2009-119 WHEREAS, a payment of \$39.75 was received by the Water Utility and applied in error to Account #3961-0 for Rouski, Mary Ann and William for Block 10.10 Lot 7; and

WHEREAS, it should have been applied to Account 22200216-0 Block 9.35 Lot 3 for Rouski, Mary Ann and William.

NOW, THEREFORE, BE IT RESOLVED to correct the error and credit the payment to Account 22200216-0 Block 9.35 Lot 3 for Rouski, Mary Ann

Motion: Clayton Second: Komsa  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

**RESOLUTION**

#2009-120 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PAYMENT TO ERS FLEET REPAIR IN THE AMOUNT OF \$1,029.96 FOR ELECTRICAL PROBLEMS AFFECTING ONE OF THE BEACHWOOD VOLUNTEER FIRE COMPANY #1's TRUCK PUMPS AND EMERGENCY EQUIPMENT

WHEREAS, Truck number 1611 of the Beachwood Volunteer Fire Company required electrical repairs affecting the truck's pump and emergency equipment; and

WHEREAS, in order to protect the health, safety and welfare of the Borough of Beachwood the contract had to be let for said repairs as the truck is a first line fire apparatus and is essential to the Fire Company's operation and protection of the Borough; and

WHEREAS, the Borough's policies as established through the Local Public Contracts Law requires the obtaining of quotations prior to the expenditure of more than \$1,000.00; and

WHEREAS, the Borough's Fire Chief has certified to the governing body that said truck 1611 had to be repaired on emergent basis; and

WHEREAS, the final bill for said repair exceeded the quotation amount by \$29.96; and

WHEREAS, it is now the desire of this governing body to approve invoice number 12171 submitted by ERS Fleet Repair in the amount of \$1,029.96.

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 payment of \$1,029.96 to ERS Fleet Repair pursuant to invoice 12171.
2. Upon the adoption of the within Resolution the Clerk is authorized to forward a duly authenticated copy of it to the Borough CFO, the Treasurer, Beachwood Volunteer Fire Company No. 1 Fire Chief and such other parties that are deemed appropriate.

\_Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

RESOLUTION  
#2009-121

**RESOLUTION OF THE BOROUGH OF BEACUWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN APPLICATION OF A GRANT AND/OR LOWINTEREST LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM FOR THE EXTENSION OF THE RAILROAD DRAINAGE SYSTEM**

**WHEREAS**, the Borough of Beachwood intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the extension of the railroad drainage system; and

WHEREAS, it is the desire of the Governing Body to designate the Mayor as the authorized representative to represent the Borough of Beachwood with regard to the application; and

NOW, THEREFORE **BE IT RESOLVED**, by the Governing Body of the Borough of Beachwood, County of Ocean, State of New Jersey. as follows:

1. That the Governing Body does hereby designate Ronald Jones, Mayor, Borough of Beachwood, to act as the authorized representative to represent the Borough in all matters relating to the project undertaken pursuant to the aforementioned New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust.
2. That the authorized representative may be contacted at the office of the Borough of Beachwood, 1600 Pinewald Road, Beachwood, NJ 08722
3. That a certified copy of this Resolution shall be forwarded by the Borough Clerk to the New Jersey Department of Environmental Protection and the New Jersey Environmental Trust

Motion: Roma Second: Clayton  
Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga  
Opposed: Absent:

#2009-122

**RESOLUTION OF THE BOROUGH OF BEACUWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN APPLICATION OF A GRANT AND/OR LOWINTEREST LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM FOR THE CABLE AVENUE WATER MAIN REPLACEMENT**

WHEREAS, the Borough of Beachwood intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the **CABLE AVENUE WATER MAIN REPLACEMENT** and

WHEREAS, it is the desire of the Governing Body to designate the Mayor as the authorized representative to represent the Borough of Beachwood with regard to the application; and

NOW, THEREFORE **BE IT RESOLVED**, by the Governing Body of the Borough of Beachwood, County of Ocean, State of New Jersey. as follows:

1. That the Governing Body does hereby designate Ronald Jones, Mayor, Borough of Beachwood, to act as the authorized representative to represent the Borough in all matters relating to the project undertaken pursuant to the aforementioned New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust.
2. That the authorized representative may be contacted at the office of the Borough of Beachwood, 1600 Pinewald Road, Beachwood, NJ 08722
3. That a certified copy of this Resolution shall be forwarded by the Borough Clerk to the New Jersey Department of Environmental Protection and the New Jersey Environmental Trust

