

July 16, 2008

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 102 servicemen from New Jersey have been killed in Iraq and Afghanistan, Most recently June 24th, Capt. Gregory Dalessio(2nd Batt - 6th Inf - 22nd Brigade Control Team - 1stArmored Div. o/o Barmholder Germany) from Cherry Hill N.J. Age 30 (Salman Pak Iraq) and July 16th Army Reserve Capt.Dwayne M. Kelly (48) N.J. St. Trooper Detective Sgt 1st Class) Serving his 3rd Tour of Duty - in Sadr City Iraq.



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:

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

Absent: Mayor Ronald Jones

A 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.

July 16, 2008

Page 1

Presentation by Councilmember Clayton- Roma.	
	Mr. Yezzi (architect) also present. A brief history of the site and problems recently incurred and proposal to address. Hoping to demo building during winter and follow with re-building in Spring Proposed use is combination room and picnic area. Recreation and Alliance will be able to run programs out of it.
Mr. Yezzi	On going work in progress. Detailed proposed structure. Basic Block Building. Exterior wall designed to accommodate projection of movies. Have spent a lot of time with council on this.
Mr. Roma	Noted some additional changes to include items for Little League and Girls softball.
Mrs. Clayton	All purpose room will be a sizeable room, we are still working on it. Building should service community for many years and many organizations. Can look at future possibility to rent to residents.
Mr. Yezzi	Will leave rendering for public review.

Presentation by Mrs. Clark and Mr. Feeney to Girls Softball players who represented Beachwood in Berkeley Tournament.

Recess:	Motion: Komsa	Second: Clayton
	Approved: Clark - Clayton - Feeney - Komsa - Roma - Verga.	
Re-Open	Motion: Feeney	Second: Komsa
	Approved	

RESOLUTION
#2008-262

EMERGENCY TEMPORARY RESOLUTION

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 2008 budget; and

WHEREAS, no adequate provision has been made in the 2008 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 2008 pursuant to the provisions of Chapter 96, P.L.1951 (N.J. S. 40A:4-20) including this resolution total \$ 5,151,487.52

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:

	2008	SALARY & WAGES	OTHER EXPENSES	TOTAL
1	POSTAGE		2,500.00	2,500.00
2	POLICE	100,000.00		100,000.00
3	FIRE CO.		10,000.00	10,000.00
4	FIRST AID		5,000.00	5,000.00
5	FIRE HYDRANT SERVICES		12,600.00	12,600.00
6	FIRE - PEOSHA		5,000.00	5,000.00
7	PUBLIC WORKS		2,000.00	2,000.00
8	RECYCLING	15,000.00		15,000.00
9	BUILDINGS AND GROUNDS		20,000.00	20,000.00
10	ANIMAL CONTROL		3,000.00	3,000.00
11	LIFEGUARDS	9,000.00	100.00	9,100.00
12	SOCIAL SECURITY DEFINED RETIREMENT		60,000.00	60,000.00
13	CONTRIBUTION		1,250.00	1,250.00
14	MUNICIPAL COURT	10,000.00		10,000.00
15	INFRASTRUCTURE LOAN- PRINCIPAL		33,750.00	33,750.00
16	INFRASTRUCTURE LOAN- INTEREST		1,550.00	1,550.00
	TOTAL	134,000.00	156,750.00	290,750.00

1. That said emergency temporary appropriations have been provided for in the 2008

Budget under the aforementioned line items.

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

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

Resolution: To approve the 2008 Certified Bills List in the amount of
 #2008-263 \$531,017.88

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

RESOLUTION
 #2008-264 RESOLVED by Mayor and Council to approve the minutes of the June 18th Regular Meeting of Mayor and Council

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

RESOLUTION

#2008-265 RESOLVED by Mayor and Council to approve the minutes of the June 25th Workshop Meeting of Mayor and Council.

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

#2008-266 RESOLVED by Mayor and Council to approve the following rentals for the Community Center - Mayo Park

2008		Community Center	
September	21	Snyder	Rental: \$700
		61 Northrup Dr.	Deposit: \$700
		Brick N.J.	
September	28	Healy	Rental: \$350
		33 Walnut St.	Deposit: \$500
		Beachwood	
2008		Mayo Park	
July	26	Harden	Rental: \$125
		74 Oak Street	Deposit: \$175
		Beachwood	
2009 Community Center			
June	13	Weigandt	Rental: \$350
		38 Spruce St.	Deposit: \$500
		Beachwood	

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

RESOLUTION

#2008-267 WHEREAS on April 16, 2008 under Resolution #2008-159 approval was given for a September 6th 2008 rental of the Community Center by Angela M. Delrey, 817 Seaman Avenue, Beachwood, noting all resident fees were posted (\$850); and

WHEREAS, on July 9th, 2008 a written notice of cancellation was received subjecting the applicant to a \$125 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED, to authorize a refund in the amount of \$725 to Angela M. Delrey, 817 Seaman Avenue, Beachwood.

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

RESOLUTION
#2008-268

WHEREAS on June 18, 2008 under Resolution #2008-234 approval was given for a September 27th 2008 rental of the Community Center by Mark Schilling, 317 Beach Avenue, Beachwood noting all resident fees were posted (\$850); and

WHEREAS, on July 2nd, 2008 a written notice of cancellation was received subjecting the applicant to a \$100 cancellation fee.

