

June 18, 2008



Summer Begins

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 94 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 Berkeley Times and Asbury Park Press on January 4, 2008.

ROLL CALL MEMBERS PRESENT:

Mayor Ronald Jones

COUNCILMEMBERS: Katina Clark Steven Komsa  
Beverly Clayton  
Gregory Feeney Bonnie Verga

Absent: Ronald Roma

A total of 10 minutes 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 or put all cell phones on vibrate.

**SPECIAL PRESENTATION:**



**Beachwood Yacht Club Sailing Scholarship** Beachwood Yacht Club Commodore David Wiedecke presented the newly designated "William T. Hornidge Sailing Scholarship" to Ms.Genna Adcock. The scholarship, is awarded based on submittal of an essay on Why I like to sail. Councilwoman Beverly Clayton was one of the judges reviewing the submittals. The Yacht Club implemented the scholarship program in an effort to get more young people interested in sailing. **Congratulations Genna!**

Mayor Appointed Dina Jones (1217 Pacific Avenue) to serve as Alternate member of the Recreation Commission.

Mrs. Clayton questioned the Mayor’s appointment, noting that the Borough received a letter of interest 7 months ago from Mr. Charles Caruso. Why wasn’t he appointed.

Mayor: Appointment is his prerogative, his appointment.

#2008-233 RESOLVED by Mayor and Council to approve the 2008 Certified Bills List in the amount of **\$305,527.52**

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

#2008-234 RESOLVED by Mayor and Council to approve the minutes of the June 4th Meeting of Mayor and Council.

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

#2008-234 RESOLVED by Mayor and Council to approve the following rentals for the Community Center – Mayo Park

<b>2008</b>		<b>Community Center</b>		
September	27	Schilling	Rental:	\$350
		317 Beach Ave	Deposit:	\$500
		Beachwood		
October	19	Gertsen	Rental:	\$350
		940 Spar Ave	Deposit:	\$500

Beachwood				
<b>2008</b>		<b>Mayo Park</b>		
July	06	Zandman	Rental:	\$ 75
		500 Forepeak Ave	Deposit:	\$ 75
Beachwood				
July	25	O.C. Municipal Clerks Assoc.	Rental:	\$WAIVE
		c/o E. Mastropasqua President	Deposit:	\$WAIVE
Beachwood				
August	09	Golden	Rental:	\$ 75
		4 Lookout St.	Deposit:	\$ 75
Beachwood				
<b>2009</b>		<b>Community Center</b>		
June	06	Huntley	Rental:	\$350
		644 Seaman Ave.	Deposit:	\$500
Beachwood				
August	15	Ewin	Rental:	\$700
		825 Knight St.	Deposit:	\$700
Toms River N.J.				

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

#2008-235 The following resolution is a requirement of the NJEIT application to enable our CMFO to act on our behalf.

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE INTERIM FINANCING 2008 TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,920,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF BEACHWOOD IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST INTERIM FINANCING 2008 TRUST LOAN 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 construct an elevated potable water storage tank, replace a 400 ft water line, construction of a 200 ft ductile iron water line, make repairs to the existing 300,000 gallon elevated tank and rehabilitate and repair a 250,000 gallon flat bottom raw water tank, including all work and services necessary therefor or incidental thereto (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the 2008 financing program (the "2008 Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

**WHEREAS**, the Local Unit has determined to temporarily refinance a portion of the Borough's Water Utility Bond Anticipation Notes, issued on August 30, 2007 and maturing on August 29, 2008, the proceeds of which financed and refinanced the acquisition, construction, renovation or installation of a portion of the Project prior to the closing with respect to the 2008 Environmental Infrastructure Financing Program (scheduled to occur on November 6, 2008), and to undertake such temporary financing with the proceeds of an interim loan to be made by the Trust (the "Interim Loan") to the Local Unit, pursuant to the Interim Financing 2008 Trust Loan Program of the Trust (the "Interim Financing Program");

**WHEREAS**, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Interim Loan and (ii) satisfy the requirements of the Interim Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Interim Financing 2008 Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$1,920,000 (the "Note");

**WHEREAS**, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust 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"), and other applicable law; and

**WHEREAS**, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

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

**Section 1.** In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by one or more bond ordinances of the Borough, including #2006-14 of the Local Unit, which bond ordinance is entitled "An Ordinance of the Borough of Beachwood, Ocean County, New Jersey Authorizing the Construction of an Elevated Water Storage Tank, Chlorine Contact Tank and Miscellaneous Related Equipment and Appropriating the Sum of \$2,120,000 Therefor; and Authorizing the Issuance of \$2,120,000 in Water Improvement Bonds or Notes to Finance the Cost Thereof" and was finally adopted by the Local Unit at a meeting duly called and held on August 16, 2006, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

**Section 4.** The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$1,920,000;
- (b) the maturity of the Note shall be November 6, 2008;
- (c) the interest rate of the Note shall be 0.0% per annum;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "IFP-08-01";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and

(h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

**Section 5.** The Note shall be substantially in the form attached hereto as Exhibit A.

**Section 6.** The law firm of Gluck Walrath LLP is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Interim Financing Program, to arrange for same.