Motion:	Roma	Second:	Clayton
Approved:	Clark – Clayton – Feeney – Komsa – Roma - Verga		
Opposed:		Absent:	

RESOLUTION  
#2009-123

**CORRESPONDENCE a. Joseph Scura**

March 2, 2009

To Whom It May Concern:

My name is Joseph Scura, a resident of Beachwood for the past 7 years and I am writing this letter to request that a \$10.00 late fee applied to my dog license be waived.

On the afternoon of the 30<sup>th</sup> of January, 2009 I took my two dogs for a walk (Gypsy, a Boxer and Rylee, a Jack Russell Terrier). During the course of this routine walk in Beachwood four pit bulls charged out of a backyard and proceeded to viciously attack and maul Gypsy. She consequently died from these injuries later that day. I am requesting that the late fee be waived because I intended to renew the licenses that day but because of the course of events described above, which involved going to the veterinarian and the emergency room to treat my wound, I was unable to. I would hope that in light of these mitigating circumstances that my request could be honored.

I appreciate your attention in this matter and if you need any further information please feel free to contact me at 732-281-1775.

Sincerely,  
*Joseph Scura, Jr.*  
Joseph Scura, Jr.

#2009-124

**Approve Refund:**

**Motion:**

**Roma**

**Second: Clayton**

**Approved:**

**Clark – Clayton – Feeney – Komsa – Roma - Verga**

**Opposed:**

**Abstain**

#2009-125

**RESOLVED by Mayor and Council to authorize the Treasurer to submit payment to the Treasurer, State of New Jersey for the NJDEP Permit in the amount of \$2,500.00**

**Motion:**

**Roma**

**Second: Clayton**

**Approved:**

**Clark – Clayton – Feeney – Komsa – Roma - Verga**

**Opposed:**

**Abstain**

**REPORTS**

**Mayor Jones**

**Request to Council for Consideration**

**TABLE FOR ANOTHER MEETING**

**Motion:**

**Roma**

**Second:**

**Komsa**

**Approved:**

**Clark – Clayton – Feeney – Komsa – Roma - Verga**

**Opposed:**

**Abstain**

Dear Bette:

Please place the following ordinance revision on the agenda for the next Council meeting on March 18, 2009. It is imperative we do all in our power to promote transparency in local government.

CITATION: 2-37.1 (b) CONFLICT OF INTEREST; GIFTS

No municipal officer or employee, elected or appointed, shall be interested, directly or indirectly, in any contract with the municipality, or in the compensation for work done or for materials or supplies furnished to the municipality or to any contractor or other person furnishing the same to the municipality, nor shall he participate in any profits of such of the other person or receive any compensation, commission, gift or other reward for his services except the salary or fees established by law, ordinance or resolution of the Council.

National Library Week 2009  
Proclamation

WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever;

WHEREAS, library staff are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy;

WHEREAS, libraries are part of the American Dream — places for opportunity, education, self-help and lifelong learning;

WHEREAS, library use is up nationwide among all types of library users, continuing a -decade-long trend;

WHEREAS, libraries play a vital role in supporting the quality of life in their communities;

WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it;

WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide;"

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week with The Campaign for America's Libraries.

NOW, THEREFORE, be it resolved that I Ronald W. Jones, Jr; Mayor of the Borough of Beachwood proclaim April 12-18, 2009 to be National Library Week,. I encourage all residents to visit the library this week to take advantage of the wonderful library

resources available and thank library workers for making information accessible to all who walk through the library's doors.