NOW, THEREFORE, BE IT RESOLVED, to authorize a refund in the amount of \$750 to Mark Schilling, 317 Beach Avenue, Beachwood.

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

RESOLUTION
#2008-269

RESOLVED by Mayor and Council to approve the four (4) year agreement between the Borough of Beachwood and the Borough of Island Heights for Sub-Code Official Services; and

Further Resolved that the Mayor and Clerk are authorized to execute on behalf of the Borough.

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

Mr. Lipton asked if this could be discussed. He questioned the agreement. Mrs. Verga, and Councilmembers pointed out this action was taken at an earlier meeting to approve the agreement. All that this resolution does is authorize the appropriate individuals to sign the agreement.

RESOLUTION
#2008-270

RESOLVED by Mayor and Council to hire Daniel Altman 1409 Spray Avenue, Beachwood and Justin Apel 228 Cable Avenue Beachwood as Police Officers pending successful completion of Psychological, medical examination. Annual salary \$30,371.00.

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

RESOLUTION
#2008-271

Resolution Supporting the Over the Limit Under Arrest 2008 Statewide Crackdown

Whereas, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

Whereas, 28% of motor vehicle fatalities In New Jersey are alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the end of summer season is traditionally a time of social gatherings which often include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Over the Limit Under Arrest 2008 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 15 through September 1 2008; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be is resolved that declares it's support for the *Over the Limit Under Arrest 2008 Statewide Crackdown* from August 15 through September 1, 2008 and pledges to increase awareness of the dangers of drinking and driving.

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

RESOLUTION
#2008-272

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$3,300,000 WATER UTILITY BONDS, SERIES 2008, OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2008 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

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

2008 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

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

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Water Utility Bonds, Series 2008A, to the Trust in an aggregate principal amount not to exceed \$1,800,000 (the "Trust Loan Bond") and Water Utility Bonds, Series 2008B, to the State in an aggregate principal amount not to exceed \$1,600,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$3,300,000) pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

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

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$1,800,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$1,600,000 to the State in accordance with the provisions hereof (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$3,300,000). The Local Unit Bonds have been referred to and are described in bond ordinance #2006-14 of the Local Unit, which bond ordinance is entitled "AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK, CHLORINE CONTACT TANK AND MISCELLANEOUS RELATED EQUIPMENT AND APPROPRIATING \$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 and bond ordinance # 2008-07 of the Local Unit, which bond ordinance is entitled "AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,400,000 FOR THE CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK, VARIOUS WATER UTILITY IMPROVEMENTS AND MISCELLANEOUS RELATED EQUIPMENT FOR

THE BOROUGH OF BEACHWOOD AND PROVIDING FOR THE ISSUANCE OF \$1,400,000 IN WATER IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF BEACHWOOD TO FINANCE THE SAME" and was finally adopted by the Local Unit at a meeting duly called and held on May 21, 2008 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 established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which shall be determined by the trust and fund accordingly, subject to the limitations in Section 1 hereof.

(b)The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 20 years;

(c)The date of the Local Unit Bonds, which shall not be later than November 30, 2008.

(d)The interest rates of the Local Unit Bonds, which in the case of the Trust Loan Bond, shall not exceed 8% and in the case of the Fund Loan Bond shall be 0%.

(e)The purchase price for the Local Unit Bonds; and which shall be determined by the Trust and Fund accordingly, but which shall not exceed 110% of the principal amount thereof.

(f)The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities, which shall be determined by the Trust and Fund accordingly, but at prices not to exceed 103% of the principal amount thereof.

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 Local Unit Bonds by the parties authorized under Section 4(c) hereof.

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

(a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-T1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-F1;

(b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds 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 Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of GluckWalrath LLP is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be determined by a certificate by Chief Financial Officer on or before the date of issuance of the Local Unit Bonds.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

RESOLUTION

#2008-273 **RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF BEACHWOOD AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2008 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, the Borough of Beachwood (the "Local Unit"), in the County of Ocean, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install and refinance the Project (the "Project") as defined

in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2008 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

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

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Borough of Beachwood Water Utility Bonds, Series 2008A, to the Trust in an aggregate principal amount not to exceed \$1,800,000 (the "Trust Loan Bond") and Borough of Beachwood Water Utility Bonds, Series 2008B, to the State in an aggregate principal amount not to exceed \$1,600,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$3,300,000) pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

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

Section 1.The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as

determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2.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 Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, 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 thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

RESOLUTION

#2008-274 RESOLUTION COMBINING CERTAIN BONDS OF THE BOROUGH OF BEACHWOOD INTO A SINGLE AND COMBINED ISSUE PURSUANT TO N.J.S.A. 40A:2-26(f)

WHEREAS, on August 16, 2006 the governing body of the Borough of Beachwood, in the County of Ocean, New Jersey (the "Borough") finally adopted a bond ordinance entitled "AN ORDINANCE OF THE BOROUGH OF BEACH WOOD, COUNTY OF OCEAN, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK, CHLORINE CONTACT TANK AND MISCELLANEOUS RELATED EQUIPMENT AND APPROPRIATING \$2,120,000 THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$2,120,000 IN WATER IMPROVEMENT BONDS OR NOTES TO FINANCE THE COST THEREOF" (the "2006 Ordinance"); and

