

**Meeting Minutes
July 16, 2014
Beachwood Municipal Complex
1600 Pinewald Rd.
7:00 PM**

Mayor Roma called the meeting to order

Flag Salute was led by Mayor Roma

Mayor and Council Roll Call	Present	Absent	Excused Tardy
Mayor Ronald Roma, Jr.	X		
Council President Steven Komsa		X	
Councilwoman Beverly Clayton	X		
Councilman Gregory Feeney	X		
Councilman Gerald LaCrosse		X	
Councilman Thomas Miserendino	X		
Councilman Edward Zakar	X		

Also present were William T. Hierung, Esq. of Hierung, Gannon and McKenna; Jim Oris, PE, PP, CME of T&M Associates; and CFO John Mauder

OPENING STATEMENT Read by the Municipal Clerk

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 emailed to the Asbury Park Press and the Ocean Signal and posted on the Borough website on January 6, 2014.

REMEMBRANCE PRAYER Read by the Municipal Clerk

While we pray for the safe return of our serving men and women, we must remember that 152 servicemen and women from New Jersey have been killed in service to our country in Iraq and Afghanistan and around the world. 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, we ask for a moment of silence and prayer for all our disabled veterans, those missing in action and a call for the swift return of all our serving men and women.

PUBLIC HEARING FOR ORDINANCE #2014-03

ORDINANCE 2014-03

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR THE RELOCATION OF TWO STORMWATER OUTFLOWS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF BEACHWOOD AND APPROPRIATING \$1,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,140,000 IN BONDS OR NOTES OF THE BOROUGH OF BEACHWOOD TO FINANCE THE SAME.

BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$1,200,000, including the sum of \$60,000 as a down payment as required by the Local Bond Law.

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,140,000. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the relocation of two stormwater outflows located at Beachwood Beach, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. (a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,140,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys or contributions from developers or otherwise, received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction: April 16, 2014

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Miserendino</i>						X
<i>Councilman Zakar</i>			X			

Mayor motioned to open the floor for public comment on this ordinance only.

OPEN FOR PUBLIC HEARING FOR ORDINANCE 2014-03

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>		X	X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>			X			

Being no public comment, Mayor called for a motion to close public comment for this ordinance.

CLOSE FOR PUBLIC HEARING FOR ORDINANCE 2014-03

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>	X		X			
<i>Councilman Zakar</i>			X			

Adoption: By ROLL CALL

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>		X	X			
<i>Councilman Zakar</i>	X		X			

BILLS & CLAIMS LIST

**RESOLUTION #2014 –251
BEACHWOOD BOROUGH
APPROVAL OF BILLS AND CLAIMS**

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims; and

WHEREAS, all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures of the Department Head and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of Beachwood Borough that the voucher list submitted is hereby approved for payment in the total amount of **A: \$1,914,147.00 & B: \$1,097,824.89** .

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			

Councilman Zakar			X			
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MINUTES

**RESOLUTION 2014- 252
ACCEPTANCE OF MINUTES**

BE IT RESOLVED THAT THE FOLLOWING MINUTES BE AND ARE HEREBY ACCEPTED AND FILED:

MAYOR AND BOROUGH COUNCIL

**June 18, 2014 – Regular Meeting
June 18, 2014 – Executive Meeting**

Regular June 18, 2014

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Clayton	X		X			
Councilman Feeney					X	
Councilman Komsa						X
Councilman LaCrosse						X
Councilman Miserendino					X	
Councilman Zakar		X	X			

Executive Session June 18, 2014

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Clayton	X		X			
Councilman Feeney					X	
Councilman Komsa						X
Councilman LaCrosse						X
Councilman Miserendino					X	
Councilman Zakar		X	X			

CONSENT AGENDA RESOLUTIONS #2014-253 TO #2014-259

****Resolution 2014-253 tabled for Executive Session**

RESOLUTION #2014-254

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING RENTALS AT THE BEACHWOOD COMMUNITY CENTER

RESOLVED by Mayor and Council to approve the following requests for Community Center Rentals:

<u>Date</u>	<u>Name/Event</u>	<u>Rental</u>	<u>Deposit</u>
9-7-14	T. Hingston – Engagement Party	\$400.00	\$600.00
9-13-14	B. Jenensch – Bridal Shower	\$400.00	\$600.00
10-16-14	V. Maier – Rehearsal Dinner	\$400.00	\$600.00
10-17-14	V. Maier – Wedding	\$400.00	\$600.00
9-28-14	K. Marinelli – Engagement Party	\$400.00	\$600.00
12-7-14	N. Smith – Birthday Party	\$400.00	\$600.00

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Clayton	X		X			
Councilman Feeney			X			
Councilman Komsa						X

<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

**RESOLUTION 2014– 255
BOROUGH OF BEACHWOOD
OCEAN COUNTY**

RESOLUTION AUTHORIZNG APPOINTMENT OF JUNIOR FIRE FIGHTER FOR BEACHWOOD BOROUGH VOLUNTEER FIRE COMPANY #1

WHEREAS, Fire Chief Robert Risk has submitted a New Jersey State Firemen’s Association Membership application for a Junior Fire Fighter; and

WHEREAS, Junior Fire Fighter Member Rules and Regulations were adopted as per Resolution 87-188; and

WHEREAS, John E. Guild of 204 Ship Avenue, Beachwood, NJ 08722 desires to become a Junior Fire Fighter for the Beachwood Borough Volunteer Fire Company #1; and

WHEREAS, Mayor and Council wish to appoint Mr. Guild as a Junior Fire Fighter Member for the Beachwood Borough Volunteer Fire Company #1 ;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood, County of Ocean County, State of New Jersey that it does hereby appoint John E. Guild as a Junior Fire Fighter Member for the Beachwood Borough Volunteer Fire Company #1 upon acceptance of the New Jersey State Firemen’s Association

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Beachwood authorize the Municipal Clerk to sign the New Jersey State Firemen’s Association Membership application on behalf of the Borough

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Fire Chief Robert Risk

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>					X	
<i>Councilman Zakar</i>		X	X			

RESOLUTION 2014-255a

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE BOROUGH OF BEACHWOOD

WHEREAS, the Borough of Beachwood has met with representatives of the NJDEP concerning certain non-compliance with the times for regular testing of the Borough Water Department; and

WHEREAS, Beachwood Borough Water Department (“BBWD”) owns and operates a public community water system (“system”) as defined by N.J.A.C. 7:10-1.3, Potable Water Identification Number 1504001, serving a population of 10,802 located at 1200 Beachwood Boulevard, Beachwood, NJ 08722; and

WHEREAS, Public community water systems must monitor for regulated contaminants at a frequency specified in 40 CFR 141.26 and submit a compliance sampling to the Department within the first ten days following the end of the required monitoring period in accordance with N.J.A.C. 7:10-5.4(a); and

WHEREAS, the Borough Water Department failed to comply with the required timing for testing of Radionuclides and inorganic components; and

WHEREAS, the State and Beachwood Borough Water Department and Borough representatives met June 26th, 2014 and have agreed to settle said compliance issue in accordance with the attached Schedule “A”; and

WHEREAS, it is now the desire of the Borough Council to approve said settlement.

