

September 17, 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 U.S. Army Specialist Michael Gonzalez , 20 years old, Spotswood N.J. assigned to the 18th Military Police Brigade, 95th Military Police Battalion, of the 340th Military Police Company. His home unit was the 430th Military Police Detachment in Red Bank was killed by an IED in Baghdad August 28, 2008,



Our war dead must always be remembered. Their Heroism deserves its glory, so too does the bravery of each who entered the unknown of conflict and gave their lives to the cause of Freedom.

The greatest tribute we can give is remembering our Honored Dead. In their memory, a moment of silence and a prayer for all our disabled vets and those missing in action and the swift return of all our serving men and women.

OPENING STATEMENT: Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule for this meeting of Mayor and Council of the Borough of Beachwood is listed in the notice of meetings posted on the Bulletin Board, located in the Municipal Complex and delivered to the Berkeley Times and Asbury Park Press on January 4, 2008.

ROLL CALL MEMBERS PRESENT: **Mayor Ronald Jones**

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

Absent: None

A total of 10 minutes has been allocated under Borough Code 2-6.9 for the public discussion by individuals. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the

agenda. Citizens must give their name and address when recognized to speak. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.

Also, please turn off or put all cell phones on vibrate.

Presentations to Lifeguards - Mr. Komsa



Lifeguard Andrew Clayton was presented a certificate of appreciation by Councilman Komsa for his lifesaving actions during our bathing season. He and Lifeguard Nicole Madensky prevented the drowning of two (2) young children in distress and brought them to safety. Congratulations

MAYOR'S APPOINTMENT - ENVIRONMENTAL COMMISSION

RESOLUTION

#2008-331 To appoint Carol Jansen (1228 Mizzen Avenue) to the Environmental Commission, to fill an unexpired term ending 12/31/09.

Mrs. Clayton questioned if letter of interest on file from Mrs. Jansen. Wondered why resident who filed interest letter (LaCrosse) was not considered.

RESOLUTION

#2008-332 RESOLVED by Mayor and Council to approve the 2008 Certified Bills List in the amount of **A:\$11,537,200.01 B: \$74,540.03**

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

RESOLUTION

#2008-333 RESOLVED by Mayor and Council to approve the minutes of the August 20th 2008 Regular Meeting of Mayor and Council

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

RESOLUTION

#2008-334 RESOLVED by Mayor and Council to approve the following rentals for the Community Center - Mayo Park

2008		Community Center	
Oct.	12	Polvano	Rental: \$350
		836 Beach Ave	Deposit: \$500
		Beachwood	
Oct.	17	Shunk	Rental: \$350
Cancelled prior		30 Bowline St.	Deposit: \$500
Rental Oct.	18	Beachwood	Cancel Fee: \$125
Nov.	09	DeAnni	Rental: \$350
		600 Forecastle Ave	Deposit: \$500
		Beachwood	
Nov.	16	Comardo	Rental: \$350
		620 Bayside Ave	Deposit: \$500
		Beachwood	
Nov.	23	Romano	Rental: \$350
		416 Neptune Ave	Deposit: \$500
		Beachwood	
Nov.	29	Liston	Rental: \$350
		1452 Mermaid Ave	Deposit: \$500
		Beachwood	
Nov.	30	Beachwood Liberty Soccer	Rental: \$WAIVE
		c/oLee	Deposit: \$WAIVE
		1221 Anchor Ave	
		Beachwood	
Dec.	06	Yufer	Rental: \$350
		1024 Ship Ave	Deposit: \$500
		Beachwood	
Dec.	14	Davella	Rental: \$350
		13 Harpoon St.	Deposit: \$500
		Beachwood	
<u>MAYO PARK 2008</u>			
Oct.	12	Cheong	Rental: \$125
		17 Harpoon St.	Deposit: \$175
		Beachwood	
<u>2009 Community Center</u>			
Jan.	03	Gale	Rental: \$350
		243 Capstan Ave	Deposit: \$500
		Beachwood	

Jan.	10	Manguso	Rental:	\$350
		800 Surf Ave.	Deposit:	\$500
		Beachwood		
Feb.	08	Hamness	Rental:	\$350
		248 Compass Ave	Deposit:	\$500
		Beachwood		
Feb.	21	Brackeen	Rental:	\$350
		1201 Anchor Ave.	Deposit:	\$500
		Beachwood		
Mar.	20	T.R. South Diamond Club	Rental:	\$WAIVE
See Letter		c/o Gilmore	Deposit:	\$WAIVE
		490 Clinton Ave		
		Toms River		
Mar.	27	Beachwood Girls Softball	Rental:	\$WAIVE
		c/o Clark	Deposit:	\$WAIVE
		Tiller Ave.		
		Beachwood		
July	25	Winton	Rental:	\$350
		1027 Mizzen	Deposit:	\$500
		Beachwood		

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

Resolution
#2008-335 RESOLVED BY MAYOR AND COUNCIL to approve the permanent title of Senior Water Repairer following Dept. Personnel Certification, of James DeMorato and Terry Lee Clayton.

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

RESOLUTION
#2008-336 RESOLVED by Mayor and Council to approve the Interlocal Service agreement between the Borough of Beachwood and the Borough of South Toms River for the Provision of Construction Code Administration and Enforcement Service; and

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

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

RESOLUTION
#2008-337 RESOLVED by Mayor and Council to authorize the extension of the grace period for the payment of taxes (3rd quarter installments) until September 26, 2008.

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

RESOLUTION
#2008-338 RESOLVED by Mayor and Council approve the Raffle License Application of the Beachwood Elementary School PTO for October 25, 2008.