WHEREAS, on May 21, 2008 the governing body of the Borough finally adopted a bond ordinance entitled "AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,400,000 FOR THE CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK, VARIOUS WATER UTILITY IMPROVEMENTS AND MISCELLANEOUS RELATED EQUIPMENT FOR THE BOROUGH OF BEACHWOOD AND PROVIDING FOR THE ISSUANCE OF \$1,400,000 IN WATER IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF BEACHWOOD TO FINANCE THE SAME" (the "2008 Ordinance");

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, AS

FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), of the aggregate \$3,520,000 of bonds or notes of the Borough authorized pursuant to the 2006 Ordinance and the 2008 Ordinance (collectively, the "Ordinances"), up to \$3,300,000 of such amount shall be combined into a single and combined issue of bonds of the Borough, consisting of not to exceed \$1,800,000 in principal amount of the Borough's Water Utility Bonds, Series 2008A and not to exceed \$1,600,000 in principal amount of the Borough's Water Utility Bonds, Series 2008B (collectively, the "2008 Bonds")(the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$3,300,000). The details of the 2008 Bonds shall be determined by separate resolution of the Borough.

Section 2. The principal amount of 2008 Bonds authorized to be combined into a single issue as above provided, the bond ordinances authorizing the 2008 Bonds, and the period or average period of usefulness determined in each of the bond ordinances, are respectively as follows:

<u>Bond Ordinance</u>	<u>Amount of Bonds or Notes Authorized</u>	<u>Useful Life</u>
2006 Ordinance	\$ 2,120,000	20 years
2008 Ordinance	\$1,400,000	20 years

At the time of issuance of the 2008 Bonds, the Chief Financial Officer shall designate the amount of 2008 Bonds issued (a combined amount not to exceed \$3,300,000) to be assigned to the Ordinances.

Section 3. The following matters are hereby determined with respect to the combined issue of 2008 Bonds:

- (a) The average period of usefulness, computed on the basis of the respective amounts of 2008 Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not less than 20 years.
- (b) The 2008 Bonds of the combined issue shall mature within the average period of usefulness herein determined.
- (c) The 2008 Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and issuance of bonds authorized by a single bond ordinance, and accordingly may be sold with other issues of bonds.

Section 4. This resolution shall take effect immediately.

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

#2008-275 **RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$3,300,000 WATER UTILITY BONDS, SERIES 2008, OF THE BOROUGH OF BEACH WOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2008 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, the Borough of Beachwood (the "Local Unit"), in the County of Ocean, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, and install the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2008 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

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

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Water Utility Bonds, Series 2008A, to the Trust in an aggregate principal amount not to exceed \$1,800,000 (the "Trust Loan Bond") and Water Utility Bonds, Series 2008B, to the State in an aggregate principal amount not to exceed \$1,600,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$3,300,000) pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:1 1B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$1,800,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$1,600,000 to the State in accordance with the provisions hereof (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$3,300,000). The Local Unit Bonds have been referred to and are described in bond ordinance #2006-14 of the Local Unit, which bond ordinance is entitled "AN ORDINANCE OF THE BOROUGH OF BEACH WOOD, COUNTY OF

OCEAN, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK, CHLORINE CONTACT TANK AND MISCELLANEOUS RELATED EQUIPMENT AND APPROPRIATING \$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 and bond ordinance # 2008-07 of the Local Unit, which bond ordinance is entitled "AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,400,000 FOR THE CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK, VARIOUS WATER UTILITY IMPROVEMENTS AND MISCELLANEOUS RELATED EQUIPMENT FOR THE BOROUGH OF BEACHWOOD AND PROVIDING FOR THE ISSUANCE OF \$1,400,000 IN WATER IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF BEACHWOOD TO FINANCE THE SAME" and was finally adopted by the Local Unit at a meeting duly called and held on May 21, 2008 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 established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

(a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which shall be determined by the trust and fund accordingly, subject to the limitations in Section 1 hereof.

(b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 20 years;

(c) The date of the Local Unit Bonds, which shall not be later than November 30, 2008.

(d) The interest rates of the Local Unit Bonds, which in the case of the Trust Loan Bond, shall not exceed 8% and in the case of the Fund Loan Bond shall be 0%.

(e) The purchase price for the Local Unit Bonds; and which- shall be determined by the Trust and Fund accordingly, but which shall not exceed 110% of the principal amount thereof.

(f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities, which shall be determined by the Trust and Fund accordingly, but at prices not to exceed 103% of the principal amount thereof.

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 Local Unit Bonds by the parties authorized under Section 4(c) hereof.

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

(a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-T1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-F 1;

(b) The Local Unit Bonds shall be issued in fully registered form and shall be

payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds 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 Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Gluck Walrath LLP is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be determined by a certificate by Chief Financial Officer on or before the date of issuance of the Local Unit Bonds.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Gluck Walrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

#2008-276 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING FINAL CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE BOROUGH AND P&A CONSTRUCTION, INC. FOR THE NAUTILUS WATER MAIN REPLACEMENT PROJECT INCREASING THE CONTRACT BY \$13,016.43 AS A RESULT OF FINAL QUANTITIES AND ADDITIONAL REQUIRED WORK FOR A FINAL ADJUSTED CONTRACT PRICE OF \$110,736.13

WHEREAS, the Borough of Beachwood previously awarded a contract for the Nautilus Water Main Replacement to P&A Construction, Inc of Colonia, New Jersey in the original amount of \$97,719.70; and

WHEREAS, the Borough Engineers have recommended Final Change Order #1 reflecting final as built quantities and additional work as a result of the existing water main not being located as anticipated requiring a major reworking of the intersection to provide the correct intersection crossing thereby increasing the Contract price by \$13,016.43; and

WHEREAS, it is now the desire of this Governing Body to act upon the Engineer's, CMX, 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 #1 to the Contract between the Borough of Beachwood and P&A Construction, Inc. in connection with the Borough's Nautilus Avenue Water Main Replacement increasing the Contract by \$13,016.43 to a final adjusted contract price of \$110,736.13.