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. The Borough Mayor is authorized to execute the attached Settlement Agreement, Schedule “A” payment to the Treasurer, State of New Jersey in the amount of \$5,000.00.
2. That upon the adoption of the within resolution, the Borough Clerk is authorized and directed to forward a certified copy of it to the State of New Jersey, Department of Environmental Protection, Central Bureau of Water Compliance Enforcement, the Borough CFO, Borough Treasurer and the Beachwood Borough Water Department.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

**RESOLUTION
#2014-256**

RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #76-031 TO JOSEPH & KATHLEEN NUTRY IN THE AMOUNT OF \$17,777.01.

WHEREAS, at the Municipal Tax Sale held on August 3, 1976, a lien was sold on Block 9.29 Lot 10 also known as 1108 Pacific Ave. for 1976 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #76-031 as sold to Joseph & Kathleen Nutry with a 12% interest rate;

WHEREAS, Theresa Bourbon & Joseph Nutry, owners, effected redemption, for certificate #76-031 in the amount of \$17,777.01.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, Joseph & Kathleen Nutry for the redemption of certificate #76-031 in the amount of \$17,777.01.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

**RESOLUTION
#2014-257**

RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #12-00043 TO ANTHONY SILVA IN THE AMOUNT OF \$1,854.05 WITH A PREMIUM OF \$1,100.00.

WHEREAS, at the Municipal Tax Sale held on June 29, 2012, a lien was sold on Block 9.34 Lot 1 also known as 1153 Anchor Ave. for 2011 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00043 as sold to Anthony Silva with a 0% interest rate and a premium of \$1,100.00;

WHEREAS, Lawrence Bender, owner, effected redemption, for certificate #12-00043 in the amount of \$1,854.05.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, Anthony Silva for the redemption of certificate #12-00043 in the amount of \$2,954.05.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

**RESOLUTION
#2014-258**

RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #12-00011 TO ROSS J. PARADISE IN THE AMOUNT OF \$8,904.40 WITH A PREMIUM OF \$1,000.00.

WHEREAS, at the Municipal Tax Sale held on June 29, 2012, a lien was sold on Block 1.42 Lot 8 also known as 400 Anchor Ave. for 2011 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00011 as sold to Ross J. Paradise with a 0% interest rate and a premium of \$1,000.00;

WHEREAS, Datatrak LLC, owners, effected redemption, for certificate #12-00011 in the amount of \$8,904.40.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, Ross J. Paradise for the redemption of certificate #12-00011 in the amount of \$9,904.40.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

**RESOLUTION
#2014-259**

RESOLVED BY MAYOR AND COUNCIL TO AUTHORIZE A REFUND OF REDEMPTION MONIES FROM LIEN #13-00075 TO THE BOROUGH OF BEACHWOOD IN THE AMOUNT OF \$4,081.68.

WHEREAS, at the Municipal Tax Sale held on May 17, 2013 a lien was sold on Block 5.05 Lot 9.01 also known as 828 Cranberry Rd for 2012 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #13-00075 was struck off to the Borough of Beachwood with an 18% interest rate; and

WHEREAS, Tyler at Beachwood, LLC; owner, effected redemption, for certificate #13-00075 in the amount of \$4,081.68.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to cancel the lien held by the Borough of Beachwood for certificate #13-00075 in the amount of \$4,081.68.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

NON-CONSENT RESOLUTIONS

RESOLUTION 2014-260

RESOLUTION PROVIDING FOR CHANGE OF TITLE OR TEXT OF AN APPROPRIATION

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipal, make such revision of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purposes require for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J. 40A:4-85, the Borough Council of the Borough of Beachwood, in the County of Ocean, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following revisions in the Budget year 2014:

THAT THE APPROPRIATION PROVIDED FOR IN THE APPROVED BUDGET ENTITLED:

Operations Excluded from CAPS:

State and Federal Programs, Provision for Matching Funds for Grants be reduced by the sum of \$5,000 and LOSAP Other Expenses be reduced by the sum of \$1,912.00; and

An appropriation in the like amount of \$6,912.00 is added to the budget entitled:

Operations Excluded from CAPS:

State and Federal Programs, Municipal Alliance FY – Local Match

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by statute above referred to, and is necessary for the orderly operation of the Borough for the reasons hereinafter set forth:

The Township provided for the possibility of receiving an added grant after adoption of the 2014 Budget by providing a line item "Matching Funds for Grants." The amount of grant and related match requirement became known after the passage of the budget. In order to accept the Municipal Alliance Grant, legal provision for the required match must be made. The above revision will provide for the said legal provision.

AND, BE IT FURTHER RESOLVED that the Borough Clerk shall submit two copies of this resolution to the Director of the Division of Local Government Services for approval.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

RESOLUTION 2014-261

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF BEACHWOOD PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Beachwood, in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 which item is now available as a revenue from monies held pursuant to the provisions of statute.

Municipal Alliance Grant FY

\$27,645.00

BE IT FURTHER RESOLVED that a like sum of \$27,645.00 and the same is hereby appropriated under the following captions:

Municipal Alliance Grant FY

\$27,645.00

AND, BE IT FURTHER RESOLVED that the Borough Clerk shall submit one copy of the Certification for State and Federal Grants to the Director of the Division of Local Government Services for approval.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>	X		X			

RESOLUTION 2014-262

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE SAFE ROUTES TO SCHOOLS PROGRAM OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the Safe Routes to School Program provides federal aid highway funds to State Departments of Transportation to empower communities to make walking and bicycling to school a safe and route activity; and

WHEREAS, all traffic education, enforcement and infrastructure projects funded under the program must be located within two miles of a school; and

WHEREAS, the Borough of Beachwood desires to submit an application, Number SRS-2014-FY 2014 Beachwood Borough Safe Stre-00119, to the NJDOT Safe Routes to School Program for the construction of pavement markings and signage improvements along various walking paths to Beachwood Elementary and Toms River Intermediate South; and

WHEREAS, these improvements will enable and encourage children to walk or bicycle to school and will ensure the safety of pedestrians in the community-at-large; and

WHEREAS, the local school district supports the proposed project.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Beachwood, Ocean County, New Jersey as follows:

1. That the Borough Council has previously authorized the preparation and submission of an Application (Resolution 2014-213) to the NJDOT Safe Routes to School Program, and hereby re affirms said submission for a grant to reimburse the costs of pavement markings, signage and pedestrian safety improvements in the vicinity of Beachwood Elementary and Toms River Intermediate South.
2. That a certified copy of this Resolution be forwarded to the Division of Local Aid and Economic Development, the New Jersey Department of Transportation, the Toms River Regional School District, the Borough Engineer and the Chief Financial Officer.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>	X		X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2014-263