TO APPROVE:

Motion: Roma Second: Clayton  
 Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

Mayor	<p>Veterans committee meeting at Community Center April 26 - 7:00 p.m. 400 Vets in Beachwood. Hope this will become a viable organization that will participate in parades and other viable programs in Beachwood. Called by Census Bureau representative. Empanel a census committee to make sure everyone is counted. When ran for office, offered suggestion to suspend Mercantile License. License is aggressive and doesn't promote a good business climate. Just Big Brother putting hooks into local business. License is to ensure that business in upstanding, registered with Emergency Numbers.</p> <p>Some Discussion on reason for licensing and anticipated revenue for same. How long has Borough been doing this. ( Prior 1980).</p>
Mrs. Clayton	Reminded Mayor of earlier promise of Mayor to eliminate license.
Mr. Roma	You may want to hear from our professionals about this. Loss of anticipated revenue would be passed on along to tax payers.
Mr. Komsa	Would like to hear from Police Fire and First Aid as well.
Mayor	Mr. Hiering - who establishes fee for applicants - (Land Use Board)
Mr. Hiering	Council establishes by ordinance and works with board.
Mayor	Reason I bring this up in this climate (economic situation) Variance fees - somewhat high.(\$1,500) for something as little as a fence. Would like to find some sort of relief for residents on this matter. Council please consider and come up with a resolution to same.
Mrs. Clark	Do we need to make a motion to Finance Committee to consider this.
Mr. Roma	We review all our fees as a whole. We can do this together as the governing body.
Mrs. Clark	Ask Finance Committee the status of ERI \$12,000 if they could get a matching grant for \$6,000.00. They would need resolution.

	<p><b><u>Mr. Roma</u></b> – That would be reviewed at the Budget Meeting tomorrow.</p> <p><b><u>Mrs. Clark</u></b> – Can we do a resolution of approval at the meeting tomorrow, (deadline for filing 3/31)</p> <p><b><u>Clerk:</u></b> Budget meeting only. Would have to schedule a special meeting.</p>
	Skate Park committee will be meeting again soon. Spoke with Comcast regarding a TV station. They will be agreeable to meet with us. Can come to last meeting in April. Public Notice Channel.
Mr. Roma	Reminder of Channel 21 availability.
Mrs. Clayton	Thanked Recreation for Snowman Award ceremony. DPW employee Todd Adams did great job on Snowman. First Aid building has some scheduling delays. Hoping that with nice weather it will move along. Hope Fire Company dinner was successful.
Mr. Feeney	First Aid meeting with Pine Beach. They have agreed to bond for \$120,000 for interior contents. Legal terms to be worked out. New garbage truck in town. DEP notice on Diesel Trucks. JIF Safety Meeting March 12.
Mrs. Clayton	Marina opens April 1 . Six slips left. Contact Borough Hall.
Mr. Komsa	Thanked Recreation for award ceremony. Congratulated all participants. Easter Egg Hunt 4/5 at 2:00 p.m.
Mayor	Fire Company Breakfast 08:00 - 12:00
Ron Roma	Thanked Recreation for contest awards. Thanked all new volunteers for their participation. CMX info on Mizzen Ave. They have contacted the contractor noting their dissatisfaction with project. Hope to resolve in next week. Resident did research on Health costs. Seems to think there is a savings available to the Borough. Will turn over to Mr. Feeney for review.
Verga	Site Triangles - Spring is coming. Code Enforcement will be addressing.
Mr. Hiering	Metro PCS working on antennas.

Municipal Clerk

Budget Workshop March 19<sup>th</sup> 7:00 p.m.

**PUBLIC DISCUSSION: To Open**

Motion: Roma Second: Komsa  
Approved: Clark – Clayton - Feeney – Komsa – Roma - Verga

	<p>Member of Governing Body wanted to discuss potential disciplinary to two employees. They wished to have the matter brought out in the public. Problem was about a photo... which will not be discussed. No charges are pending - no hearing is established. Informal discussion.</p> <p>Mr. Roma: This particular item is not open for discussion by the general public, correct. <b><u>Then I will make a motion to open this portion for the General Discussion</u></b></p> <p>Motion: Roma Second: Komsa Approved: Clark – Clayton – Feeney – Komsa – Roma</p>
Carter - Admiral Ave	<p>Stayed because of something she heard in lobby. Mrs. Clark is correct in statement regarding discussion of land use board. This governing body has no authority to discuss. It is against the law to do that. Direct your inquiry to the State or through legislators. Making you aware of the impropriety. Complemented Mrs. Clark as the only person who read and understood.</p>
LaCrosse - Forecastle Ave	<p>January 21st meeting. Mr. Clark was present at Land Use Board with appointment of Mr. Montenegro. " Read from minutes" re: hiring firm. Do you still owe them money.</p>
Mayor	<p>Decline to answer your questions.</p>
LaCrosse –	<p>Read e-mail of invoice from Montenegro - addressing payment from Mr. Jones. Read letter from Court regarding "conflict" with DiBella and Montenegro. If Mr. DiBella is conflicted does the Mayor have a conflict. ? The Court does not retain jurisdiction of this matter it reverts to the Planning Board to resolve. E-mails from Mayor (4:02 p.m.) advising he will be in attendance. Mayor appeared and ironically Montenegro was present. Addressed firm (past) charging \$125 ph. New attorney charging \$140 ph. Asking again if Mayor voted for Montenegro.</p>
Prince - Leeward Ave	<p>Planning Board Secretary - Got call from Jeanette that meeting was cancelled. Was in court when Judge made ruling. Why wasn't he called when meeting was re-scheduled.</p>
Mayor	<p>Attendance at meetings.</p>
Prince	<p>You could have called me.</p>
Martin - 61 Spruce St.	<p>16 Yr. Resident. First time attendee. Counsel will be hired to determine if meeting is illegal.</p>
Balazinski-1008	<p>Mayor made false reports to DCA. Katina Clark filed a false complaint against him</p>