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 P&A Construction, Inc.

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

RESOLUTION

#2008-277 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE CLOSEOUT AND RELEASE OF PERFORMANCE BOND FOR JPS CONSTRUCTION CO INC. FOR REHABILITATION OF FILTER #5 UPON POSTING OF A MAINTENACE BOND AND CLOSEOUT DOCUMENTS

WHEREAS, the Borough of Beachwood previously awarded a contract to JPS Construction Co., Inc. in the amount of \$28,72T00 for the rehabilitation of filter #5 for the Borough's Water Department; 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 Merchants Bonding Company under Bond No. NJC41806 issued in favor of the Borough on behalf of the contractor in the amount of \$9,833.10 and running for a period of two (2) years from April 30, 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 Merchants Bonding Company in favor of the Borough of Beachwood, in the amount of \$28,727.00 based on the contractor's previously posting Maintenance Bond No. NJC41806 in the amount of \$9,833.10 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 Engineer, the Borough Treasurer and JPS Construction Co. Inc.

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

RESOLUTION
#2008-278

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AWARDING A CONTRACT FOR A LEASE AGREEMENT TO METRO PCS NEW YORK LLC FOR LEASING OF SPACE FOR CELLULAR ANTENNAS AND GROUND EQUIPMENT LOCATIONS AT THE BEACHWOOD MUNICIPAL WATER TANK LOCATED AT SEAMAN AVENUE, BLOCK 2.20, LOT 1 FOR THE INITIAL LEASE PRICE OF \$27,600.00 PER YEAR IN ACCORDANCE WITH THE BOROUGH'S BID SPECIFICATIONS

WHEREAS, the Borough of Beachwood previously advertised for the receipt of bids on June 25, 2008 at 2:00 p.m. for the leasing of space for cellular antennas on the Borough's Water Tank located at Seaman Avenue; and

WHEREAS, at the time and place for the receipt of bids one (1) bid was received from Metro PCS New York, LLC in die minimum annual bid price of \$27,600.00; and

WHEREAS, all bid documents have been reviewed by the Borough Attorney and found to be in proper form and order; and

WHEREAS, the bidder has submitted a bid bond issued by Travelers Casualty and Surety Company of America in the amount of \$6,900.00 in accordance with the bid specifications; and

WHEREAS, the bidder has additionally submitted the required Consent of Surety, Corporate Disclosure, and other required

documents; and

WHEREAS, the Governing Body desires to award said bid in accordance with the Borough's specifications.

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 awards a Contract to Metro PCS New York, LLC for the leasing of cellular antenna space and support equipment at the Borough's Water Tank located at Seaman Avenue, Block 2.20, Lot a for the initial annual bid price of \$27,600.00 in accordance with the Borough's specifications.

2. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough Treasurer, Attorney and Metro PCS New York, LLC, the Borough Engineer, and the Borough CPA.

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

RESOLUTION
#2008-279

WHEREAS, Block 2.26, Lot 3 - Water Account #746-0 was billed for the minimum usage for the 3rd quarter of 2008; and

WHEREAS, the billing was sent out on June 13, 2008 and the water was turned off for demolition on June 2, 2008.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to credit the account for \$39.75.

Motion: Second:
Approved:
Opposed:
Abstain: Absent:

RESOLUTION
#2008-280

WHEREAS, Block 4.11, Lot 7 - Water Account #1528.0 was billed for the minimum usage for the 3rd quarter of 2008; and

WHEREAS, the billing was sent out on June 13, 2008 and the water was turned off for demolition in April 2008.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to credit the account for \$39.75.

Motion: Clayton Second: Feeney
Approved: Clark - Clayton - Feeney - Komsa - Roma - Verga
July 16, 2008

Opposed:
Abstain:

Absent:

RESOLUTION

#2008-281 WHEREAS, Block 5.67 Lot 4, Account #2238-0, owned by Donald Brushaber was read incorrectly for the third quarter of 2008; and

WHEREAS, it was read and posted as 319 and should have been 258.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to credit the account in the amount of \$333.00.

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

RESOLUTION

#2008-282 RESOLUTION OF THE BOROUGH OF BEACHWOOD, NEW JERSEY **Approving a Disabled Veteran Exemption Block 3.19 LOT 14**

WHEREAS, The Department of Veteran Affairs determined that Richard Decker, 750 Anchor Avenue, Block 3.19 Lot 14 to have a service connected disability that is totally disabling; and

WHEREAS, Mr. Meehan has made application to the Borough as a totally disabled veteran, which has been approved by the Tax Assessor as of July 7th, 2008.