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH AND ALPINE EAST ELECTRICAL, LLC FOR THE BEACHWOOD COMMUNITY CENTER RESTORATION PROJECT INCREASING THE CONTRACT BY \$7,011.00 TO \$43,011.00

WHEREAS, the Borough of Beachwood previously awarded a contract to Alpine East Electrical, LLC for the Beachwood Community Center Restoration Project for the original contract price of \$36,000.00; and

WHEREAS, the Borough Engineer has recommended the approval of Change Order No. 1 increasing the contract by \$7,011 to reflect a number of contract additions and supplemental work as set forth on Change Order #1 attached hereto as Schedule A; and

WHEREAS, it is now the desire of the Borough Council to approve said Change Order based 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 Change Order #1 to the contract between the Borough of Beachwood and Alpine East Electrical, LLC for the Beachwood Community Center Restoration Project/Wireless Video Security System to increase the contract by \$7,011.00 to reflect an increase of 19.48% to the original contract amount of \$36,000.00 to an adjusted price of \$43,011.00.
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, Alpine East Electrical, LLC, and the Borough CFO.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>		X	X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2014-264

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING A REQUEST UNDER THE BEACHWOOD BOROUGH HOUSING REHABILITATION PROGRAM (CDBG) FOR HIS POSTPONEMENT FOR REFINANCING/SECONDARY FINANCING

WHEREAS, John and Miguelina Stepanian have applied to take advantage of the Beachwood Borough Housing Rehabilitation Program (CDBG); and

WHEREAS, said program allows the applicant to apply through the Borough Program to obtain funds and secure those funds with a mortgage which will be postponed through a mortgage subordination by the Borough of Beachwood; and

WHEREAS, based on the file submitted the Borough Attorney has reviewed and approved the documentation for said program and mortgage subordination; and

WHEREAS, it is the desire of this Governing Body to act upon said request.

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 the mortgage subordination application through the Beachwood Borough Housing Rehabilitation Program (CDBG) as submitted by John and Miguelina Stepanian and in the amount of \$10,090.00.
2. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer and Maureen C. Fullaway, President, Affordable Housing Administrators.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

**RESOLUTION 2014-265
FORM OF RESOLUTION OF THE BOROUGH OF BEACHWOOD DECLARING ITS
OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT
COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION
WITH ITS PARTICIPATION IN THE STATE FISCAL YEAR 2015 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE
TRUST FINANCING PROGRAM**

WHEREAS, the Borough of Beachwood (the “Borrower”) intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the “Project”);

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the “Project Debt Obligations”) but may pay for certain costs of the Project (the “Project Costs”) prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), will be issued by

the New Jersey Environmental Infrastructure Trust (the “Issuer”) to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer’s obligations (the “Project Bonds”); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

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

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower’s official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$1,140,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>	X		X			

RESOLUTION 2013-266

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ACCEPTING YEZZI ASSOCIATES, LLC PROPOSAL FOR THE ARCHITECTURAL/ENGINEERING SERVICES OF THE MAYO PARK RECREATION CENTER FOR THE BOROUGH OF BEACHWOOD

WHEREAS, the Borough of Beachwood Mayor and Council desire to have a newly constructed Recreation Center in Mayo Park; and

WHEREAS, Yezzi Associates, LLC proposes an overall project fee for Architectural/Engineering services; and

WHEREAS, Yezzi Associates, LLC's proposal includes the construction document services; the bidding services; and the construction administration services in the total amount of \$35,000.00; and

WHEREAS, the fee proposal is based on utilizing the original MEP Engineer, Highland Resource Group (HRG). Upon receipt of additional information from Remington & Vernick Engineers, Inc., Yezzi Associates, LLC will issue an alternate proposal with them preparing MEP drawings for this project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, to award and execute a Contract with Yezzi Associates, LLC based upon their proposal dated June 24, 2014 attached hereto as Schedule "A" to provide the construction document services; the bidding services; and the construction administration services in the total amount of \$35,000.00

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Beachwood acknowledges the fee proposal is based on utilizing the original MEP Engineer, Highland Resource Group (HRG). Upon receipt of additional information from Remington & Vernick Engineers, Inc., Yezzi Associates, LLC will issue an alternate proposal with them preparing MEP drawings for this project

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Beachwood that upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer, and Borough Engineer, and Yezzi Associates, LLC

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

RESOLUTION 2014-267

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 TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,140,000, 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 SFY 2015 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 acquire, construct, renovate or install a project consisting of stormwater outflow renovations (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the State Fiscal Year 2015 financing program (the "SFY 2015 Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

WHEREAS, the Local Unit has determined to temporarily finance the acquisition, construction, renovation or installation of the Project prior to the closing with respect to the SFY 2015 Environmental Infrastructure Financing Program, 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 SFY 2015 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 SFY 2015 Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$1,140,000 (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 bond ordinance #2014-03 of the Local Unit (the "Ordinance"), which bond ordinance is entitled "AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, IN THE COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR THE RELOCATION OF TWO STORMWATER OUTFLOWS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF BEACHWOOD AND APPROPRIATING \$1,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,140,000 IN 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 July 16, 2014, 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 \$1,140,000;
- (b) the maturity of the Note shall be not later than May 29, 2015 (or such later date approved by the Trust);
- (c) the interest rate of the Note shall be the rate determined by the Trust, not to exceed 2%;
- (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-15-1";
- (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 GluckWalrath 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, including the submission of a Financial Addendum Form.

Section 8. This resolution shall take effect the date the Ordinance is effective.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, David Zimmer, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

EXHIBIT A

BOROUGH OF BEACHWOOD
NOTE
RELATING TO:
THE INTERIM FINANCING TRUST LOAN PROGRAM - STATE FISCAL YEAR 2015
OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST

\$ _____, 2014

IFP-15-__

FOR VALUE RECEIVED, the **BOROUGH OF BEACHWOOD**, a municipal corporation duly created and validly existing pursuant to the laws of the State (as hereinafter defined), and its successors and assigns (the "Borrower"), hereby promises to pay to the order of the **NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST**, a public body corporate and politic with corporate succession, duly created and validly existing under and by virtue of the Act (as hereinafter defined) (the "Trust"), the Principal (as hereinafter defined), together with all unpaid accrued Interest (as hereinafter defined), fees, late charges and other sums due hereunder, if any, in lawful money of the United States of America, on the Maturity Date (as hereinafter defined) or the date of any optional prepayment or acceleration in accordance with the provisions of this note (this "Note").

SECTION 1. Definitions. As used in this Note, unless the context requires otherwise, the following terms shall have the following meanings:

"Act" means the "New Jersey Environmental Infrastructure Trust Act", constituting Chapter 334 of the Pamphlet Laws of 1985 of the State (codified at N.J.S.A. 58:11B-1 *et seq.*), as the same may from time to time be amended and supplemented.