**Section 7.** The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Interim Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Interim Financing Program.

**Section 8.** This resolution shall take effect immediately.

**Section 9.** 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, Dennis Hart, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

#2008-237 RESOLVED by Mayor and Council to approve the one day Liquor License application of the Beachwood Republican Organization for August 22<sup>nd</sup>, 2008 and September 14<sup>th</sup>, 2008, pending appropriate forms received for signatures.

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

#2008-238 RESOLVED by Mayor and Council to approve the application for membership into the Beachwood Volunteer Fire Company #1 Inc. of Michael LeMore- 644 Neptune Avenue -Beachwood.

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

#2008-239 WHEREAS, the Borough of Beachwood accepted the Boat Slip rental application of Robert Brennan – 908 Surf Avenue – Beachwood at an annual fee of \$690 for April 1 – October 31 ; and

WHEREAS, slip #73 did not accept his boat because it is shallow and Mr.Brennan officially removed his boat from the slip on June 8<sup>th</sup> leaving a rental time of 69 days at \$3.22 daily for a cost of \$221.18.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund of \$467.82 to Robert Brennan – 908 Surf Ave – Beachwood said refund the balance of rental of \$690.00 from June 9<sup>th</sup> to October 31<sup>st</sup>.

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

#20008-240 RESOLVED by Mayor and Council that the following are the salaries and employees for the Summer Day Camp Program:

Director:	Petric-Morrison; Melissa 612 B. Avon Road – Pine Beach	\$425 Wkly. (8 weeks)
Park Leader	Fisher; Patty 944 Beachwood Blvd. – Beachwood	\$8.25 P.H.
Arts & Crafts	Krohn; Laura 1252 Longboat Ave – Beachwood	\$8.25 P.H.
Counselors:	Busardo; Matthew 544 Anchor Ave – Beachwood	\$7.25 P.H.
	Crowley; Ben 944 Beachwood Blvd – Beachwood	\$7.25 P.H.
	Fries; Hillary 309 Beach Avenue – Beachwood	\$7.25 P.H.
	Lindsay; :Jordan 1036 Mermaid Avenue – Beachwood	\$7.25 P.H.
	O'Connor; Lindsey 909 Pacific Avenue - Beachwood	\$7.25 P.H.
	Rush; Susan 1500 Mermaid Avenue – Beachwood	\$7.25 P.H.
	Sakolosky; Matthew 1345 Anchor Avenue – Beachwood	\$7.25 P.H.

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



WHEREAS, the contractor has indicated that all work is completed and has submitted the required closeout documents for this project and is requesting Performance Bond release; and  
WHEREAS, the contractor has submitted Maintenance Bond B1047668 issued by Selective Insurance Company of America in the amount of \$69,799.00 running in favor of the Borough and issued on behalf of the contractor; and

WHEREAS, the Contractor has submitted all required closeout documents and the Borough Engineer is recommending that the Contract be closed out and the aforesaid Performance Bond be released based upon the acceptance of the required two (2) year Maintenance Bond referred to in the amount of \$69,799.00; and

WHEREAS, it is now the desire of the Borough Council to act upon the Performance Bond Release and closeout recommended by the Borough Engineers, CMX.

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 of the Borough of Beachwood hereby authorizes the release of Performance Bond previously issued by Selective Insurance Company of America in the amount of \$744,654.00 based upon the contractor's posting of a Maintenance Guarantee issued by Selective Insurance Company under Bond No. B1047668 in the amount of \$69,799.00 dated January 23, 2008 and running for two (2) years from September 14, 2007.
2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Administrator, the Borough Engineers, the Borough Treasurer and Ace Manzo, Inc. and D. Manzo and Son, Inc.

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

RESOLUTION  
#2008-244A

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING FINAL CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN THE BOROUGH AND ACE MANZO, INC. AND D. MANZO AND SON, INC. FOR DRAINAGE IMPROVEMENTS TO MERMAID AVENUE REDUCING THE CONTRACT BY \$6,910.85 TO A FINAL ADJUSTED CONTRACT PRICE OF \$101,888.86

WHEREAS, the Borough of Beachwood previously awarded a contract to Ace Manzo, Inc. and D. Manzon and Son, Inc. for drainage improvements to Mermaid Avenue in the original amount of \$104,049.71; and

WHEREAS, as a result of change order #1 the Contract price was increased to \$108,799.71; and

WHEREAS, the Borough Engineers, CMX, have recommended the approval of Final Change Order No. 2 reflecting changes in contract quantities and supplementary work calling for a reduction in the Contract price of \$6,910.85; and

WHEREAS, it is now the desire of this Governing Body to act upon the Engineer's recommendation.

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 of the Borough of Beachwood hereby approves Final Change Order No. 2 to the Contract between the Borough of Beachwood and Ace Manzo, Inc. and D. Manzo and Son, Inc. reducing the Contract by \$6,910.85 to a final adjusted Contract price of \$101,888.86 or a decrease in the original Contract price of 2.08%.
2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Administrator, the Borough Engineers, the Borough Treasurer and Ace Manzo, Inc. and D. Manzo and Son, Inc.