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

The Tax Collector is directed to cancel taxes as follows as follows:
2008- \$1,896.01

The Tax Collector is directed to process any refund due as a result of the cancellation of taxes

The parcel is exempted on the 2009 tax list.

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

#2008-283 WHEREAS, the local capital budget for the year 2008 was introduced on the 19th day of March 2008; and

WHEREAS, it is desired to amend said adopted capital budget section.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Beachwood, County of Ocean, that the following amendment to the introduced capital budget be made:

Motion: Roma Second: Verga

FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2008

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2008					To Be Funded in Future Years
			2008 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants-in-Aid & Other Funds	Debt Authorized	
Purchase of New Garbage Truck								
Dump Truck with Snow Plow and Related Equipment	235,000			11,750			223,250	
Purchase of Various Police and Fire Equipment	22,660			1,133			21,527	
Total All Projects	\$ 8,979,285	\$	\$ 256,625	\$ 99,883	\$	\$	\$ 2,047,777	\$ 6,575,000

FROM
3 YEAR CAPITAL PROGRAM 2008 - 2010
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts per Budget Year					
			2008	2009	2010	2011	2012	2013
Purchase of New Garbage Truck								
Dump Truck with Snow Plow and Related Equipment	235,000		235,000					
Purchase of Various Police and Fire Equipment	22,660		22,660					
Total All Funds	\$ 8,979,285		\$ 2,404,285	\$ 1,260,000	\$ 1,335,000	\$ 1,260,000	\$ 1,460,000	\$ 1,260,000

FROM
3 YEAR CAPITAL PROGRAM 2008 - 2010
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	Estimated Total Cost	Budget Appropriations		Capital Improvement Fund	Capital Surplus	Grants in-Aid and Other Funds	Bonds and Notes	
		Current Year 2008	Future Years				General	Self-Liquidating
Purchase of New Garbage Truck								
Dump Truck with Snow Plow and Related Equipment	235,000			11,750			223,250	
Purchase of Various Police and Fire Equipment	22,660			1,133			21,527	
Total All Funds	\$ 8,979,285	\$ 256,625	\$ 50,000	\$ 287,383	\$	\$	\$ 5,460,277	\$ 2,925,000

TO
CAPITAL BUDGET (CURRENT YEAR ACTION)
2008

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2008					To Be Funded in Future Years
			2008 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants-in-Aid & Other Funds	Debt Authorized	
Purchase of New Garbage Truck								
Dump Truck with Snow Plow and Related Equipment	273,000			13,650			259,350	
Purchase of Various Police and Fire Equipment	27,000			1,350			25,650	
Total All Funds	\$ 9,021,625	\$	\$ 256,625	\$ 102,000	\$	\$	\$ 2,088,000	\$ 6,575,000

3 YEAR CAPITAL PROGRAM 2008 - 2010
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts per Budget Year					
			2008	2009	2010	2011	2012	2013
Purchase of New Garbage Truck								
Dump Truck with Snow Plow and Related Equipment	273,000							
Purchase of Various Police and Fire Equipment	27,000							
Total All Funds	\$ 9,021,625	\$	\$ 2,446,625	\$ 1,260,000	\$ 1,335,000	\$ 1,260,000	\$ 1,460,000	\$ 1,260,000

TO
3 YEAR CAPITAL PROGRAM 2008 - 2010
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	Estimated Total Cost	Budget Appropriations		Capital Improvement Fund	Capital Surplus	Grants in-Aid and Other Funds	Bonds and Notes	
		Current Year 2008	Future Years				General	Self-Liquidating
Purchase of New Garbage Truck								
Dump Truck with Snow Plow and Related Equipment	273,000			13,650			259,350	
Purchase of Various Police and Fire Equipment	27,000			1,350			25,650	
	8,979,285							
	42,340							
Total All Funds	\$ 9,021,625	\$ 256,625	\$ 50,000	\$ 289,500	\$	\$	\$ 5,500,500	\$ 2,925,000

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 16th day of July, 2008.

ORDINANCES - FIRST READING TITLE ONLY:

#2008-15 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING FOR THE ACQUISITION OF ONE NEW GARBAGE TRUCK PACKER BODY AND RELATED EQUIPMENT, A NEW DUMP TRUCK AND RELATED EQUIPMENT, AS WELL AS EQUIPMENT FOR BOTH THE POLICE DEPARTMENT AND FIRE DEPARTMENT APPROPRIATING THE SUM OF \$300,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS AND NOTES IN THE AMOUNT OF \$285,000.00 IN GENERAL IMPROVEMENT BONDS OR NOTES TO FINANCE THE COSTS THEREOF

RESOLUTION #2008-284 RESOLVED by Mayor and Council to approve Ordinance #2008-15 as presented on First Reading Title Only.

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

ORDINANCE FIRST READING TITLE ONLY
#2008-17 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM IN ACCORANCE WITH THE REQUIREMENTS OF N.J.S.A. 43:15C-1, ET SEQ.

RESOLUTION #2008-285 RESOLVED by Mayor and Council to approve Ordinance #2008-17 as presented on First Reading Title Only.