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

RESOLUTION
#2008-339 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 2008, which item is now available as a revenue from monies held pursuant to the provisions of statute

N.J. Division of Highway Traffic Safety
"Over the Limit, Under Arrest"..... \$5,000.00

BE IT FURTHER RESOLVED that alike sum of \$5,000.00, be and the same is hereby appropriated under the following captions:

N.J. Division of Highway Traffic Safety
"Over the Limit, Under Arrest"..... \$5,000.00

AND;

BE IT FURTHER RESOLVED, that the Municipal 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.

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

RESOLUTION

#2008-340 WHEREAS, Block 1.01 Lot 7, Water Account #7-0 owned by Nancy Antolick, was read incorrectly for the 3rd quarter of 2008; and

WHEREAS, it was posted as 190 and should have been 162.

NOW, THEREFORE BE IT RESOLVED by Mayor and Council to credit the account in the amount of \$155.40

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

RESOLUTION

#2008-341 RESOLUTION OF THE BOROUGH OF BEACHWOOD BEACHWOOD, **Authorizing a refund of tax payment for Block 10.15 Lot 13 to David Lipton in the amount of \$1,069.47**

WHEREAS, David Lipton, has made payment for multiple block and lots he owns on September 5, 2008; and

WHEREAS, \$1, 069.47 of said payment was posted to Block 10.15 Lot 13 street address 1040 Mizzen in error; and,

WHEREAS, David Lipton, property owner, is requesting a refund of \$1,069.47.

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

The Tax Collector is directed to process a refund in the total amount of \$1,069.47 to David Lipton for the erroneously posted payment to Block 10.15 Lot 13.

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

RESOLUTION
#2008-342

RESOLUTION OF THE BOROUGH OF BEACHWOOD, **Authorizing a refund of tax overpayment for Block 10.02 Lot 2 to property owner Rodney Thomas Ferguson in the amount of \$1,541.51**

WHEREAS, Wachovia Mortgage Servicers has made payment for the 1st & 2nd quarter installments for Rodney Thomas Ferguson; Block 10.02 Lot 2 property address 1037 Cable Avenue in the total amount of \$1,541.51; and

WHEREAS, The property owner had been granted a 100% Disabled Veteran Tax exemption as of October 22, 2007 unbeknownst to Wachovia Mortgage Servicers; and

WHEREAS, Rodney Ferguson is requesting a refund due to the over payment.

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

The Tax Collector is directed to process a refund in the total amount of \$1,541.51 for the total overpayment of 1st & 2nd quarter taxes.

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

RESOLUTION
#2008-343

RESOLUTION OF THE BOROUGH OF BEACHWOOD BEACHWOOD, **AUTHORIZING A REFUND OF REDEMPTION MONIES FROM LIEN #07-030 TO LIEN HOLDER CCTS TAX LIENS I, LLC IN THE AMOUNT OF \$ 9,500.51.**

WHEREAS, at the Municipal Tax Sale held on December 14, 2007, a lien was sold on Block 8.46 Lot 17, also known as 119 Beachwood Blvd, for 2007 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-030, was sold to CCTS Tax Liens I, LLC with an 18% redemption fee; and,

WHEREAS, OCWEN Loan Servicing has effected redemption on behalf of property owners, Gerard & Lisa Voinski for certificate # 07-030 in the amount of \$9,500.51.

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

The Treasurer is hereby authorized the to issue a check in the amount of \$9,500.51, payable to CCTS Tax Liens I, LLC, 141 Shreve Ave, Barrington, NJ 08007 for the redemption of Tax Sale Certificate #07-030.

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

RESOLUTION
#2008-344

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AUTHORIZING THE CLOSEOUT AND RELEASE OF PERFORMANCE BOND FOR P & A
CONSTRUCTION, INC. FOR THE NAUTILUS STREET WATER MAIN REPLACEMENT
PROJECT UPON POSTING OF A MAINTENANCE BOND AND CLOSEOUT DOCUMENTS**

WHEREAS, the Borough of Beachwood previously awarded a contract for a new aerator to P & A Construction, Inc. in the amount of \$97,719.70 for the Nautilus Street Water Main Replacement Project; 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 one (1) year Maintenance Bond issued by Great American Insurance Companies in the amount of \$11,073.61 under Bond Number 4583488 issued in favor of the Borough on behalf of the contractor from August 8, 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 one (1) 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 Great American Insurance Companies in favor of the Borough of Beachwood in the amount of \$97,719.70 based on the contractor's previously posting Maintenance Bond Number 4583488 in the amount of \$11,073.61 and based upon the contractor's further submission of all required closeout documents as approved by both the Borough Engineer and Borough Attorney.

2. Upon adoption of the within Resolution the Borough Council further authorizes release of retainage in the amount of \$5,452.58 and the final payment voucher with Borough Purchase Order for \$19,533.89.

3. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Administrator, the Borough Engineers, the Borough Treasurer and P & A Construction, Inc.

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

Public advised of missing documents from public agenda:

RECESS to prepare copies

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

RE-OPEN

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

RESOLUTION

**#2008-345 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AWARDING A CONTRACT TO S&G PAVING, INC. IN THE AMOUNT OF \$269,337.12
FOR THE RAILROAD AVENUE DRAINAGE PHASE IV CONTRACT IN ACCORDANCE WITH
THE BOROUGH'S BID SPECIFICATIONS**

WHEREAS, the Borough of Beachwood previously authorized the advertisement and receipt of bids on August 20, 2008 at 2:00 p.m. for the Railroad Avenue Drainage Phase IV project; and

WHEREAS, at the time and place of the receipt of bids ten (10) bids were received ranging from a low of \$269,337.12 to a high of \$423,461.00; and

WHEREAS, the Borough Engineers, CMX, have reviewed said bids and have recommended the award of the contract to the low bidder, S&G Paving, Inc. of Monroe Township, New Jersey; and

WHEREAS, the Borough Attorney has reviewed the bid documentation of the low bidder, S&G Paving, Inc., and found the same to be in proper form and order; and

WHEREAS, the Borough Engineers' recommendation includes reference to the fact that the bids are below the Engineers' estimate; and

WHEREAS, it is now the desire of this Governing Body to award a Contract to the low bidder in accordance with the Borough's bid 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 for Railroad Avenue Drainage Phase IV project in accordance with it's bid specifications to the low bidder, S&G Paving, Inc. of Monroe Township, New Jersey in the amount of \$269,337.12.