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

**#2008-244B RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE CLOSEOUT AND RELEASE OF PERFORMANCE BOND FOR ACE MANZO, INC. AND D. MANZO & SON, INC. FOR DRAINAGE IMPROVEMENTS TO MERMAID AVENUE UPON POSTING OF A MAINTENANCE BOND AND CLOSEOUT DOCUMENTS**

WHEREAS, the Borough of Beachwood previously awarded a contract to Ace Manzo, Inc. and D. Manzo & Son, Inc. in the amount of \$101,888.86 ; and

WHEREAS, the contractor has indicated that all work is completed and has submitted the required closeout documents for this project and is requesting that his Performance Bond be released; and

WHEREAS, the Borough Engineer has reviewed the closeout documents and is recommending that the Contract be closed out and the aforesaid Performance Bond be released upon the submittal and acceptance of a two (2) year Maintenance Bond issued by Selective Insurance Company of America under Bond Number B-1053807 issued in favor of the Borough on behalf of the contractor in the amount of \$10,188.00 and running for a period of two (2) years from May 1, 2008; and

WHEREAS, it is now the desire of the Borough Council to authorize the Release of Performance Guarantee in accordance with Borough Engineers, CMX, recommendation and based upon the contractor's posting of the above referenced two (2) year Maintenance Bond.

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 of the Borough of Beachwood hereby authorizes the release of Performance Bond previously issued by Selective Insurance Company of America in favor of the Borough of Beachwood in the amount of \$101,888.86 based on the contractor's previously posting Maintenance Bond Number B-1053807 issued by Selective Insurance Company of America in the amount of \$10,188.00 and based upon the contractor's further submission of all required closeout documents as approved by both the Borough Engineer and Borough Attorney.

2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Administrator, the Borough Engineers, the Borough Treasurer and Ace Manzo, Inc. and D. Manzo & Son, Inc.

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

#2008-245 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE CLOSEOUT AND RELEASE OF PERFORMANCE BOND FOR BEACHWOOD RADIO TELEMTRY CONTRACT WITH OPTIMUM CONTROLS CORPORATION UPON ACCEPTANCE OF MAINTENANCE BOND AND CLOSEOUT DOCUMENTS

**WHEREAS**, the Borough of Beachwood previously awarded a contract to Optimum Controls Corporation for the Beachwood Radio Telemetry Contract in the amount of \$22,885.00; and

**WHEREAS**, said contractor has requested the release of their Performance Guarantee issued by Colonial Surety Company; and

**WHEREAS**, Optimum Controls Corporation has submitted Maintenance Bond No. CSC-215238M in the amount of \$11,442.50 in accordance with the Contract's specifications; and

**WHEREAS**, the Borough Engineers, CMX, have recommended the closeout of said Contract and the release of Performance Bond posted by said Contractor; and

**WHEREAS**, the Contractor has submitted all required documentation for said release, as well as a final invoice for the release of retainage in the amount of \$2,288.50; and

**WHEREAS**, it is now the desire of the Borough Council to act upon the Engineer's recommendation.

**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 of the Borough of Beachwood hereby authorizes release of Performance Bond issued by Colonial Surety Company in the amount of \$22,885.00 based upon the prior receipt by the Borough of a Maintenance Bond No. CSC-215238M in the amount of \$11,442.50 running for a period of two (2) years in accordance with the Borough's Contract.
2. The Borough Council further authorizes the closeout and payment of the final invoice in the amount of \$2,288.50 as submitted by said Contractor.
3. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Administrator, the Borough Engineers, the Borough Treasurer and Optimum Controls Corporation.

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



#2008-247B

RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO WINDWARD AVENUE AND MAPLE STREE PROJECT.

WHEREAS, the Borough of Beachwood desires to make application to the New Jersey Department of Transportation pursuant to it's Municipal Aid Program for it's fiscal year 2009 in order to make roadway improvements to Windward Avenue and Maple Street as designated on the application; and

WHEREAS, the Borough desires to resurface the said roads under the New Jersey Department of Transportation FY2009 Municipal Trust Fund Program;

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Beachwood, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-Beachwood Borough – 00257 to the New Jersey Department of Transportation on behalf of the Borough of Beachwood.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Beachwood and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

#2008-248 RESOLVED by Mayor and Council to appoint Sheila Solowynsky (1229 Cable Ave) as Summer Beach Guard, salary \$7.50 per hour.

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

**ORDINANCE FIRST READING TITLE ONLY**

#2008-11 ORDINANCE AMENDING ORDINANCE NO. 2008-03 OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ENTITLED " ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 10 ENTITLED, "ENFORCEMENT OF STATE UNIFORM CONSTRUCTION CODE", TO ESTABLISH A DEPARTMENT OF UNIFORM CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT, ESTABLISH FEES THEREFOR, AND PROVIDE FOR ENFORCEMENT AND PENALTIES

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 10-1A as established by Ordinance No. 2008-03 is hereby amended to include after the words, "Fire Protection Sub Code Official", ", permit Clerk, technical assistant to the construction official".