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

NOTATION: FOLLOWING THE INTRODUCTION OF THIS ORDINANCE AND SUBSEQUENT RESOLUTION, IT WAS LEARNED THAT IT WAS A DUPLICATION OF ORDINANCE #2008-13. THEREFORE, IT WILL APPEAR IN THE OFFICIAL RECORD OF THE MEETING, BUT IT WILL NOT BE ADVERTISED OR HELD FOR PUBLIC HEARING. IT IS WITHDRAWN

ORDINANCE FIRST READING TITLE ONLY
#2008-18 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE REPAIR AND REPLACEMENT OF VARIOUS WATER MAINS AND RELATED IMPROVEMENTS APPROPRIATING THE SUM OF \$180,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF WATER IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$180,000.00

RESOLUTION #2008-286 RESOLVED by Mayor and Council to approve Ordinance #2008-18 as presented on First Reading Title Only.

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

ORDINANCE FINAL READING - PUBLIC DISCUSSION AND ADOPTION
#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

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

No questions

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

#2008-287 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-11 as presented and held for public discussion

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

ORDINANCE - FINAL READING PUBLIC DISCUSSION AND ADOPTION
#2008-12

ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING FOR VARIOUS ROADWAY AND DRAINAGE IMPROVEMENTS IN CONNECTION WITH THE RAILROAD AVENUE DRAINAGE, PHASE IV AND PHASE V PROJECT AND THROUGH THE COUNTY OF OCEAN SCHEDULE C ROADS AND DRAINAGE PROGRAM COVERING VARIOUS STREETS AND ROADWAYS WITHIN BEACHWOOD APPROPRIATING THE SUM OF \$1,040,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$988,000.00 TO FINANCE THE COSTS THEREOF

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Carol Jansen: Explanation of "C". provided by Mr. Roma.
Where is drainage going . Explanation Mr. Roma
Problems with flooding and drainage... who is in charge of the project.
(Mr. Roma) can I talk to you and get details on the project. Mr. Roma referred Mrs. Jansen to Engineer. Concerned about possible flooding.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

#2008-288 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-12 as presented and held for public discussion

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

ORDINANCE - FINAL READING - PUBLIC DISCUSSION AND ADOPTION

#2008-13 ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING WATER MAIN REPLACEMENT WITHIN MIZZEN AVENUE FROM WAVE STREET TO LOCKER STREET AND AUTHORIZING THE RECONNECTION OF TWO INTERSECTIONS THAT WERE RECENTLY DEACTIVATED AND ASSOCIATED WATER IMPROVEMENTS APPROPRIATING THE SUM OF \$175,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF WATER IMPROVEMENT BONDS OR NOTES IN THE AMOUNT OF \$175,000.00 TO FINANCE THE COSTS THEREOF

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

No questions

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

#2008-289 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-13 as presented and held for public discussion

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

ORDINANCE - FINAL READING PUBLIC DISCUSSION AND ADOPTION

#2008-14 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ESTABLISHING THE PAYMENT OF A \$150.00 FEE FOR PERFORMANCE OF A MARRIAGE CEREMONY AND FURTHER AUTHORIZING PAYMENT TO THE MAYOR OF A FEE OF \$100.00 PER WEDDING CEREMONY PERFORMED

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Balazinski

**Halliard Ave Who is responsible for the payment of taxes.
Who ever officiates would have to submit a voucher for re-
imbursement and would be given a 1099 at the end of the
year to file taxes.**

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

**#2008-290 RESOLVED by Mayor and Council to approve and adopt Ordinance
#2008-14 as presented and held for public discussion**

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

RESOLUTION

**#2008-291 RESOLVED by Mayor and Council to approve the agreement between
the Borough of Beachwood an CMX Engineering for Schedule C -
services Project Number 080358400-01, not to exceed \$34,000.00;
and**

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

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

CORRESPONDENCE

- a. Beachwood Pine Beach Girls Softball RE: Installing Safety Fencing
(Birch/Surf Park)

**BEACHWOOD PINE BEACH GIRLS SOFTBALL
P.O. BOX 63
BEACHWOOD, NEW JERSEY 08722
(732) 797-0555**

Beachwood Mayor and Council
1600 Pinewald Road
Beachwood, NJ 08722

7/16/08
Meeting

Dear Mayor & Council:

The Executive Board of the Beachwood Pine Beach Girls Softball League would like to request permission to install safety fencing at the Birch & Surf Park in accordance with ASA rules. There will be 3 sections of fence 10 feet long and 12 feet high placed in the outfield of field #2. All fencing was donated to the league and would require no cost to the town.

We will also need to alter the backstop on field #2 (corner of Surf & Birch). We request permission to extend the backstop fencing to help ensure public safety at that very busy intersection.

Please contact Tim Gardner at 848-333-5433 pertaining to this matter.

Thanking you in advance for your anticipated cooperation.

Sincerely,


Cathy Nestor
Secretary

Softball - Safety Fencing.

Mr. Roma	Need to submit plot plan to Planning Board.
Resolution: #2008-292	To approve request pending submission of plot plan to Planning Board; and Further to authorize waiver of fees.
Motion:	Feeney
Second:	Verga
Approved:	All

**TOMS RIVER SOUTH
POP WARNER ASSOCIATION**

Raider Football & Cheer
P.O. Box 1598
Toms River, NJ 08754
Federal Tax Id #22-372-7934

**Borough of Beachwood
1600 Pinewald Avenue
Beachwood, NJ 08722
Attn: Mayor and Council**

Mayor and Council,

The Toms River South Pop Warner Association is requesting use of the Beach for our annual start of the season pep rally and bonfire. For 3 years we held this at Beachwood Beach, last year we weren't able to secure the use of the Beach. We are hopeful that you will grant us use for August 23rd, 2008 from 6pm-10pm. For the record more than 50% of our participants live in the Borough of Beachwood. We will provide the borough with a certificate of insurance. We are insured for \$1,000,000.00 liability.