"Administrative Fee" means a fee of up to four-tenths of one percent (.40%) of that portion of the Principal identified in clause (i) of the definition thereof (as set forth in this Section 1), or such lesser amount, if any, as the Trust may determine from time to time.

"Anticipated Financing Program" means the financing program of the Trust, pursuant to which the Trust will issue its Trust Bonds, or otherwise provide funding, for the purpose of financing, on a long term basis, the Project and other projects of certain qualifying borrowers.

"Anticipated Long Term Loan" means the long term loan made by the Trust to the Borrower from the proceeds of its Trust Bonds, as part of the Anticipated Financing Program.

"Authorized Officer" means any person authorized by the Borrower or the Trust, as the case may be, to perform any act or execute any document relating to the Loan or this Note.

"Code" means the Internal Revenue Code of 1986, as the same may from time to time be amended and supplemented, including any regulations promulgated thereunder, any successor code thereto and any administrative or judicial interpretations thereof.

“Cost” means those costs that are allocable to the Project, as shall be determined on a project-specific basis in accordance with the Regulations, as the same may be amended by subsequent eligible costs as evidenced by a certificate of an Authorized Officer of the Trust.

“Environmental Infrastructure Facilities” means Wastewater Treatment Facilities, Stormwater Management Facilities or Water Supply Facilities (as such terms are defined in the Regulations).

“Environmental Infrastructure System” means the Environmental Infrastructure Facilities of the Borrower, including the Project, for which the Borrower is receiving the Loan.

“Event of Default” means any occurrence or event specified in Section 6 hereof.

“Interest” means the interest charged on the Loan at a rate of 0.00% and payable by the Borrower to the Trust (i) on the Maturity Date or (ii) with respect to any optional prepayment or acceleration of the Loan, on the date of such optional prepayment or acceleration, as the case may be.

“Loan” means the loan of the Principal, made by the Trust to the Borrower to finance or refinance a portion of the Cost of the Project, as evidenced by this Note.

“Loan Disbursement Requisition” means the requisition, to be executed by an Authorized Officer of the Borrower and approved by the New Jersey Department of Environmental Protection, in a form to be determined by the Trust and the New Jersey Department of Environmental Protection.

“Maturity Date” means May 29, 2015, or such other date to which the repayment of the Loan shall be extended by the Trust in its sole discretion, which extension by the Trust shall be in connection with a delay in the closing for the Anticipated Financing Program.

“Principal” means the principal amount of the Loan, at any time being the lesser of (i) _____ Dollars (\$ _____), or (ii) the aggregate outstanding amount as shall actually be disbursed to the Borrower by the Trust pursuant to one or more Loan Disbursement Requisitions, which Principal shall be payable by the Borrower to the Trust (i) on the Maturity Date or (ii) with respect to any optional prepayment or acceleration of the Loan, on the date of such optional prepayment or acceleration, as the case may be.

“Project” means the Environmental Infrastructure Facilities of the Borrower which constitutes a project for which the Trust is making the Loan to the Borrower.

“Regulations” means the rules and regulations, as applicable, now or hereafter promulgated pursuant to N.J.A.C. 7:22-3 *et seq.*, 7:22-4 *et seq.*, 7:22-5 *et seq.*, 7:22-6 *et seq.*, 7:22-7 *et seq.*, 7:22-8 *et seq.*, 7:22-9 *et seq.* and 7:22-10 *et seq.*, as the same may from time to time be amended and supplemented.

“State” means the State of New Jersey.

“Trust Bonds” means the revenue bonds of the Trust to be issued, as part of the Anticipated Financing Program.

SECTION 2. Representations of the Borrower. The Borrower represents and warrants to the Trust:

(a) Organization. The Borrower: (i) is a municipal corporation duly created and validly existing under and pursuant to the Constitution and laws of the State; (ii) has full legal right and authority to execute, attest and deliver this Note, to sell this Note to the Trust, and to perform its obligations hereunder, and (iii) has duly authorized, approved and consented to all necessary action to be taken by the Borrower for: (A) the issuance of this Note, the sale thereof to the Trust and the due performance of its obligations hereunder and (B) the execution, delivery and due performance of all certificates and other instruments that may be required to be executed, delivered and performed by the Borrower in order to carry out and give effect to this Note.

(b) Authority. This Note has been duly authorized by the Borrower and duly executed, attested and delivered by Authorized Officers of the Borrower. This Note has been duly sold by the Borrower to the Trust and duly issued by the Borrower and constitutes a legal, valid and binding obligation of the Borrower, enforceable against the Borrower in accordance with its terms, except as the enforcement thereof may be affected by bankruptcy, insolvency or other laws or the application by a court of legal or equitable principles affecting creditors' rights.

(c) Pending Litigation. There are no proceedings pending or, to the knowledge of the Borrower, threatened against or affecting the Borrower that, if adversely determined, would adversely affect (i) the condition (financial or otherwise) of the Borrower, (ii) the ability of the Borrower to satisfy all of its Loan repayment obligations hereunder, (iii) the authorization, execution, attestation or delivery of this Note, (iv) the issuance of this Note and the sale thereof to the Trust, and (v) the Borrower's ability otherwise to observe and perform its duties, covenants, obligations and agreements under this Note.

(d) Compliance with Existing Laws and Agreements; Governmental Consent. (i) The due authorization, execution, attestation and delivery of this Note by the Borrower and the sale of this Note to the Trust, (ii) the observation and performance by the Borrower of its duties, covenants, obligations and agreements hereunder, including, without limitation, the repayment of the Loan and all other amount due hereunder, and (iii) the undertaking and completion of the Project, will not (A) other than the lien, charge or encumbrance created by this Note and by any other outstanding debt obligations of the Borrower that are at parity with this Note as to lien on, and source and security for payment thereon from, the general tax revenues of the Borrower, result in the creation or imposition of any lien, charge or encumbrance upon any properties or assets of the Borrower pursuant to, (B) result in any breach of any of the terms, conditions or provisions of, or (C) constitute a default under, any existing ordinance or resolution, outstanding debt or lease obligation, trust agreement, indenture, mortgage, deed of trust, loan agreement or other instrument to which the Borrower is a party or by which the Borrower, its Environmental Infrastructure System or any of its properties or assets may be bound, nor will such action result in any violation of the provisions of the charter or other document pursuant to which the Borrower was established or any laws, ordinances, injunctions, judgments, decrees, rules, regulations or existing orders of any court or governmental or administrative agency, authority or person to which the Borrower, its Environmental Infrastructure System or its properties or operations are subject. The Borrower has obtained all permits and approvals required to date by any governmental body or officer for the authorization, execution, attestation and delivery of this Note, for the sale of this Note to the Trust, for the making, observance and performance by the Borrower of its duties, covenants, obligations and agreements under this Note, and for the undertaking and completion of the Project.