Section 2. Section 10-2A(2) as established by Ordinance No. 2008-03 is hereby supplemented by the inclusion of the following sub-section:

"(g) Minimum fee: \$45.00"

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

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

#2008-249 RESOLVED by Mayor and Council to approve Ordinance #2008-11 on First Reading Title Only.

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

FINAL READING – PUBLIC HEARING AND ADOPTION

**#2008-08 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER X ENTITLED "BUILDING AND HOUSING" AND CHAPTER XVII ENTITLED "DEVELOPMENT REGULATIONS" IN ORDER TO REFERENCE THE CURRENT INTERNATIONAL PROPERTY MAINTENANCE CODE**

OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

Mr. Lipton  
Pennant Ave: Requested clarification.

Mrs. Verga  
Municipal Clerk Responded

CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

#2008-250 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-08 as presented and held for public discussion.

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

**#2008-09 FINAL READING – PUBLIC DISCUSSION - ADOPTION**

**ORDINANCE AMENDING ORDINANCE NO. 2008-03 OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ENTITLED " ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 10 ENTITLED, "ENFORCEMENT OF STATE UNIFORM CONSTRUCTION CODE", TO ESTABLISH A DEPARTMENT OF UNIFORM CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT, ESTABLISH FEES THEREFOR, AND PROVIDE FOR ENFORCEMENT AND PENALTIES**

OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

Mr. Lipton  
Pennant Ave Requested clarification

Municipal Clerk Responded

CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

#2008-251 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-09 as presented and held for public discussion.

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

**#2008-10 FINAL READING – PUBLIC DISCUSSION - ADOPTION**

**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$548,000.00 FOR THE CONSTRUCTION OF A NEW FIRST AID BUILDING AND RELATED IMPROVEMENTS UPON BLOCK 4.26 LOT 14 IN THE BOROUGH OF BEACHWOOD APPROPRIATING THE SUM OF \$548,000.00 AND AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$520,600.00 IN ORDER TO FINANCE THE COST THEREOF**

OPEN TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

No Questions

CLOSE TO PUBLIC DISCUSSION ON THIS ORDINANCE ONLY

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

#2008-252 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-10 as presented and held for public discussion.

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

#2008-253 RESOLUTION OF THE BOROUGH OF BEACHWOOD to AUTHORIZE REFUND OF TAX OVERPAYMENT FOR BLOCK 11.24 LOT 13.02

WHEREAS, HomEq has made payment for the 2<sup>nd</sup> quarter installment for Siobhon Deasio, Block 11.24 Lot 13.02, property address 48 Bowline Street; and;

WHEREAS, the 2<sup>nd</sup> quarter installment was previously made unbeknownst to HomEq; and;

WHEREAS, HomEq 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 amount of \$833.77 for the total overpayment of 2<sup>nd</sup> quarter taxes.

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

CORRESPONDENCE

A:

I

Thursday, June 05, 2008

BUROU...  
RECEIVED

To Whom It May Concern:

My name is Heather Luongo. I have rented the Beachwood Community Center on August 15, 2008 for my wedding. I am requesting permission to use the "T" shaped dock in the back of the community center for 30-45 minutes on that day. We hope to tie a boat to the dock; the boat would be arriving around 6pm and would drop off the bridal party and immediately leave after. Please let me know if I have the permission to do so. Any questions or concerns please call me at 848-992-1024. I thank you in advance for all your help and understanding. Have a good day.

Heather Luongo  
1144 Jolson Court  
Manchester, NJ 08759  
848-992-1024  
732-849-5363

We cannot tie up the "T" Doc. Question of Liability (Insurance concerns)

#2008-253 RESOLVED by Mayor and Council to deny the reques of Heather Luongo

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

B:

Beachwood Recreation Department  
Beachwood, NJ

To Whom It May Concern:

Hello, my name is Heather Schendorf, I am the manager of the The Quality Bullets Softball team. We are requesting the use the field located at Birch and Surf for our annual charity softball game.

The game will be held Sunday, August 3, 2008 from 11:00 am until 5:00 pm. The Quality Bullets look forward to the use of this field.

If you have any questions or concerns, please feel free to contact me at 609-529-0035. Thank You.

Sincerely,

Heather Schendorf

*Approved by recreation  
6/12/08 provide they  
submit certificate of insurance*

RESOLUTION "No affect on Softball" confirmed by Mrs. Clark

#2008-254 RESOLVED by Mayor and Council to approve the action of the Recreation Commission with the condition of provision of a certificate of insurance.

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

C: Mr. Feeney read letter from Mr. Gluck – Intermediate South Principal thanking Chief and Ptlmn Oldham for graduation traffic assist.