If you need any further information or have any questions please feel free to contact me anytime at 732-496-0240 or craig.karahuta@tomsriverpopwarner.com.

Thanking You in Advance for Your Approval,

**CRAIG KARAHUTA
Craig Karahuta**

Clerk will advise requestor that no fires permitted during the summer "bathing" season. Also, that a fire permit can be obtained if they wait until after Labor Day.

c. Ocean County Library - Re: Storage Shed at Library.



OCEAN COUNTY LIBRARY

101 Washington Street
Toms River, NJ 08753-7625
Telephone 732-349-6200
Administration Fax 732-473-1356
Reference Fax 732-349-0478
Website: www.theoceancountylibrary.org

Elaine H. McConnell, Director

June 19, 2008

11' - vs 25'

Mayor Ronald Jones and Town Council Members
Borough of Beachwood
1600 Pinewald Road
Beachwood, N.J. 08722

RE: Beachwood Branch Library
Ocean County Library System

Dear Mayor Jones and Council Members,

As you are aware, Ocean County Library leases the Beachwood building from the Borough and maintains a Library there through a cooperative agreement. Since the building is owned by the Borough, any major improvements or costs beyond the lease agreement must be approved and paid for by the Borough. In this instance however, the Library is seeking permission and will absorb costs to install a storage shed on the rear corner of the property. Storage at the facility is non-existent and staff has been forced to find novel ways of maintaining adequate needs for the building.

The Library believes that a small storage shed will indeed be sufficient to maintain needed supplies for the building and allow staff close proximity access when items such as chairs, tables and janitorial supplies are required.

A permit application is enclosed along with a picture of the proposed storage shed for your review. We are also requesting that any and all fees associated with this project be waived. If you should have any questions, please feel free to contact me and I shall endeavor to answer them directly.

Sincerely yours,

Joseph Cahill
Facilities Supervisor

cc: Elaine H. McConnell, Library Director
Sally Harrison, Branch Manager



OCEAN COUNTY LIBRARY

www.oceancountylibrary.org

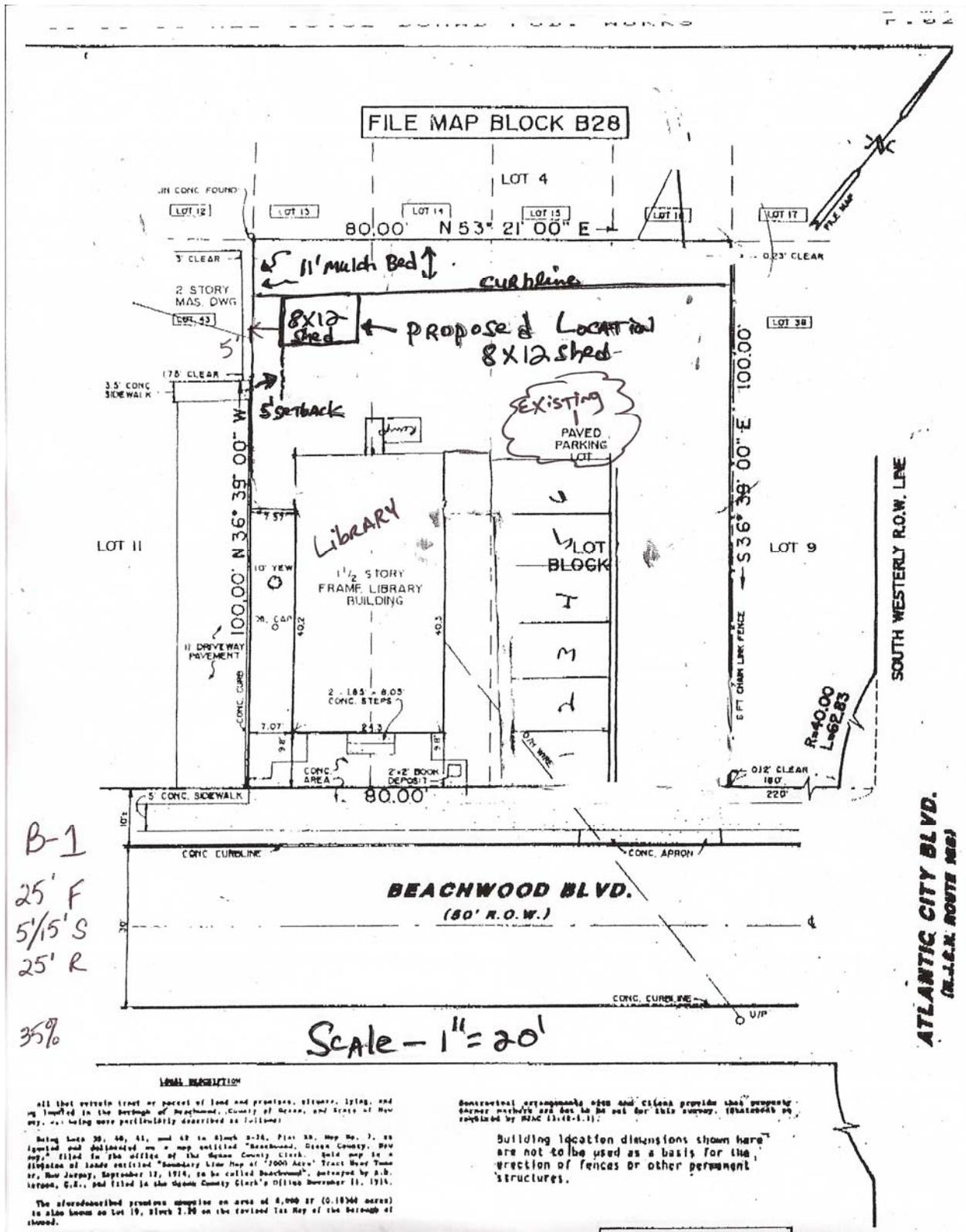
Joseph Cahill
Facilities Supervisor
Administration