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, S&G Paving, Inc. and the Borough Treasurer.

3. The Borough Clerk shall return any Bid Bonds or Bid Security to bidders 4 through 10 and retain the bids of the second and third low bidder until such time as the Contract is executed by S&G Paving, Inc.

Motion: Clayton Second: Roma
Comments: Roma explanation of project. When completed in 2009 can go out for Phase V - which will tie in whole drainage project.
Approved: Clark - Clayton - Feeney - Komsa - Roma - Verga
Opposed:
Abstain: Absent:

RESOLUTION
#2008-346 **RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AWARDING A CONTRACT FOR ONE NEW 2009 - 25 CUBIC YARD REAR LOADER
REFUSE PACKER WITH DUAL CART TIPPERS SUPPLIED WITH BODY FOR THE BID
PRICE OF \$188,054.00**

WHEREAS, the Borough of Beachwood previously advertised for the receipt of bids on September 11, 2008 at 2:00 p.m.; and

WHEREAS, at the time and place for the receipt of bids one (1) bid was received from Robert H. Hoover & Sons, Inc. for said 25 Cubic Yard Rear Loader Refuse Packer with a base bid price of \$179,204.00 and the bid for option A in the amount of \$8,850.00; and

WHEREAS, the Borough Supervisor of Public Works has reviewed said bid documentation and found the same to be in proper form and order; and

WHEREAS, the Borough's Attorney has reviewed all bid submissions, bid security, and other required documentation and found it to be in acceptable form and order; and

WHEREAS, the Borough's CFO has certified that funds are available for said acquisition; and

WHEREAS, it is the desire of this Governing Body to award a Contract for the needed 25 Cubic Yard Rear Loader Refuse Packer with option A for a total bid price of \$188,054.00.

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

1. That the Borough Council hereby award a Contract to Robert H. Hoover & Sons, Inc. for one new 2009 - 25 Cubic Yard Rear Loader Refuse Packer with Option A being Dual Cart Tippers supplied with body (tuck away style) for a total bid price of \$188,054.00, in accordance with the Borough's bid 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 CFO, the Borough Treasurer, the Borough Supervisor of Public Works and Robert H. Hoover & Sons, Inc.

Motion: Roma

Second: Clayton

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

RESOLUTION
#2008-347

RESOLVED by Mayor and Council to amend the Professional Service Agreement between the Borough of Beachwood, and CMX First Aid Building Project for \$5,000.00 for added services in connection with the making a total of the contract \$8,000.00

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

RESOLUTION
#2008-348

RESOLVED by Mayor and Council to correct resolution #2008-329 (August 20th) approval of conference seminar for Clifford Schiel "Advanced Water Operations which reflected no cost - to read a cost of \$685.

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

RESOLUTION
#2008-349

RESOLVED by Mayor and Council to approve the Executive Session Minutes from January 2008 to and Including June 2008.

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

ORDINANCE
#2008-22

FIRST READING - TITLE ONLY
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XIV (STREETS AND SANITATION) AS IT APPLIES TO THE SEPARATION OF RECYCLABLES AND PLACEMENT FOR DISPOSAL AND PROVIDING PENALTIES THEREOF.

RESOLUTION
#2008-350

RESOLVED by Mayor and Council to approve Ordinance #2008-22 as presented on First Reading Title Only

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

ORDINANCE FINAL READING - PUBLIC DISCUSSION AND ADOPTION

#2008-16 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROHIBITING THE SMOKING OF TOBACCO PRODUCTS WITHIN ANY BOROUGH OWNED BUILDING AND UPON CERTAIN PUBLIC BEACH AND PARK AREAS WITHIN THE BOROUGH AND PROVIDING FOR VIOLATIONS AND PENALTIES THEREFORE

OPEN TO PUBLIC DISCUSSION FOR THIS ORDINANCE ONLY

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

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION FOR THIS ORDINANCE ONLY

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

Questions Mr. Feeney on inclusion of "chewing tobacco" Recommended amendment to included "smokeless tobacco". Approved by Council on a motion by Mrs. Verga and a Second from Mrs. Clark. of concern from Mrs. Clayton. Mrs. Clayton noted she opposed during August 20th meeting. Too broad. One approved by council not advertised. Confusion on understanding of correct version working with. Not working with same version of ordinance as printed. Should have addressed some changes. Indication of ability to smoke in designated areas. Mr. Roma requested clarification on when effective.

Mr. Hiering, it's adopted on publication, but not enforceable until signage. Because of confusion...

RESOLUTION

#2008-351 RESOLVED by Mayor and Council to TABLE

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

ORDINANCE FINAL READING - PUBLIC DISCUSSION AND ADOPTION

#2008-20 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING GENERAL PROVISIONS FOR SMALL MUNICIPAL WIND ENERGY SYSTEMS WITHIN THE BOROUGH

OPEN TO PUBLIC DISCUSSION FOR THIS ORDINANCE ONLY

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

LaCrosse

Forecastle Ave. Congratulated the idea. Going green beneficial to communities. Glad to see taking lead in this. Congratulation to Mr. Komsa.

Mayor: Acknowledged Mayor Paul Kennedy, Ocean Gate, who proposed similar action.

CLOSE TO PUBLIC DISCUSSION FOR THIS ORDINANCE ONLY

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

RESOLUTION

#2008-352 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-20 as presented and held for public discussion.