(e) Reliance. The Borrower hereby acknowledges that the Trust is making the Loan to the Borrower pursuant to the terms hereof in reliance upon each of the representations of the Borrower set forth in this Section 2.

SECTION 3. Covenants of the Borrower.

(a) Participation in the Anticipated Financing Program. The Borrower covenants and agrees that it shall undertake and complete in a timely manner all conditions precedent identified by the Trust relating to (i) the participation by the Borrower in the Anticipated Financing Program and (ii) the qualification by the Borrower for receipt of the Anticipated Long Term Loan.

(b) Full Faith and Credit Pledge. To secure the repayment obligation of the Borrower with respect to this Note, and all other amounts due under this Note, the Borrower unconditionally and irrevocably pledges its full faith and credit and covenants to exercise its unlimited taxing powers for the punctual payment of any and all obligations and amounts due under this Note. The Borrower acknowledges that, to assure the continued operation and solvency of the Trust, the Trust may, pursuant to and in accordance with Section 12a of the Act, require that if the Borrower fails or is unable to pay promptly to the Trust in full any Loan repayments, any interest or any other amounts due pursuant to this Note, an amount sufficient to satisfy such deficiency shall be paid by the State Treasurer to the Trust from State-aid otherwise payable to the Borrower.

(c) Disposition of Environmental Infrastructure System. The Borrower covenants and agrees that it shall not sell, lease, abandon or otherwise dispose of all or substantially all of its Environmental Infrastructure System without the express written consent of the Trust, which consent may or may not be granted by the Trust in its sole discretion.

(d) Financing With Tax Exempt Bonds. The Borrower acknowledges, covenants and agrees that it is the intention of the Borrower to finance the Project on a long term basis with proceeds of Trust Bonds now or hereinafter issued, the interest on which is excluded from gross income for purposes of federal income taxation pursuant to Section 103(a) of the Code ("tax exempt bonds"). In furtherance of such long term financing with tax exempt bonds, the Borrower covenants that, except to the extent expressly permitted in writing by the Trust, the Borrower will not take any action or permit any action to be taken which would result in any of the proceeds of the Loan being used (directly or indirectly) (i) in any "private business use" within the meaning of Section 141(b)(6) of the Code, (ii) to make or finance loans to persons other than the Borrower, or (iii) to acquire any "nongovernmental output property" within the meaning of Section 141(d)(2) of the Code. In addition, the Borrower covenants and agrees that no portion of the Project will be investment property, within the meaning of Section 148(b) of the Code. The Borrower covenants and agrees that any Costs of the Borrower's Project to be paid or reimbursed with proceeds of the Loan will result in the expenditure of proceeds under Treasury Regulations §1.148-6(d) and Treasury Regulations §1.150-2.

(e) Operation and Maintenance of Environmental Infrastructure System. The Borrower covenants and agrees that it shall maintain its Environmental Infrastructure System in good repair, working order and operating condition, and make all necessary and proper repairs and improvements with respect thereto.

(f) Records and Accounts; Inspections. The Borrower covenants and agrees that it shall keep accurate records and accounts for its Environmental Infrastructure System (the "System Records"), separate and distinct from its other records and accounts (the "General Records"), which shall be audited annually by an independent registered municipal accountant and shall be made available for inspection by the Trust upon prior written notice. The Borrower shall permit the Trust to inspect the Environmental Infrastructure System.

(g) Insurance. The Borrower covenants and agrees that it shall maintain insurance policies providing against risk of direct physical loss, damage or destruction of its Environmental Infrastructure System, in an amount that will satisfy all applicable regulatory requirements. The Borrower covenants and agrees that it shall include, or cause to be included, the Trust as an additional "named insured" on any certificate of liability insurance procured by the Borrower and by any contractor or subcontractor for the Project.

(h) Reliance. The Borrower hereby acknowledges that the Trust is making the Loan to the Borrower pursuant to the terms hereof in reliance upon each of the covenants of the Borrower set forth in this Section 3.

SECTION 4. Disbursement of the Loan Proceeds; Amounts Payable; Prepayment; and Late Fee. The Trust shall effectuate the Loan to the Borrower by making one or more disbursements to the Borrower promptly after receipt by the Trust of a Loan Disbursement Requisition, each such disbursement and the date thereof to be recorded by an Authorized Officer of the Trust on the table attached as Exhibit A hereto. The latest date upon which the Borrower may submit to the Trust a Loan Disbursement Requisition is 30 days prior to the Maturity Date, unless extended by the Trust. On the Maturity Date, the Borrower shall repay the Loan to the Trust in an amount equal to: (i) the Principal; (ii) the Interest; (iii) the Administrative Fee, if any; and (iv) any other amounts due and owing pursuant to the provisions of this Note. The Borrower may prepay the Loan Authorized Officer of the Trust. Each payment made to the Trust shall be applied to the payment of, *first*, the Interest then due and payable, *second*, the Principal, *third*, the Administrative Fee, if obligations hereunder, in whole or in part, upon receipt of the prior written consent of an any, *fourth*, any late charges, and, *finally*, any other amount due pursuant to the provisions of this Note. In the event that the repayment obligation set forth in this Note is received by the Trust later than the Maturity Date, a late fee shall be payable to the Trust in an amount equal to the greater of twelve percent (12%) per annum or the prime rate as published in the *Wall Street Journal* on the Maturity Date plus one half of one percent per annum on such late payment from the Maturity Date to the date it is actually paid; provided, however, that any late payment charges incurred hereunder shall not exceed the maximum interest rate permitted by law.

SECTION 5. Unconditional Obligations. The direct, general obligation of the Borrower to make the Loan repayments and all other payments required hereunder and the obligation to perform and observe the other duties, covenants, obligations and agreements on its part contained herein shall be absolute and unconditional, and shall not be abated, rebated, set-off, reduced, abrogated, terminated, waived, diminished, postponed or otherwise modified in any manner whatsoever while any Loan repayments, or any other payments due hereunder, remain unpaid, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project or Environmental Infrastructure System, commercial frustration of the purpose, any change in the laws of the United States of America or of the State or any political subdivision of either or in the rules or regulations of any governmental authority, any failure of the Trust to perform and observe any agreement or any duty, liability or obligation arising out of this Note, or any rights of set-off, recoupment, abatement or counterclaim that the Borrower might have against the Trust or any other party; provided, however, that payments hereunder shall not constitute a waiver of any such rights.