Reports

Mayor Jones: Complemented Mrs. Verga on work put in on the Building Department and bringing in surrounding communities, to share services with Beachwood, not only to the benefit of Beachwood, but to the benefit of Island Heights and Ocean Gate. I know there was a lot of work with that. It goes along with the mindset of the State of New Jersey for municipalities to share in services in order to reduce the costs and hopefully improve proficiency. I know I mentioned at the last meeting I mentioned my desire to contact surrounding communities and those Mayors and Council to see if we could come up with a Regional Economic Development Plan so that municipalities when they do development "commercially" it can flow into the other community in a more cohesive manner than to be hap-hazard.

Secondly, I mentioned my desire to solicit input from the community concerning a recreation initiative that I planned to do within a 45 day period. Subsequent to that Councilwoman Clark asked for the use of Community Center to detail the skate board park idea that she has, and I'm going to defer from my Recreation initiative in soliciting, until that particular night, and at that night, I will have the opportunity to unveil my idea for a recreation complex in Beachwood, that was a proposal from myself, Councilwoman Verga and Councilwoman Clark mentioned in our campaign.

Mr. Feeney: Excuse me Mayor are you planning on sharing that with all the Councilmembers or are you going to wait until that meeting.

Mayor: No - if you intend to attend - it will be advertised. Prior to that date what I would like to do, and I intend to do , is to speak with different manufacturers see what their proposals would be for the community and then share that with the council.

Mr. Feeney: But prior to that meeting.

Mayor: Sure, so then your input can be used.... it will be similar to the meeting Councilman Komsa had on the wind turbine.

Mrs. Clayton: Yes, but he also had a conversation here first, which is what I tried to explain to Ms. Clark, that its better to bring it out here, where there is more questions.

Mayor: Another thing I would like to bring forth to the Council is the creation of an "Ethics Board". I went online to the Dep.

Com. Affairs, they encourage communities to have local ethics boards, they work within the parameters of the state as long as we adhere to the ethics regulations of the State of New Jersey we can have our own. Toms River - has an ethics board which has been approved by the State of New Jersey. Just trying to bring more people into the process and hopefully we will not have to utilize the state services. It's something I would like to put forth in the next few months.

I want to complement Councilwoman Clayton and Council President on the First Aid Building to be constructed. I know a lot of work went into that. There's been a lot of hard work put into that. There's been discussion over five or six years on that. I know that you both put your hard work into it, you're doing it in the best interest of the Community and I have to complement you both of you on that.

One question, maybe someone can enlighten me about it. The Mayo Park building, status since fire.

Clayton: Fire was 2 and ½ years about (in the kitchen) a small fire. It safe to use, it was repaired by Public Works. It was inspected by our insurance inspectors. We had closed it thinking we might move ahead in having that building replaced. Knowing that I was taking on First Aid, I can't do two buildings at once, although we have awarded for plans from the Architect. We are having meetings on the building. It is opened for the public to use. We did have a problem with a renter over Memorial Day - leaving the gas on. It could have been a disaster. But know, everything is fine.

Mayor: E-mail to council re: grant to be submitted by Friday.

Clerk: Submitted by Mr. Oris

Mayor Letter from CMX on \$20,000 for Recreational use for those with disabilities that has to be submitted by the end of the month.

Clayton: Maybe you could come up with some ideas, as to what you would like.

Verga: Handicapped swings in Mayo Park.

Mayor: Something like that.

Verga: I'm serious it's something I really care about.

Clayton: I'm not recreation - you may want to direct this to Mrs. Clark, and Mrs. Verga.

Mrs. Clark: Environmental Commission - August - will have speaker from Green Peace. They are currently working on their ERI and we don't expect that to be done for about 6 months. Wanted council to consider getting information on a TV station that we

can communicate with Borough residents. One example - Recreation for movie nights.

Clerk: Borough utilizes the service of Channel 21. There's also the ability to record council meetings to present to the people. It's difficult now a days with people working two jobs. It's just to keep them informed. Can I start looking into that. Can I put a package together. (OK)

Recreation Trust Fund - a few towns have it. Developer would have to put money into to provide recreational facilities for children. Have Attorney review.

Waiting on McGruff package. Opportunity to attend Boy Scouts end of year ceremony. Part of their event was to meet with the governing body. They have a lot of great ideas for their community.

Beach decision to close beach on first negative reading. Not fair to people to keep it open on high count.

Clayton: 68<sup>th</sup> Fireworks display this July 4<sup>th</sup>. Schaefer Pyrotechnics, Inc. Ronks Pennsylvania. Expanded site and program. Looking forward to the evening. Put together a little history of the program. All paperwork in. Thanks to committee members.

Had opportunity to work with scouts. JJ Merrill troop 114 - Eagle Scout project with flags along marina - re-installed benches among other things. Did a very fine job. Had everything donated. We sent thank you notes and certificates to participating group. Lisa Tropiano planted William Hornidge Tulip garden out front of complex. Work at Eagles point completed annually, thanks to Troop Mother D. Moir.

First Aid building - hopefully final meeting tomorrow at 1:00. Will report at next meeting.