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

ORDINANCE - FINAL READING - PUBLIC DISCUSSION - ADOPTION

#2008-19 AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE BOROUGH'S LEASING OF THE BEACHWOOD VOLUNTEER FIRST AID SQUAD PROPERTY KNOWN AS BLOCK 4.26, LOT 14 FOR A NOMINAL CONSIDERATION AND FURTHER AUTHORIZING THE SUBLEASE OF SAID BLOCK 4.26, LOT 14 TO THE BEACHWOOD VOLUNTEER FIRST AID SQUAD FOR NOMINAL CONSIDERATION WITH BOTH THE LEASE AND SUBLEASE HAVING A FIFTY (50) YEAR TERM

OPEN TO PUBLIC DISCUSSION FOR THIS ORDINANCE ONLY

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

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION FOR THIS ORDINANCE ONLY

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

Mayor: Complimented former Councilman Miserendino who worked hard on this toward the end of his term to bring forth the proposal. He relayed that project to Mrs. Clayton who worked very diligently on this and Mr. Feeney, they put a lot of hours into this, they worked hard with First Aid in bring this proposal forth and I want to congratulate them on a job well done.

RESOLUTION
#2008-353 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-19 as presented and held for public discussion.

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

RESOLUTION
#2008-354 A RESOLUTION AUTHORIZING A REFUND OF REDEMPTION MONIES FROM LIEN #06-005 TO LIEN HOLDER FERNWOOD FUNDING IN THE AMOUNT OF \$9,010.03 PLUS A PREMIUM OF \$7,000.00

WHEREAS, at the Municipal Tax Sale held on September 20 2006, a lien was sold on Block 3.17 Lot 2, also known as 845 Seaman Avenue, for 2005 delinquent water and sewer charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #06-005, was sold to Fernwood Funding with 0% redemption fee; and,

WHEREAS, Attorney Thomas Vandort has effected redemption, on behalf of property owner, New Horizons Home Solutions, LLC, for certificate # 06-005 in the amount of \$9,010.03.

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

1. Authorize the Treasurer to issue a check in the amount of \$16,010.03, payable to Fernwood Funding, 92 Main Street, Wallington, NJ 07057, for the redemption and premium refund of Tax Sale Certificate #06-005

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

RESOLUTION
#2008-355 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 2008 which item is now available as a revenue from monies held pursuant to the provisions of statute.

Alcohol Education & Rehabilitation Fund \$53.55
BE IT FURTHER RESOLVED that a like sum of \$53.55 and the same is hereby appropriated under the following captions:

Alcohol Education & Rehabilitation Fund \$53.55

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.

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

CORRESPONDENCE

Sandi & Vince Owen - Re:Police

From: SANDILACHANCE@aol.com
Date: Mon, 1 Sep 2008 13:58:17 EDT
To: <rjones@beachwoodusa.com>
Subject: Mary & Sheila Policewomen

The end of the summer season 2008-Labor Day. I want to commend the Policewomen that are on duty effortlessly at the Beachwood Beach. Mary and Sheila are so caring and friendly, makes all us feel watched over and safe. They both are to be awarded for their time and professionalism they have shown over this past Summer. Their keen, sharp eye is always watching for the hidden dangers either to bathers or boaters or just us folks on the beach enjoying the sun. My family thank them both as well as the life guards for their endless hours on the beach!!!! We all look forward to Summer 2009 already.

SANDI & VINCE OWEN
973-635-8963

b. Shore Vineyard Church
Re: September 20th, 2008



P.O. Box 281
320 Compass Ave
Beachwood NJ 08722
Phone: 732-244-3888 / Fax: 732-244-3181
Email: shorevineyard@comcast.net
Website: www.shorevineyard.com

September 8, 2008

Via Hand Delivery.

Mayor & Council
Borough of Beachwood
1600 Pinewald Road
Beachwood, New Jersey 08722

RE: Denise Kehm & Ryan Abrams
Date of Ceremony: September 20, 2008
Time of Ceremony: 1:00 p.m.

Dear Mayor and Council:

We respectfully request to perform a marriage ceremony for one of our church members on the Beachwood Beach on Saturday, September 20, 2008 at 1:00 p.m. Please be certain this matter is placed on the Borough's Agenda for Mayor and Council approval for September 17, 2008.

Thank you for your kind consideration.

Respectfully,


PASTOR WILLIAM F. MACIUNSKI, III
For Shore Vineyard Church

WFMIII/am

RESOLUTION

#2008-356 RESOLVED by Mayor and Council to [approve] the request of for use of the Beach, September 20, 2008, for wedding services (Kehm & Abrams)

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

RESOLUTION

#2008-357 RESOLVED by Mayor and Council to authorize CMX to advertise for Mizzen Avenue Water Main Replacement Bids.