SECTION 6. Events of Default. The following events shall constitute an "Event of Default" hereunder: (i) failure by the Borrower to pay, when due, any and all of its Loan repayment obligations hereunder, and any other payment obligations due hereunder; (ii) failure by the Borrower to observe and perform any duty, covenant, obligation or agreement on its part to be observed or performed pursuant to the terms of this Note; (iii) any representation made by the Borrower contained in this Note or in any instrument furnished in compliance with or

with reference to this Note is false or misleading in any material respect; and (iv) a petition is filed by or against the Borrower under any federal or state bankruptcy or insolvency law or other similar law in effect on the date of this Note or thereafter enacted, unless in the case of any such petition filed against the Borrower such petition shall be dismissed within thirty (30) days after such filing and such dismissal shall be final and not subject to appeal, or the Borrower shall become insolvent or bankrupt or shall make an assignment for the benefit of its creditors, or a custodian of the Borrower or any of its property shall be appointed by court order or take possession of the Borrower or its property or assets if such order remains in effect or such possession continues for more than thirty (30) days.

SECTION 7. Remedies upon Event of Default. Whenever an Event of Default shall have occurred and be continuing pursuant to the terms hereof, the Borrower hereby acknowledges and agrees to the rights of the Trust to take any action permitted or required at law or in equity to collect the amounts then due and thereafter to become due hereunder or to enforce the observance and performance of any duty, covenant, obligation or agreement of the Borrower hereunder. If an Event of Default shall have occurred, the Borrower hereby acknowledges and agrees that the Trust shall have the right to declare all Loan repayments and all other amounts due hereunder to be due and payable immediately without further notice or demand. The Borrower hereby acknowledges and agrees that no remedy herein is intended to be exclusive, and every remedy shall be cumulative and in addition to every other remedy given under this Note or now or hereafter existing at law or in equity. The Borrower hereby further acknowledges and agrees that no delay or omission by the Trust to exercise any remedy or right accruing upon any Event of Default shall impair any such remedy or right or shall be construed to be a waiver thereof, but any such remedy or right may be exercised as often as may be deemed expedient. The Borrower hereby agrees that upon demand it shall pay to the Trust the reasonable fees and expenses of attorneys and other reasonable expenses (including, without limitation, the reasonably allocated costs of in-house counsel and legal staff) incurred in the collection of Loan repayments or any sum due hereunder or in the enforcement of the observation or performance of any obligations or agreements of the Borrower upon an Event of Default. Any moneys collected by the Trust pursuant to this Section 7 shall be applied first to pay any attorneys' fees or other fees and expenses owed by the Borrower.

SECTION 8. Certain Miscellaneous Provisions. The Borrower hereby acknowledges and agrees as follows: (a) all notices hereunder shall be deemed given when hand delivered or when mailed by registered or certified mail, postage prepaid, to the Borrower at the following address: Borough of Beachwood, 1600 Pinewald Road, Beachwood, New Jersey 0872, Attn: CFO; and to the Trust at the following address: New Jersey Environmental Infrastructure Trust, 3131 Princeton Pike, Bldg. 4, Suite 216, Lawrenceville, NJ 08648, Attention: Executive Director; (b) this Note shall be binding upon the Borrower and its successors and assigns; (c) in the event any provision of this Note is held illegal, invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise affect any other provision hereof; (d) the obligations of the Borrower pursuant to the terms of this Note may not be assigned by the Borrower for any reason, unless the Trust shall have approved said assignment in writing; (e) this Note may not be amended, supplemented or modified without the prior written consent of the Trust; (f) this Note shall be governed by and construed in accordance with the laws of the State; (g) the Borrower shall, at the request of the Trust, execute and deliver such further instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Note; and (h) whenever the Borrower is required to obtain the determination, approval or consent of the Trust pursuant to the terms hereof, such determination, approval or consent may be either granted or withheld by the Trust in its sole and absolute discretion.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>	X		X			

Mayor commented on Resolution 2014-268 that the Governing Body all feels very strong about the opposition of the seismic air gun usage but unfortunately, it seems that some of the courts have already knocked it down but we want to make our voices be heard as best we can and he thanked the Council for supporting the opposition

**RESOLUTION 2014-268
RESOLUTION OPPOSING PROPOSAL OF SEISMIC AIR GUN USE OFF NEW JERSEY'S COAST**

WHEREAS, the proposed seismic air gun blasting is utilized to search for oil and gas reserves deep beneath the seafloor; and

WHEREAS, such blasting is proposed for the East Coast; and

WHEREAS, the seismic air guns use extremely loud blasts of air, 100,000 times more intense than a jet engine and repeated every 10 seconds, 24 hours a day, for days to months on end; and

WHEREAS, the blasting can cause permanent hearing loss, injury and even death to whales, dolphins and larval fish when used at short distances; and

WHEREAS, the air gun noise has been shown to decrease the catch rates within certain fisheries; and

WHEREAS, the commercial and recreational fishing in New Jersey supports over 63,000 jobs, all of which would be threatened by seismic blasting and the offshore drilling that would follow; and

WHEREAS, the Ocean-based tourism and recreation generates nearly \$3.1 billion in GDP for the state and sustains over 79,000 jobs; and

WHEREAS, the Obama Administration could decide in the next few weeks to allow companies to use seismic air guns to search for oil and gas deposits in the Atlantic Ocean within the next few weeks; and

WHEREAS, the Borough of Beachwood Mayor and Council urge Governor Christie to oppose the seismic air gun blasting off the coast of New Jersey.

NOW THEREFORE BE IT HEREBY RESOLVED by the Borough of Beachwood Mayor and Council that it offer its plea to New Jersey State Governor Chris Christie to oppose the seismic air gun blasting off the coast of New Jersey; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Ocean County Board of Chosen Freeholders, all County of Ocean municipalities, Oceana, and the Honorable Governor Chris Christie

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>		X	X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>	X		X			

CORRESPONDENCE

- April 2014 Tax Collector Report

MOTION TO NOTE AND FILE CORRESPONDENCE

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

MAYOR & COUNCIL REPORTS

Mayor Roma

-Mayor Roma gave introduction to Beachwood’s new Library Manager, Natalie Niziolek and she will attend the Summer Fun night on the 21st. Ms. Niziolek indicated that she worked in the Lakewood Library’s Children’s Services since 2009. She’s happy to be here in Beachwood and she will attend more Council meetings. Ms. Niziolek handed out bookmarks that include the Library’s hours of operation and contact information.

-Mayor stated that once again, regarding the fireworks, the volunteers stepped up and provided excellent service. He thanked Councilwoman Clayton, Councilman LaCrosse, Ron McNabb, Kevin Williams and all volunteers. The Fireworks Committee tried to put the show on for the 4th but it was wetter than earlier anticipated and the pyrotechnics would not be set up in time due to the wetness so it was determined to hold it on Saturday which was a beautiful day. The Mayor explained that it takes the pyrotechnics 12 hours to set up and it’s all electronic firing so it can’t be wet out or have electricity in the air

-Family Summer Fun Nights began 2 weeks ago. The turnout has been great. Last week’s helicopter landing was postponed to the 21st due to the inclement weather. A large crowd will be there so it’s great that Natalie will be able to meet everyone

-Saturday night, the 19th, is the Luau. Last year, the rock wall was added and this year’s new addition is a mechanical bull...we’re expecting to have the usual 1,000 people

-Mayor indicated that Councilman LaCrosse has spoken to Matt from Ocean Co. Health Department in regards to the beach and we’ve had no beach closings so far this season (knock on wood) even with the rain

-The Mayor Wellness Campaign – One of the first programs is “Walking for Health” will begin in September and this will include Beachwood’s Erik Weber pointing out historical significance along the walking trail. Sarah McNabb has set up 3 FaceBook accounts for Recreation, the Mayor’s Wellness Campaign and the Municipal Alliance.