jcahill@oceancountylibrary.org

the

Toms River Branch
101 Washington Street
Toms River, NJ 08753

(732) 914-5430
Fax: (732) 736-0271



Forward to Zoning - (Planning Board) with approval to waive fees.

REPORTS:

Mayor Absent

Clark Beach opened for 1 full week. Current testing may get us another week.

Clayton Executive.

Thanked all the July 4th volunteers for helping put together a great program. Hope all had a good time. First Aid building will be addressed in Engineers report.

Komsa Great job - July 4th display. Movie on beach 8/8 - Fire House Dog. Recent concert at beach - great performance. Next Concert - August 10. Anonometer will be addressed in October.

Authorization To work with Attorney on a "Wind Ordinance"

Motion: Mrs. Verga Second: Mr. Feeney
Approved: Clark - Clayton - Feeney - Komsa - Roma - Verga
All approved

Mrs. Verga No report

Mr. Roma Reminder - Alliance - Summer Fun Monday Nights in progress. Mondays- 6:00 - 9:00 p.m. - Saturday Luau at the Beach 6:00 p.m.

Mr. Gannon No report

Mr. Oris Re: First Aid Building, Committee working hard on project. Architect has had tech specs reviewed by Attorney and they seem to be acceptable. Should be ready to go to bid in about 10 days.

Municipal Clerk

RESOLUTION

#2008-293 RESOLVED by Mayor and Council to approve the following requests for Conference - Training - Seminar

Date:	July 28 - Aug 04 - Aug 11	Lesley Kirchgessner - Municipal Court
Location:	Monmouth County Court House	
Subject:	Principles of Municipal Court Administration	
Cost:	\$0	
Vehicle:	No	

Date:	July 29	Linda Felton - Municipal Court
Location:	Stafford Municipal Court	
Subject:	Financial Training (Mandatory)	
Cost:	\$0	
Vehicle:	No	

Date:	Sept. 04-11-18-25 Oct. 02-09-16-23-30 Nov. 06-13
	Elizabeth Sarantinoudis (Finance)
Location:	Westhampton - Burlington County Institute of Tech.
Subject:	Municipal Utility Fund Accounting
Cost:	\$728
Vehicle:	YES

Date:	Sept 19 - M. Nancy DeFalco
Location:	Princeton Township - Municipal Building
Subject:	COAH Changes & Updates
Cost:	\$0
Vehicle:	NO

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

RESOLUTION

#2008-294 RESOLVED by Mayor and Council to approve the One Day Liquor License of the Leukemia Lymphoma Society for July 18th (Community Center)

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

OPEN TO PUBLIC DISCUSSION

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

Mr. Lipton - Nice fireworks. Ordinance on wedding fees. That was result of a court case. There may be other procedures that may need to be addressed with regard to record keeping. Question on cell tower.

Balizinski - Commend Roma and Clayton on the recreation building. Wishes Halliard Ave. Mayor speedy recovery. Safety Fence - "particulars"
 Mrs. Clark: 10ft x 12ft High.

Balizinski - Offering services to install. Licensed contractor.
 Caruso Question - Ordinance #16
 Mr. Feeney: That ordinance was tabled

CLOSE TO PUBLIC DISCUSSION

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

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 -
 - Litigation
 - Contractual
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 - Roma - Verga
 Opposed:
 Abstain: Absent:

ACTION RESULTING FROM EXECUTIVE SESSION THIS DATE:

#2008-295 RESOLVED to approve the hiring of two seasonal employees in Public Works

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

#2008-296 RESOLVED to approve the agreement between the Borough of Beachwood and Birdsall Engineering for COAH Third Round not to exceed \$23,100.00

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

#2008-297 RESOLVED to appoint the following Alternates to Recreation Commission:

- Alternate #1 - Charles Caruso Term expiring 12/31/12
- Alternate #2 - Joyce Gebhardt Term expiring 12/31/12

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

#2008-298

RESOLVED to authorize the hiring of Karen Kuzminski 33 Wave Street Beachwood as Permit Clerk - effective July 28, 2008. Annual salary \$24,000.00 pending DOP approval.

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

TO ADJOURN

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

Submitted by: E.A. Mastropasqua

Ronald W. Jones Jr.
Mayor

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