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

<p>Mayor</p>	<p>Re: Environment – Was contacted earlier this evening by League of women voters asking the Borough to sign on to U.S. Mayors - Climate Protection Agreement. Will be meeting with the League to discuss and will invite Chairman Clark and will report back to council.</p>
	<p>Story in paper about bio diesel truck sponsored by Green Peace that was at Int. South. In late spring - Mr. & Mrs. Clark and the area rep from Green Peace were discussing issues concerning the Environment. Knowing that Sierra club had appeared at a Planning Board meeting on some environmental issues. Saw that we had an Environmental Commission, they noted that they had this truck, operating on solar panels and (side use of some sort of grease). It was in California and moving across the country. They believed this truck and its information would be beneficial to the community especially since Mr. Komsa was working on the wind energy program. Contacted Int. South Mr. Gluck and Mr. Ritacco who were in agreement to having the truck on site. On Sept. 15th the truck was there and a presentation made for 8th grade by Green Peace. Complimented Environmental Commission on this project. Put a lot of effort into this. Currently working on putting a float in the T.R. Halloween Parade to focus on the Commission and its concern about the Environment. Also contacted DOT about Beachwood Beach and prior report no so complimentary to the Borough with respect to pollution. Spoke with Alex Brown about prior years contributing fact or to pollution is drain at beach. DEP noted no drain piped going to beach, from Rt. 166. Majority of run off from County Drainage and Municipal Drainage. They will be looking into plan to be developed by DOT on this issue. Mayor will be looking to other communities to formulate plan to address issue of drainage. Comment in paper about making “Beachwood becoming the greenest community”. Issues on solar power referenced earlier by Mr. LaCrosse and noted DCA indicates grants available on making buildings "green". Could be incorporated (Solar Power) into the First Aid proposed building. Not meant to derail the project.</p>
	<p>About March 10th e-mail to Mr. Feeney and copy to DPW and Chief Cairns ref Barnegat Blvd (200 Block) walking area - has serious danger to walkers. Roadway (60 “ wide) Narrow area and faded lines. Additional e-mails Requested lines to be painted not done. School indicated that it does not do the lines, referred back to the Borough. Latest e-mail to Chief, he advised (9/11) been patient long enough. Was told line painting was scheduling issue of DPW, but noticed that lines in our parking lot were done. Someone should have directed them to do the lines at the school.</p> <p>Mrs. Clayton Believes that the Board of Education is the one that does this.</p> <p>Mayor: I spoke with Mr. Ritacco on this and he said that they do not do</p>

	<p>this, and I believe what Mr. Ritacco says. He gave me the information and I rely on his information.</p> <p>This should have been done by DPW earlier.</p> <p>Noticed DPW addressing request made several weeks ago by Mrs. Verga to handle debris on property of developer. Mrs. Verga explained what we would do and we would send owner bill and put lien on property.</p> <p>If we can get DPW to clear a lot, why can't we, since March, get them to paint the lines. It's cooperation, I just want DPW to put the lines down.</p>
	<p>Last Planning Board meeting - Citizen complained about overgrowth, lots being cleared for substantial time and nothing done. Pln. Bd Eng was authorized to research various tree cutting ordinances and report back to Planning Board, with intention to report back to governing body .</p> <p>Commended Police on narcotics seizures over recent weeks. 2nd Major arrest in past four or five months. Over 500 bags over the past few weeks.</p> <p>RE: HR6594 Health related from 911 event to provide first responders with medical benefits to address their health related issues. These emergency responders should be recognized. Asking to put on agenda for support.</p>
Mrs. Clark	<p>Welcomed Carol Jansen to Environmental Commission. Happy to have her. With school and teachers still looking for materials, recommending using environmentally sound items. Request by resident Eric Webber, who would like to be a part of an historical prevention commission, and asking to consider creating a "historic commission". Will give info to council and hope to discuss at a meeting. Setting date for Shade Tree to review ordinance. Was at School night. Mr. Woodward who spoke on poster for school students on Arbor Day. It will go to National competition. Mr. Lacrosse proposed changes re: signage (permits) would ask to review and solicit ideas. Would like to move forward on an ordinance and would like to work with Mr. Hiering and Mr. LaCrosse on same. Would work on addressing political and private signs.</p> <p>Environmental Commission following up on Health Services working on "Cancer Cluster Toms River" current report available. Report looks like rates are dropping. According to the State it would seem Beachwood has no concerns. Also touring Oyster Creek to check out facility. Thanked all members of Environmental Commission for work in bringing bio diesel truck to the school. Members present – Mr. Clark (Chair) and Mr. DiBella (Vice Chair) commended for work. Asking council to consider "solar panels" for First Aid building. Has information available for sign up for Blood Drive - Oct. 9 - 2:00 - 7:00. Fall Beach Sweep - October 19th 2-9. Beach numbers dropped from last year. Numbers are due to</p>

	<p>rainfall. Looking to confirm if fallouts are problem. Looking to participate in grant with County. DPW testing at drains. Articles on beach available. 7 Closings 2006 - 4 Closings 2007 7 Closings 2008 from County, but we actually closed 16 due to quality and debris. Working with DEP – EPA on what is causing these high levels. Doing research to see if we can get some of this grant. Storm Drain is the issue. Now have to figure way to fix.</p>
<p>Mrs. Clayton</p>	<p>Blood drive , hope you were able to call girl scouts and work with them on it. Arranged for “chair” for drive, making it more comfortable for donators. Thanked Mrs. Clark for taking on the Blood Drive. Calendar going to printer. Will be awarding contract. Did research on "jen" swing, for Mrs. Verga. Found company in New Jersey. Hope to order and install by next spring. Thanked Robin for time put in researching this item. Engineer did Green Acres walk through (boardwalk) with DEP rep. Got good report on that inspection. Marina fared well in recent storm.</p>
<p>Mr. Oris</p>	<p>Commented on receipt of First Aid Bids. Large number of bidders picked up packages. Lowest Gavin General Contracting. \$666,387.00 , substantially less than budgeted. Very favorable bidding. Addressed concerns about putting solar panels on the First Aid building. He went on to explain how we would address solar for our municipal building. But our ability to place on the First Aid building might be limited because of size and way roof faces.</p>
<p>First Aid Members join Mrs. Clayton and Mr. Feeney with the announcement of the award for the contract to construct a NEW FIRST AID BUILDING!</p> <p>Special thanks to Mr. Oris for his hard work and help. Could not have done without his assistance.</p>	

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AWARDING A CONTRACT TO GAVIN GENERAL CONTRACTING, INC. FOR THE
CONSTRUCTION OF NEW FIRST AID BUILDING IN THE LOW BID AMOUNT OF
\$666,387.00 FOR THE BASE BID PLUS ALTERNATE #2, ALL IN ACCORDANCE WITH THE
BOROUGH'S BID SPECIFICATIONS**

WHEREAS, the Borough of Beachwood previously advertised for the receipt of bids on Wednesday, September 10, 2008 at 2:00 p.m. for the Beachwood First Aid Building; and

WHEREAS, at the time and place for the receipt of bids eight (8) bids were received ranging from a low base bid of \$687,387.00 to a high base bid of \$1,137,000.00; and

WHEREAS, the Borough's Engineer and Architect have reviewed said bids and found the low bids to be in proper form and order; and

WHEREAS, the Borough's Attorney has reviewed the three (3) low bid submissions and found the same to be in acceptable form and order; and

WHEREAS, it is the desire of the Governing Body to award the base bid plus alternate number 2 adjusting the bid price to \$666,387.00; and

WHEREAS, it is now the desire of this Governing Body to award the Contract for the new First Aid Building.