Halliard Ave.	with the Police Department. Read e-mail. Re: Mercantile License - 224 Atlantic City Blvd. - Waiting since April for show cause of individual who notified police that resulted in his being searched. March 9th - was planning on attending land use meeting. Meeting was cancelled. Later held without Chairman and Vice Chairman.
Timoney - Seaman Ave	Comment to Mrs. Clark regarding her concern about the rights of some employees as it relates to addressing some information.
Miller - Mermaid Ave	Chestnut - Mizzen/Berkeley travelers to schools go that way. Problem with Parking on Chestnut. Asking Council to consider one side no parking. Boat slips. Boardwalk, public walkway. Lighting concerns there.
Mrs. Clayton	Will check.
Chief	Re: Lights being out and boards being loose are continually reported to DPW by Special Officer Cairns as they are uncovered.
Herbert - 1501 Berkeley	Letter to Mayor about paper road near her home. Wants to purchase. Property bounds Berkeley Township. Wants to put a fence around her pool, but it would place the fence in the setbacks.
Mr. Roma	Question about fence should go to Land Use Board.
R. DiBella -1008 Halliard	<p>March 9th meeting (Land Use Board) 40:55-23 When in court, (I was a defendant) Member appointed improperly, Judge Grasso discussed issues of membership being a matter to be decided upon by the board. E-mails to Board Secretary , by the Mayor, after the meeting was cancelled, disregarding the Chairman's decision to cancel. Meeting was conducted in violation of the Open Public Meetings Act. Still no answer who called the meeting. Signs on both doors indicating meeting was cancelled. Chair, Vice Chair and Secretary were not there. Other members were not present. The official recording system was not used. The Officer of the Court (Attorney) failed to advise them they were partaking in an illegal meeting. Also the Mayor and a member of council was in attendance. Mayor will not answer questions posed by tax payer. Mayor who held an illegal meeting. No doubt about it as the email explains.</p> <p><b>Mayor:</b> I will not answer you because of Torte claims filed against the Borough. We are in litigation at this time. On the advice of my attorney I will not answer you.</p>
Mrs. Clayton	It is a sad day when a Mayor and Member of Council cannot answer questions because they are in litigation.
Mr. DiBella	Read an e-mail addressing the Planning Board meeting sent by the Mayor.