Councilwoman Clayton

- Councilwoman Clayton is very happy with the Fireworks ... it was very successful. Her main reason for doing this is for the children. It's building memories for the children as she now cherishes her own memories. Councilwoman indicated that being the fireworks were postponed, the pyrotechnics billed the Borough for a postponement fee which is indicated within the contract. Councilwoman motioned to approve payment for the invoice in the amount of \$485.00:

**RESOLUTION #2014-268a
RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING
PAYMENT OF SERPICO PYROTECHNICS POSTPONEMENT INVOICE**

RESOLVED by Mayor and Council to approve the following payment request for Invoice # 14-1097 to Serpico Pyrotechnics, LLC of 133 Orchid Court, Toms River, NJ 08753-1334 for the July 4, 2014 postponement fee amount of \$485.00

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

- 1. Municipal Clerk
- 2. Chief Financial Officer
- 3. Treasurer
- 4. Serpico Pyrotechnics, LLC

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>			X			

Councilman Zakar

- Councilman Zakar thanked Councilwoman Clayton and Councilman LaCrosse and the volunteers for their work on the fireworks
-Month of June had 0 claims
-The Annual Loss Control Report by J.A. Montgomery has a new inspector and the report indicates some very minor issues and DPW is already fixing them
-The Luau takes a lot of hours of planning and Councilman tips his hat to Geralynn Roma who works very hard on this 4 hour celebration. Mayor indicated that she'll start planning for next year's event the Monday after this Luau.
-Eagle Scouts will be helping with the Community Garden. One Scout will build the shed and another Scout will install an environmentally safe pathway to the opening of the garden. 300' of 6' chain link fencing and posts are being donated. The garden will be ready for next year

Councilman Feeney

-Great job to the Fireworks Committee, Mrs. Clayton and the Mayor. Councilman indicated that you can always tell how good the show is from the crowd's reaction. This year's show received a lot of very loud cheers along with the boats blowing their horns at the end of the show
-Mayor indicated that Erik Weber has some fantastic pictures of the fireworks online at the Riverside Signal
-Councilwoman Clayton said that speaking of Erik Weber, the advertisement for the "thank you's" to the sponsors is on the Riverside Signal's website

Councilman Miserendino

- No report

CFO John Mauder

- No report.

Engineer Jim Oris

-With regard to the various road and drainage improvement project, it is progressing along and the last road which is Mermaid will begin the end of this week or early next week. The areas included in the project include the 1100 block of Ocean Avenue; the intersection of Cable, Pinewald and Poplar; as well as Anchor and a portion of Nautilus. All mentioned areas were in need of drainage improvements. The work that has been completed after this last storm, the inspection turned out well where the drainage is functioning. It seems as though everything is going per plan

-The beach improvement project is still on track for a late fall construction start

-Regarding the contractor for the wireless security cameras, the balance of the summer will be monitored by the Police by the live feed. There are multiple cameras set up to catch multiple areas. Councilwoman Clayton inquired about the installation height of the new cameras and Mayor responded that they are vandal resistant

Attorney Bill Hiering

- Assembly Bill A347 became effective July 14th and that bill should help us during foreclosure process when the houses are abandoned and there's no one to summons. This bill clarifies that the bank is required to notify the municipality about the creditor address. If it's abandoned, the bank will step into the shoes of the owner and will take a ticket/summons just as an owner would for code violations

-Mayor indicated that we have received an offer from JCP&L to provide us with any information on electricity shut-offs within the town

Clerk Sue Minock

-The annual vehicle auction took place yesterday and all 12 vehicles and 1 quad sold. The Borough brought in \$6,950.00. Pick up was by 3pm today. All bidders paid.

-The Borough received the 2014 Community Development Block Grant (CDBG) Funding of \$33,000.00.

-The following resolutions came in after the completion of the meeting agenda so motion will be called for each:

RESOLUTION 2014-268b

RESOLUTION AUTHORIZING SOCIAL AFFAIRS PERMIT FOR THE BEACHWOOD VOLUNTEER FIRE COMPANY #1

WHEREAS, the Borough of Beachwood Volunteer Fire Company #1 of 745 Beachwood Blvd.; Beachwood, NJ 08722, propose to hold its annual barbeque fundraiser in Mayo Park; and

WHEREAS, the event is proposed to be held on August 23, 2014 from 9am to 6pm; and

WHEREAS, the said fundraiser entails the serving of malt alcoholic beverages to the persons of at least 21 years of age and the need for a Social Affairs permit is required by the New Jersey State Alcohol Beverage Control Commission as per N.J.S.A. 33:1-74 and N.J.A.C. 13:2-5.1; and

WHEREAS, the Governing Body desires to allow for the Beachwood Volunteer Fire Company #1 to hold their annual barbeque fundraiser with the serving of malt alcoholic beverages to the persons of at least 21 years of age.

NOW THEREFORE BE IT RESOLVED by Mayor and Council to approve the Social Affairs Permit (One Day Liquor License) to the Beachwood Volunteer Fire Company #1 on August 23, 2014 from 9am to 6pm in Mayo Park to persons of at least 21 years of age.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. Fire Chief, Robert Risk

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>		X	X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>					X	
<i>Councilman Zakar</i>	X		X			

**** Mayor requested Clerk to remind the Fire Dept that they are able to use Mayo Park being it's closed for any new requests.**

**RESOLUTION 2014-268C
AUTHORIZNG BOAT SLIP # 54 REFUND DUE TO INABILITY TO FIT BOAT
BOROUGH OF BEACHWOOD
OCEAN COUNTY
NEW JERSEY**

WHEREAS, the boat slip #54 was rented and paid \$690.00 by Mr. Robert Baudo of 1244 Windward Avenue, Beachwood, NJ on July 11, 2014; and

WHEREAS, Mr. Baudo found his boat does not fit said boat slip so a request for refund of \$690.00 has been submitted on July 14, 2014 via email to the Governing Body of the Borough of Beachwood; and

NOW, THEREFORE BE IT RESOLVED the Borough of Beachwood Council authorize a refund of \$690.00 to Robert Baudo of 1244 Windward Avenue, Beachwood.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Mr. Robert Baudo via email

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>		X	X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>			X			

**RESOLUTION #2014-268d
A RESOLUTION OF THE BOROUGH OF BEACHWOOD AUTHORIZING PUBLIC WORKS' SUPERVISOR TO
SEEK UP TO THREE (3) SEASONAL WORKERS FOR THE BOROUGH OF BEACHWOOD, OCEAN COUNTY,
NEW JERSEY**