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

Beachwood, County of Ocean and State of New Jersey as follows:

1. That the Borough Council hereby awards a Contract to Gavin General Contracting, Inc. for the new First Aid Building in accordance with the Borough's bid specifications for the base bid amount plus alternate number 2 adjusting the bid price to \$666,387.00.
2. That upon the adoption of the within resolution, the Borough Clerk is authorized to forward a certified copy of it to the Borough Engineer and Architect, the Borough CFO, the Borough Treasurer, and Gavin General Contracting.
3. That upon award of the Contract the Borough Clerk is authorized to return the bid securities of bidders 4 through 8 and upon execution of the Contract return the bid security of the second and third low bidder.

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

RESOLUTION
 #2008-359

RESOLVED by Mayor and Council to award the contract for the printing and distribution of the Municipal 2009 Calendar to Trec Printing and Mailing Lowell Avenue Toms River in the amount of \$5,880.00.

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

Mr. Feeney	Congratulations to Andrew Clayton. Thanked Mrs. Verga for her hard work on inter local agreement. Mr.Komsa for his hard work on Wind Energy. Awarded contract for Water Tower construction should start in fall. Awarded contract for new Garbage Truck earlier. Offered Congratulations to Mrs. Jansen appt. to Environmental.
Mr. Komsa	Thanked council for support on wind turbine ordinance. Beachwood is the 11th municipality to start with wind turbines in New Jersey. We are paving the road. Renewable energy is the future of our country. It is the way to go. Glad that Beachwood is playing it's part. Thanks to council, Mayor Kennedy the road to green has been paved. Recreation looking for holiday collection box for troops overseas. Residents can drop off "holiday" items and they will be transported to the National Guard out of Toms River Armory. Items like old cell phones, postage stamps, used or new games, international calling cards, toys, candy etc. <u>Looking for Council approval</u>
	Motion: Mr. Komsa Second: Mrs. Verga - All approved
	Town wide yard sale 9/27 and 9/28. Harvest bonfire 10/18 6:00 at the beach.
Mr. Komsa	Received letter from "Blue Water Wind (Karen Ohleth) interested in making presentation on off shore wind energy project." re: off shore winds. Would lilke to have her at workshop (October)
Mrs. Verga	Thanked Mrs. Clayton for handicapped swing access. First Aid building long time coming, finally being done. Next week workshop meeting regarding the Comp. Dev. Ord. reminder to all.
Mr. Hiering	Metro PCS lease back. Will be sent to us for signatures.

Municipal Clerk

RESOLUTION

#2008-360 RESOLVED by Mayor and Council to approve the following requests for Conference - Training - Seminar

Date:	Sept. 19 th Elizabeth A. Mastropasqua
Location:	Neptune
Subject:	MCANJ Quarterly Mtg.
Cost:	\$0
Vehicle:	No

Date:	Sept. 29 Linda Felton
Location:	Ocean County Library
Subject:	Annual Meeting
Cost:	\$0
Vehicle:	No

Date:	October 2 E. Mastropasqua - J. Larrison - B. Boud
Location:	Holiday Inn Toms River
Subject:	Election Updates with County Clerk Carl Block
Cost:	\$0
Vehicle:	No

Date:	Oct 22-29 Nov. 5-12-26- Dec. 3 Liz Sarantinoudis
Location:	Morris County Safety Training Academy
Subject:	Principles of Financial Management
Cost:	\$627
Vehicle:	Yes

Date:	Oct. 10-17-24 Nov. 7-14-21 Leslie Kirchgessner
Location:	O.C. Fire Academy
Subject:	Level II - Principles of Court Administration
Cost:	\$ 0
Vehicle:	No

Date:	Nov. 19 Nancy DeFalco - Jeanette Larrison
Location:	Atlantic City
Subject:	NAPZA Annual Luncheon Meeting
Cost:	\$50 each
Vehicle:	No

OPEN TO PUBLIC DISCUSSION

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

PUBLIC	
Sal Murante - First Aid	Thanked Mr. Miserendino - Mrs. Clayton - Mr. Feeney on First Aid Building. Thanked all for work put into it. Been over six years. Thanks for getting the job done.
LaCrosse – 708 Forecastle	Disappointed that he was not selected for Environmental Commission. Feels that after 21 years of serving the Borough, he had a willingness to serve. While away, asked for records (OPRA). Obtained records and has some concerns. Clerk was served with subpoena to testify before the grand jury. Was it served on Clerk or individual. ? Clerk. Did documents concern individual employee. ? Clerk was not asked to testify, was asked to present minutes and tapes. Tonight passed resolution to approve Exec. Session minutes. Are they available to the public? Yes Attended bio diesel event at school. The Borough helped them to put up tent. Explanation from Mayor.
Mayor	Tent was put up by Green Peace.
Mr. LaCrosse	About painting lines. Wouldn't it simply take a call DPW.
Mayor	And several e-mails
Mr. LaCrosse	Re: Mayor's e-mail on establishing a Committee on water quality. Did you do that?
Mayor	Still moving on that and would like you to submit interest.
Mr. LaCrosse	Have you contacted state on that issue?
Mayor	Mr. Clark involved in initial assessment discussions. Spoke with O.C. Council on Cancer and asking them to come in and check, they do not have the funding for this. Believes committee should be impaneled and look into this.
Mr. LaCrosse	Re: Flyer - by Mayor – It looks like you are the only one doing anything about the roads. Not one other person is mentioned.
Mayor	What are you identifying as your piece. Mr. LaCrosse – Mayor Ron Jones ... Why wasn't anybody else on this governing body mentioned in this piece because they all had something to do with the quality of life in the Borough of Beachwood and I think they are all doing a great job. Mayor ... doesn't it say working together.