Caregivers volunteers "Fashion Show" at the Community Center Thursday 6/21. Fire Company - 2008 Poker run and Barbeque, August 23<sup>rd</sup> - Mayo Park.

Question on status of Baseball signs.? Where are they?

Mayor: Had them taken down a few months ago.

Beach clean up in April, problems with cigarettes. Ordered signs - limiting smoking to specific area, along with other signs.

Issue of "Geese Police"

Clark: Did not know about it until the night of the Movie.

Komsa: I reached out to you and told you if there was anything you needed to know, let me know. I never heard from you.

Mayor: What are we doing about geese?

Clark: Purchased units that go into water - powered by solar. "strobe lights" (similar)

Clayton: Commented on boat fire at Marina and auto accident at Community Center.

Feeney: Water main break 5:00 a.m. at Mizzen. Money has been budgeted for work on new piping in that area. Engineer will be present at Workshop to discuss.

Entered into agreements for White Goods and Computer sites for easing the impact on our center. Mini recycling grant received from County. We will be doing concrete pads under the dumpsters. It is currently under CAFRA jurisdictional review.

County is finalizing Schedule "C" for pavement. Anticipate them coming in sometime in July. Nautilus Street project should be complete within next two weeks. Water project should be out to bid within the next month.

Sunday - 50<sup>th</sup> Anniversary for Little League. Celebration at Mayo Park, games - food - activities. All welcome. Sunday - 12:00 - 5:00 p.m. People coming from around the country to attend. Relative of Bertram Mayo will be in attendance.

Komsa: Congratulated Recreation for all their hard work on Movie at the Beach. Very very warm night. Happy to see all who turned out. Thanked Police - First Aid and OEM in assisting with traffic. Next movie August 8<sup>th</sup> - "Fire House Dog". Hopefully it will be cooler. Carousel of Music July 13<sup>th</sup> - "Sentimental Journey" and August 10<sup>th</sup> - "Jersey Gold".

To Mrs. Clark, about reaching out regarding beach. Noted E-mail to her on March 24<sup>th</sup>.

Clark: Have been asking since day one for everyone to assist, I'm a new councilmember. Assumed that as of April, you would have told me what I need to do about the beach at that point.

Mayor: When did the contract with Geese Police have to be signed.

Clark: I talked to Geese Police they said they spoke to Steve "last year" that he was supposed to contact them before the new year, to renew the contract, to work out an agreement because it has to start in January and February. At this point it's really to late to do "geese police" so I researched and found these devices that apparently a lot of municipalities are using, and it would save the Borough about \$4,500. It's all taken care of.

Verga Closed Caucus.

Mr. Hiering Shared service agreement for Island Heights -

**RESOLUTION**

**#2008-255**

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY  
AUTHORIZING A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A.  
40A:65-1, ET SEQ. WITH THE BOROUGH OF ISLAND HEIGHTS FOR THE  
PROVISION OF ELECTRICAL AND PLUMBING SUB-CODE SERVICES**

WHEREAS, the Borough of Island Heights has requested plumbing and electrical sub-code services from the Borough of Beachwood; and

WHEREAS, the Borough of Beachwood wishes to accommodate said request pursuant to the Shared Services Act, N.J.S.A. 40A:65-1; and

WHEREAS, the Borough of Beachwood has created a Beachwood Construction Inspection Department in order to administer the State Uniform Construction Code and has determined that it can perform additional sub-code services for the Borough of Island Heights; and

WHEREAS, the attached Agreement, Schedule "A", sets forth the procedures to be followed in connection with the rendering of said services; and

WHEREAS, the Agreement calls for a commencement date of July 1, 2008 and a termination date of June 30, 2012 subject to the cancellation provisions set forth in the within Agreement; and

WHEREAS, the Borough of Beachwood desires to enter into the aforesaid Agreement for the provision of plumbing and electrical sub-code services.

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 of the Borough of Beachwood hereby authorizes the Mayor and Clerk to execute the attached Schedule "A" Agreement with the Borough of Island Heights for the provision of electrical sub-code and plumbing sub-code services by the Borough of Beachwood for the Borough of Island Heights.
2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough CFO, the Borough Treasurer, the Borough of Island Heights, the New Jersey Department of Community Affairs and the Beachwood Construction Inspection Department.

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

Municipal Clerk:

**RESOLUTION**

**#2008-256**

**RESOLVED by Mayor and Council to approve the request for Conference - Training or Seminar as follows:**

Date:	June 20 - Municipal Court Administrator L. Felton
Location:	Toms River - County Court
Subject:	Brainstorming various topics
Cost:	\$0
Vehicle:	None

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

REMINDER to Council and Public – Our Summer schedule goes into effect in July.  
Our summer meeting schedule is :  
July 16 and if needed 23 August 20 and if needed 27  
September 17 and if needed 24.

**PUBLIC DISCUSSION – TO OPEN**

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

Novaky  
Maple St.