WHEREAS, the Department of Public Works' Supervisor, John Behrens, request authorization to seek and select up to 3 seasonal workers for hiring; and

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey to authorize Department of Publics Work’s Supervisor, John Behrens, to seek and select up to 3 season workers for hiring.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>		X	X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>			X			

Mayor Roma opened the floor to Public Discussion

PUBLIC DISCUSSION- TO OPEN

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>	X		X			

No public discussion

PUBLIC DISCUSSION- TO CLOSE

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>		X	X			
<i>Councilman Zakar</i>			X			

EXECUTIVE SESSION

**RESOLUTION 2014-269
AUTHORIZING A CLOSED SESSION MEETING
BOROUGH OF BEACHWOOD**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council of the Borough of Beachwood wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss certain matter(s) in private, and in this case for the purpose of the Borough Council to discuss, Contractual, Litigation and Terms & Conditions of which requires attorney-client privilege in this regard;

1. **Contractual** –Teamster’s Contract; Employee Handbook Chapter 4
2. **Terms & Conditions** – T&M Associate’s Proposal for Water Dept., Water bill issue
3. **Litigation** – Pine Beach 1st Aid

NOW, THEREFORE, BE IT RESOLVED by Borough of Beachwood Council that it will go into an Executive Session for the purpose of the Borough Council to discuss Contractual, Litigation, and Terms & Conditions of which requires attorney-client privilege in this regard

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Municipal Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>	X		X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>			X			

Adjourned to Executive Session at 7:32pm

Re-Open to Public Meeting at 8:34pm

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

ACTION TAKEN DURING EXECUTIVE SESSION

RESOLUTION 2013-269a

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY ACCEPTING THE BOROUGH ENGINEERS, T&M ASSOCIATES' PROPOSAL TO PROVIDE PROFESSIONAL SERVICES RELATIVE TO THE WATER TREATMENT PLANT OPERATOR ASSISTANCE FOR THE BOROUGH OF BEACHWOOD

WHEREAS, the Borough of Beachwood Water Department under the direct supervision of the Water Department Assistant Supervisor, also the required Licensed Operator, will continue to provide the day-to-day operations and maintenance in accordance with the applicable New Jersey Department of Environmental Protection (NJDEP) Permits, Rules and Regulations required to operate the Borough's water system; and

WHEREAS, T&M Associates propose to continue their Professional Services to assist the Water Treatment Plant Operator; and

WHEREAS, T&M Associates proposed assistance to visit plant(s) on a twice monthly basis to check general operation and discuss any issues with operator to be estimated at three(3) hours/month totaling Thirty six (36) hours per year at a estimated cost of \$4,800.00 based on a Time and Material Contract, at the rates established in the Annual Contract.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

Beachwood, accepts its Borough Engineers’ proposal to provide assistance to visit plant(s) on a twice monthly basis to check general operation and discuss any issues with operator to be estimated at three (3) hours/month totaling thirty six (36) hours per year at a estimated cost of \$4,800.00 based on a Time and Material Contract, at the rates established in the Annual Contract;

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Beachwood that upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough CFO, the Borough Treasurer, and Borough Engineer.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>	X		X			
<i>Councilman Zakar</i>			X			

**RESOLUTION 2014 – 269b
BOROUGH OF BEACHWOOD
OCEAN COUNTY
AMENDMENT TO RESOLUTION 2014-162 TEAMSTER’S LOCAL UNION NO. 469 2013-2016 CONTRACT OF THE
BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY**

WHEREAS, the Teamster’s Local Union No. 469 along with the 2 Borough Union Representatives have further negotiated with the Beachwood Borough Contract Negotiations Committee comprised of 2 Councilmen with the Municipal Clerk present at the meetings; and

WHEREAS, the Contract Negotiations Committee has reported the contract details to the Governing Body at several Closed Sessions in regards to the Progressive Disciplinary language change; and

WHEREAS, the Governing Body feels the terms of the contract and its discussed amendment to Resolution 2014-162 for the Progressive Disciplinary Article 8 to include “Progressive Discipline shall be utilized” ;

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey to approve the amendment of Resolution 2014-162 of the terms of the 2013-2016 Teamster’s Local Union No. 469 contract to add one line to Article 8 to include “Progressive Discipline shall be utilized”; and

BE IT FURTHER RESOLVED the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey to authorize the Mayor and Municipal Clerk to execute said contract on behalf of the Borough; and

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. Teamster’s Representative, Michael Broderick
5. Beachwood Union Representatives T. Wrocklage & M. Gadevaia

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
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Councilwoman Clayton			X			
Councilman Feeney		X	X			
Councilman Komsa						X
Councilman LaCrosse						X
Councilman Miserendino	X		X			
Councilman Zakar			X			

RESOLUTION #2014-253

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING TRAINING-SEMINAR-CONFERENCE ATTENDANCE

RESOLVED by Mayor and Council to approve the following requests for "Conference – Training – Seminar"

September 26, 2014

S. Minock

Burlington Co. Clerk's 2014 Fall Mini Conference – Burlington County Training Center– Westampton, NJ

\$40.00 /pp

Vehicle: No

August 21, 2014

Wrocklage, Gadevaia

Snap On Diagnostics Training – Brookdale Community College– Lincroft, NJ

\$0.00 /pp

Vehicle: Yes

August 11 – September 13, 2014 **

G. Feeney

Local Elections Administration– Rutger's-Hybrid Online via Mantua Twp

\$649.00/pp

Vehicle: No

August 23, 26, 30 & September 13, 2014 **

G. Feeney

Municipal Finance Administration– Rutger's-Mays Landing

\$701.00/pp

Vehicle: No

September 20, 27, 2014 & October 11, 2014 **

G. Feeney

Municipal Clerk's Review– Rutger's-Mays Landing

\$614.00/pp

Vehicle: No

July 29, 2014

L. Felton, L. Kirchgessner

Ocean County Vicinage Training (Mandatory) – Ocean County Library 9am to 2pm

\$0.00/pp

Vehicle: No

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Municipal Clerk
2. John Mauder, Chief Financial Officer
3. Elizabeth Sarantinoudis, Treasurer
4. John Behrens – DPW Supervisor
5. Councilman G. Feeney
6. L. Felton – Court Administrator

****Courses**

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>				X		
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>	X		X			
<i>Councilman Zakar</i>		X	X			

Remainder of Courses

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>	X		X			
<i>Councilman Zakar</i>		X	X			

ADJOURNMENT at 8:37pm

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Clayton</i>			X			
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Miserendino</i>			X			
<i>Councilman Zakar</i>		X	X			

Respectively submitted by,

Susan A. Minock, RMC
Municipal Clerk

Attested by:

Ronald F. Roma, Jr., Mayor

Susan A. Minock, RMC