	<p>LaCrosse..Does it say anyone’s name..</p> <p>Mayor ... doesn’t it say working together.... Glad you mentioned this because I’m 51 and I’m starting to get forgetful, but you just brought something to my attention. There was a letter went to citizens of Beachwood from CMX, in that letter it said that Councilman Feeney and Councilman Roma authorized for this work to be done. Did you see that letter, you signed it Mr. Oris. Did that letter say Councilman Feeney and Councilman Roma authorized for the work to be done.</p> <p>Mr. Oris.... Actually it mentions the Borough of Beachwood, the Governing Body and Councilman Feeney and Councilman Roma as liaison to roads.</p> <p>Mayor... Again it was an entire process of all the governing body but two individuals names were mentioned. I did not take offense to that. That (flyer) is just to speak to people asking them if they had concerns about the project to contact me and then I would relay it to the proper person.</p>
LaCrosse	<p>I think it’s a wonderful idea, but maybe the next time you put something out, you may want to mention that there are members of the governing body that also work.</p> <p>Mayor : I don’t have any problem with that, if Councilman Feeney and Councilman Roma want to walk door to door with me, I have no problem with that, because I’m the guy that walked door to door, so if they want to walk , fine that’s perfect. Thank you.</p> <p>LaCrosse..... fine, maybe I’m just missing...</p> <p>Mayor.... Again, that cost the tax payers nothing, the letter from CMX, somebody had to pay the postage.</p> <p>LaCrosse... Maybe I’m missing the point...</p> <p>Mayor..... Maybe I am too</p> <p>LaCrosse.... That, when you give out a piece of paper to the residents of the Borough of Beachwood saying that things are getting done, and you seem to be taking credit for the entire work, I think you ought to give credit, where credit is due and that is your governing body.</p> <p>Lastly, this is another one that I am very upset about. Remember the words “Councilman LaCrosse is caught in the act of stealing the campaign signs of Jones, Clark and Verga in Berkeley Township and witnessed by a Berkeley Township Police Officer”..... do you remember those words.?</p>

Jones.... Yes I do remember that.

LaCrosse...Okay. I just want you to know, Mr. Jones, that this morning at 09:30 a.m., I filed a defamation of character lawsuit against you.

Jones... That's fine, thank you very much.

Joel Balizinski
1008 Halliard

What I'm going to do is read my things into record, if anything comes up I will ask the questions later on.
"Joel Balazinski; Sr. Legal address 1008 Halliard Ave, Beachwood. If you wish to know the address I am vacationing at presently, I'm sorry but that shall remain private for the sake of my family and those close to me. This is the result of the constant stalking, harassment, picture taking by chairperson Jones, who already admitted doing unauthorized background checks on me, and who is presently under new investigation (Mr. Schiffermiller could be heard advising the assembly that there is a claim filed by Mr. Balizinski and this should not be under discussion) for doing so and has been captured on surveillance tape in the act on 8/22/08, Since the stalking occurred while Chairperson Jones was acting as Mayor and was done with his car plate N.J. FRJ-4 and since his actions have damaged and disrupted my personal life and relationships, business and finances, homelife, the lives of those around me as well as my place of residence, I am advising chairperson Jones that I am serving my most recent Tort Claim of \$5 million dollars pertaining to his most recent acts against me. (Mr. Balizinski turned over a "notice of tort" to Mayor Jones). I know this is the proper way to handle this because at the last meeting, when I warned the Chairperson that if he kept up his antics, I would file another tort claim for him violating my rights. His answer to me was "*file as many as you want*". Thanks a million, chairperson, even though if I thought of it before you suggested it, its nice to know you agree. At the last meeting we were all graced by the public display made by chairperson Jones when I proceeded to keep my word and disclose proof of the accusations I had previously made against him. I submitted to the council some of the documents I had obtained in a completely legal manner. I trust that those documents have been copied and that I will receive those copies back. Several other items supporting my statements will soon follow. Regarding the information I did submit, I am asking the Council has anything been started as far as an investigation with the documents I submitted a couple of weeks back.

Councilman Roma: Mr. Balizinski because you have claims against the Borough, our Attorney has instructed us not to comment on those matters at this time.

Out of respect I honor that.

I was kind of taken back by some of the comments in the New York Times pertaining to the Borough and to me. What is concerning me.... Comment August 29th 2008, by chairperson Jones in the New York Times. ***“they want to keep me from exposing corruption that existed before. The Mayor said, refusing to be specific. I have been working with the authorities since November 2007 and when it all comes out, people will see what happened, but I am not backing down”***. The reason I am taking aback by these, because are words very very similar to what I had said 4 ½ months prior concerning chairperson Jones, example; Asbury Park Press – April 14th 2008 through August 21st 2008.

Read comments he made in the press article.

These are all comments that I made prior. I just feel very put out that the Mayor is now using my words now to defend himself with no backing. I had backing and proof and I know that he had given that in. It just takes away from what I am doing and I know I am doing it with honor. As far as working with authorities, just putting it on the record, I realize you are not going to answer it. With the authorities you are working with, you claim you were wearing a wire for the Ocean County Prosecutors office, are you wearing a wire now, were they aware that you were telling people you were wearing a wire, is it official procedure to tell people you were wearing a wire. Were the authorities aware that you took a gift or loan in return for subsequently giving a certain person a commission in Beachwood as you admitted previously, and are you a double agent if you are telling that to different people.