Had an opportunity on Sunday afternoon to watch the storm drains on his street to see how the water was handled. They lasted all of 5 minutes and they were buried you couldn't even find them. Down on corner of Longboat and Maple (bubbler) the water was shooting about 16". Motorists were stopping, they thought there was a water main break. Residents at 744 Longboat Ave, they've lived there for some time, they've never seen the water like that. They had enough water coming down Longboat, with this bubbler working, it just swamped their property with water. It actually blew the storm drain right off. Monday I contacted John Behrens to let him know it blew right off, he sent someone to replace it. Those drains, until they are tied in, anyone living on the street with one of those bubbler systems, they are going to be inundated with water.

Mayor: I was there. You gave me a call. I spoke with the residents. What it appears, that is the end of the line, under normal circumstances it would go into the drain, then percolate. It was an abundance and just couldn't handle it.

Schiffermiller  
Windward Ave.

Still waiting on request for February 6<sup>th</sup> Executive  
Session minutes.

Clerk: In Attorney review.

Did we ever sell the additional liquor license we hold.

Clerk: Put it up for sale twice. No buyers

LaCrosse  
Forecastle Ave.

Going over all the commissions, committees being proposed  
in Beachwood. (Named 5) these are all volunteers, and we  
all know how important volunteers are to this community,  
they make it run. Tonight I find out that Mr. Caruso, who  
is very active with children of this community, and has  
for seven months he wanted to be a volunteer on the  
recreation commission and he was denied that position by  
you.

Mayor: That's correct.

In other words if you have a committee or commission or  
somebody that wants to volunteer for something, if they  
happen to be a republican they need not apply.?

Mayor: That's a mis-statement, because if you look at the  
appointments I made the majority of them were  
republicans.

Second request for legal representation (conflict  
attorney). What is status. ?

Feeney: Much has happened since letter. It went to Scibal -  
MEL.

Whether or not the insurance company pays is not the  
issue. I think I am entitled to that and I would like  
you to vote on it tonight. The case is June 24<sup>th</sup>.

Feeney: Have to discuss in Executive Session.

Presented photos - where signs were posted.

Mayor: Was aware, called DPW to have them removed. Contacted  
candidate, advised them to have signs picked up at DPW.

Read Code on Political signs.  
To Mayor on subpoena and notice to produce when will you  
respond.  
Article in Press "responding" to water by Mayor about  
badgering at meeting. Is Mr. Feeney badgering you?

Mayor: Mr. Feeney has indicated consistently that the issue of me bringing up the water is political. He mentioned at the last meet.

**Mr. LaCrosse presented a subpoena to Mrs. Clark.**

Byrnes  
1075 Pinewald Rd.

Everyone should be able to come to a meeting. Don't know how anyone can say because of something happening they shouldn't bring children.

Still available for sitting on Water Committee has heard from no-one.

Offered free training from Operating Engineers for Public Works, Police and OEM. Only have to provide transportation. Offered his company's credentials. Will put a schedule together for Council.

Schiffermiller  
Windward Ave

Re: LaCrosse paid for legal defense. Objects as a Taxpayer does not want to see Borough pay for such cover.

Balazinski  
1008 Halliard Ave

Do you live in Beachwood or in Whiting? I agree with the Gentlemen about children should be able to come to a meeting, it should be conducted civilly, but some times things have to be said that aren't nice that are happening in town. You can't dance around on eggshells, or be afraid of someone with a hammer or whatever. You have to say things to get to the bottom.

My 10 minutes, does it also take in the response time.

Mayor: Yes

Do you remember the contract you signed with the Borough of Beachwood. In it you stated that you would provide the residence of Beachwood with a new approach in government, encouraging fresh ideas (reading from flyer)you pledged to treat each citizen with the ultimate level of respect even if you maintain a difference in view point ----- I have to laugh about that. The ultimate level of respect. You had me searched for an imaginary weapon. You had me gaveled so much that you broke the gavel. You had me censured. You interrupt me when I'm speaking. You had me thrown out. If this is the ultimate level of respect, I would like to see what the lower level of respect is. You even limited our time to 10 minutes. No other Mayor in Beachwood has done so. I would like to ask council to have that 10 minutes maybe improved a little bit.

Let's talk about point # 9 on this paper. Ethics. How are we doing on an Ethics Board.

Mayor: Went on to DCA site to see regulations on establishment of Ethics Board. Toms River has one and I will get a copy of that one.

So you believe that Borough officials should approve the plan.

Mayor: I asked earlier this year if I had to submit an Ethics form, the Clerk advised no (not an official in 2007) DCA suggested that I file one and I did with the state.

So by signing this contract you are willing to disclose who the individual was that gave you a gift or loan and subsequently the individual who you gave the appointment.

Mayor: I do not have to answer that question. I will not answer that question.

Counsel, I demand an answer to that question.

Mayor: I don't have to answer your question.

It has to do with a gift or a loan, a rose by any other name is still a rose.

Mayor: To Mr. Hiering - question on contribution by firm over last few years to those running for office in Beachwood.

Hiering: Correct

Mayor: And subsequently you were given a position of Attorney where you are being paid. Would you consider that a bribe?

Hiering: No

Balazinski: To Mrs. Clark - are you aware of this gift or loan and the person who was appointed.