	<p>Resident came. Another came by happenstance. Member of the Planning Board does not fit the requirements of state statute.</p> <p>When did the Environmental Commission submit their report to the Council.</p>
	<p>DiBella: When should we expect it Clark: Working on it now. New commission members reviewing minutes etc.</p>
Mr. DiBella	Who makes appointments to Shade Tree Commission
Mayor	Mayor
Mr. DiBella	Put in request to review e-mails. "We" - who is we
Mrs. Clark	Mayor
Mr. DiBella	When was audio of meeting turned over to Borough. Recordings and Right to Know request to know who operated and what machine was used. Was denied request. Answer came from the member who's appointment is in question. It's important to know who operated and what machine was used. Officer of Court present at the meeting. Cancellation was posted on the door.
Mr. Clark - Tiller Ave	<p>Law is clear. Governing Body should not be meddling with Land Use Board. Mr. DiBella needs to read the law a little bit better. I have the court order if anyone wants to read it. That meeting was ordered by the Judge to take place. I'm a little disappointed that Mr. Hiering you weighed in on this, because the Municipal Attorney cannot weigh in on this.</p> <p><b><u>Mr. Hiering:</u></b> Municipal Attorney cannot serve as the Land Use Board Attorney.</p> <p>Clark: Your interpretation allowed four members to now appoint another attorney to represent the board. January 21st at your meeting here, Mr. Hiering said that as of 12/31 Mr. Ulaky's contract ends. In the absence of the Planning Board Attorney, he is the board attorney. That's what the minutes say. The actual minutes state. Judges order was sent to Mr. Roma along with Mr. Ulaky's letter. I was present at the meeting you were not.</p>
	January 26th Land Use Board meeting. Went to Judge Grasso. He ruled on three issues. Meeting March 9th was to address the issues. Can only cancel the meeting if there is no agenda. One person can not arbitrarily cancel a meeting.
Mr. Feeney	Was the meeting originally cancelled.
Mr. Clark	I don't have to answer you. If you want an answer you can come to the board just like everyone else can. The meeting cannot be cancelled due to what the Chairman has to say.

R. DiBella	Information factually untrue. Judge rules on the matters brought by the Plaintiff. Judge said issues had to be decided by the Board. What date did Mr. Clarks attorney prepare the order and submit to the Land Use Board.
E. Zakar- Halliard Ave.	This is the precise reason I requested legal counsel.
Closed Public Discussion	

**PUBLIC DISCUSSION: To Close**

Second: Clayton

Approved: Clark – Clayton – Feeney – Komsa – Roma - Verga

There will be a discussion in public concerning issues of employees raised by Council. Mr. Hiering addressed the guidelines. Mrs. Clark addressed the “Rice Doctrine” documents. Mrs. Clark addressed letter from Mrs. Cairns regarding Attorney fees.

Mrs. Clark	Explained that a photo was passed around and two of Beachwood employees. Heard Mrs. Cairns and Mrs. Solowynsky, felt that they were heckling some of the residents who got up to speak re: that photo. Sent mail to Chief asking that this be addressed. Felt the two involved be disciplined. Letter was sent to Chief thought it would be a warning or discussion. Response from Chief advises disciplinary action is brought by Council.
Mr. Roma	Council did not bring forth any disciplinary action. For what.
Mrs. Clark	For heckling and passing the photo.
Mrs. Clayton	Didn't you take this to the Ethics Board of the State. (Yes)
Mrs. Clark	Just asking the Council if they want to move forward.
Mr. Feeney.	You made allegations . What are you looking for. Discipline. Can mean anything. What did they violate.
Mrs. Clark	Read from R/R Police. Just felt that this was improper.
Mr. Feeney	So that's what you're charging them with - violation of ethical standards. You have to follow procedures. We are not sitting in judgement of anyone here.
Mr. Hiering	You have to state what you want.
Mrs. Clark	Letter in the file at this point.
Mrs. Clayton	Did you get a reply from DCA.
Mr. Karl Mohel (rep. Cairns)	Question: Letter in file, Chain of Command to be followed. You said that you saw (photo) passed. You don't know what that photograph was. Is there anything in that action that you see ... Who was heckled?
Mrs. Clark	Resident (Mrs. Jansen)
Mr. Mohel	What did you hear -

Mrs. Clark	About Police Dept.
Mr. Mohel	They violated no laws that you know of. Were they wearing uniform. Do they have a right to come to these meetings. In light of these statements...
Mrs. Clark	My intention was not to bring this public. I just asked to meet with these two women to discuss one - on one. Residents were upset and concerned. I acted on behalf of their concern.
	No action being taken.

**EXECUTIVE SESSION**

WHEREAS, SECTION 8 of the N.J. 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 of the subject matter to be discussed is as follows:

Terms and Condition of Employment : - Teamsters Contract  
Contractual - Engineer  
Litigation -

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

Motion:  
Approved:  
Opposed:

Second:  
Absent

Re-Open	Roma - Clayton – Approved	No Action Taken
Adjourn	Roma - Clayton - Approved	

Submitted by: E.A. Mastropasqua

\_\_\_\_\_  
Ronald W. Jones, Jr.  
Mayor

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