Clark: I wasn't present, but the story I've been told. I heard a story about it, but I don't know at this point if the story is true.

At the last meeting I asked if you submitted a false campaign report. You answered NO. I know that you did file a false report. The report was due on Nov. 26, 2007. was doctored.

Mr. Balazinski proceeded to read about checks - amounts - and reports and expenditures of the campaign.

Mayor: I suggest that you file your complaint with the Election Commission, that's where it belongs.

I asked you also if you ever asked or helped anyone commit voter fraud.

AUDIENCE DISTURBANCE 8:33

Your answer was No. Do you have a relative living at 734 Lake Morning Drive - Lacey Twp while signing your petition and voting in the primary in Beachwood.

Mayor: I will not answer that question.

That directly has to do with this Township - I demand an answer.

Mayor: Take that to the proper authorities....

Remember that the Lacey Township Police and the Parole Board have a record of visiting someone at this address.

I asked you if you ever transported someone from North Jersey to vote in Beachwood. You answered " Me personally, No". Do you have knowledge of anyone or any individual transporting a North Jersey resident. Do you have a grand-daughter ? No In a newspaper article you stated you had a granddaughter, I wonder why you would say that.

Mayor: Mr. Balizinski you are crossing the line ...someone that I care for and I love I consider my grand child, I call them my grandchild. Mr. Balizinski you are crossing over the line, making a mockery of this council.

Encourage anyone with any information to contact US Attorney Chris Christie.

DiBella  
1008 Halliard Ave.

You didn't answer Mr. Balizinski's question, do you live on Seaman Avenue or do you live in -----

Mayor: I live on Seaman Avenue, why are you watching my house.

Asked council to note that the disruption is being caused by Mrs. Brunner (Mayor's sister).  
You asked Mr. Schiel to remove the sign ... IT's still up.  
Did you think of calling Code Enforcement.

Mayor: I haven't seen the sign in question.

To Mrs. Clark - did you see the sign - did you call Code Enforcement?

Mayor: When did you first see the sign?

Day before the primary.

DiBella

To Mrs. Clark - is there a high rate of cancer in Beachwood or not.

Clark: According to meetings I have been attending, they haven't said there is any high rate in the most recent report. We are waiting for the most recent report to still come.

You will report to the Environmental Commission when you get it.

Clark: Of course. That's why we're going to the meetings.

Request for money for the Environmental Commission. Status of "Cancer screening in Beachwood". When will we be having a cancer screening. When did you contact these people.

One of the points in the campaign was broadcasting over Comcast. Where is that.

Clark: Spoke on it earlier this date.

Comment on letter referred to by Mr. LaCrosse regarding Mayor's comment in article of being badgered by Mr. Feeney.

Question on 10 minute rule ... does it include response time.

Hiering: Its 10 minutes.

Would council consider an ordinance to increase it. It limits public's right to speak.

Repeated comments on budget for Environmental Commission to conduct study on cancer.

Brunner  
413 Seaman Ave

About disruption earlier in the meeting. Explanation.

DiBella; R.

To Mrs. Clark about "gift or loan" .. The individual who gave the gift.

Comments between Mayor - Mr. DiBella regarding their political campaign and associated difficulties.

CLERK: Asked that the speakers do not speak over one another.

Mr. DiBella - continued his comments on the campaign issues - discussion became heated between Mr. DiBella - Mrs. Clark - Mayor and Mrs. Verga.

Jones; R.W. Sr.: Comments on issues of campaign.

Grietz  
1521 Windward: Topic of campaign not for this platform. Stick to the issues affecting the Borough. I am sick and tired of this "crap". Can we please get back to the business of Beachwood. Settle you're differences in court. Do the people's business. I'm tired of people laughing at me because I come from Beachwood.

LaCrosse  
Forecastle Responding to earlier statement that request for legal counsel was for one issue in Beachwood, one issue only.

Woodward  
Capstan Ave. Re: Serving of subpoena served - does the Municipal Attorney have to represent - and does it become a copy of the public record.

Hiering: Explained

Byrnes Agrees with Mr. Schiffermiller about taxpayer coverage for Mr. LaCrosse.

PUBLIC DISCUSSION – TO CLOSE

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

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 & Condition of Employment –  
Contractual  
Litigation

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

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

Re-Open – 10:02 P.M.

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

#2008-253 RESOLVED by Mayor and Council to hire A. Cirz – Cable Avenue - Beachwood as Fire Sub Code Official - \$25 per hour – 2 – 4 hours weekly beginning July 1<sup>st</sup>.

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

Mr. Hiering Advised Mr. LaCrosse regarding “legal counsel” – Governing Body discussed. Wish we had gotten answer back sooner. if the MEL grants the coverage then the Borough will agree. If the MEL deny’s then the individual will seek own counsel.

**Mr. Byrnes - Can I get the answer when it becomes available. ?**

**Mr. DiBella - Status of \$1,500 for Environmental ....**

**Must go to Finance Committee.**

ADJOURN

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