The excerpts I had from the newspaper articles are proof that chairperson Jones was making quotes that I had previously used in reference to him. These copy cat statements are empty however, because unlike myself, Chairman Jones has nothing to back up his statements. In the future I would appreciate if quotes you made aren't borrowed from me, I take offense at my statements being used to deceive the public. Which brings me to a disturbing incident that took place at Monday's Green Peace event on Pinewald Road, which by the way was very informative and held by very social and intelligent people. I believe that what they represent will be a key part of saving our planet from irreparable damage leaving our children's future uncertain. Several Green Peace representatives were under the impression that Chairperson Jones was the founder of the “wind turbine” project in Beachwood. I clarified the truth to the representatives and went on to tell them when Steve Komsa presented the idea to the Borough several months ago, it was a very informative and interesting presentation. Chairperson Jones did not utter one word, no questions, no comments, nothing. Now he takes the credit again for someone else's effort. I noticed that he did not mention Steve Komsa in the Asbury Park Press concerning the event.

	<p>On another subject I have entered several OPRA requests to the Borough since July 2008. Two are overdue. All three are going to be used as evidence in my future court actions pertaining to Chairperson Jones. I expect that all three requests will be satisfied this week to prevent the necessity of immediate litigation for possible coercion, cover ups, and evidence that vaguely hint on other areas of corruption that may exist in other areas of the borough other than that which I am already working on. I am not asking, I insist that my rights and other residents rights are no longer ignored or infringed upon by the local government. This is not why you were voted in. This is not why you were appointed to a position, this is not why you were hired. It is arrogant that a handful of individuals I am referring to assume that they can pull the wool over 11,000 residents eyes. Those eyes are upon you at this very moment. Let me give everyone an example of leaders who attempted to pull the wool over the eyes of their own people. Saadim Hussein, Adolf Hitler, Nero, Jim Jones, David Korisch.</p> <p>This Borough is on it's way to being cleaned up. It is advisable not to be part of the trash that is being put to the curb. I give all those involved fair warning to clean up your acts. For those who do not, you will be weighed, you will be measured, and you will be found wanted. I would appreciate my copies back when you all get a chance.</p> <p>Thank you very much everyone.</p>
Rizzo - 613 Tiller Ave	<p>Cat problems in Beachwood. They are killing multiple animals. Been dealing with it the best way I know how. Can't deal with it. Under the ordinance - would like amendment to address enforcement on leashing? Dogs are supposed to be on a leash. Would like to see similar. "Any cat found repeatedly outside owners property shall be fined. Cats outside owners property should be leashed. Tired of watching neighbors cats digging up her lawn and urinating on her property. They kill birds, bird population decreasing. Watched them destroyed before her eyes. Also problem with "barking dogs". Can't walk outside her door without dogs barking. Hoping you can make some kind of new law on cats. It's a problem.</p>
Schiffermiller- 813 Windward	<p>Thanked council for approving Executive Session minutes from February 6th 2008. Was subpoenaed 2 times in past for various events that happened either at council meeting or other. Had to appear in court at which time an outside judge and outside prosecutor had to be used. That costs money. Prosecutors and attorneys agreed to discharge. The judge also agreed. Only victims in this are the residents of the Borough of Beachwood. It's outrageous that this happened. Earlier pleasant to hear everyone thanking others for what was happening. Then it happened. Apologizes for shouting out earlier. Would never have heard from someone who was suing the Borough.</p>

DiBella -1008 Halliard Ave	Clarified statements by Mr. Schiffermiller. Prosecutors made decision to discharge in order to save money Re: FBI investigation. What do you know about it Mayor (re; e-mail to O.C. Prosecutor) August 31. You state that the FBI is giving credence to a bogus complaint.
Mayor	On advise of Counsel not answering
DiBella	At Back to School night, Shade Tree Commission was there, Who invited them. (PTO) Why wasn't the Environmental Commission there ? (They were) Who represented the Environmental Commission (I was - Mrs. Clark) Who represented the Shade Tree Commission (Mr. Woodward) How come as the Vice Chair of the Environmental Commission I wasn't informed of a lot of things going on. Including that. I would have been happy to have been there. I hear about a tour of Oyster Creek, and none of that was shared with me. (that was arranged today) ? not informed about back to school night.? Who resigned from Environmental Commission.? (Mrs. Vallo – she never took the oath – she was notified by certified mail) Would like a copy of that letter.
DiBella	Did I hear right that the State said there is no high rate of Cancer in Beachwood. Mrs. Clark – that's correct. That's good news. So everything we've been hearing for the past year essentially is now a moot point and there is no further need to do investigation. Is now a done issue. Are we satisfied? Or is there still going to be issues raised? Does the Environmental Commission still need to be looking into issues.? going to Mrs. Clark.... I'm not satisfied that people are still walking around with Cancer! I'm satisfied to hear that it's dropping. I do not feel that the Environmental Commission needs to investigate further.
DiBella	Is it appropriate for a governing body member to forward copy of e-mail to family member or someone who is not a member of the governing body.?
Mr. Hiering	Depending on how sensitive!
Mr. DiBella	If member of gov body or official in their report, releases information publicly during their report, wouldn't it be a public record. That would be subject to OPRA , correct?
Mr. Hiering	Only if it's read and handed to the Clerk as a public record. I don't know if the Clerk has to go out and collect notes from the people.
Mr. DiBella	Dangerous road situation that has been g Dangerous road situation that has been going on since March. Near school. Has problem that no one reacted or responded to. Has problem that as Mayor you did not act on it. Safety of children at risk. Suggesting you be pro-active. Can't wait six months and spring it on the public. You need to be pro-active. Question re; earlier comments from Mr. Balizinski if his matter being investigated.
Mr. Hiering	Not appropriate to answer

Mr. DiBella	Standards of the meeting. Was removed earlier but Mr. Schiffermiller was allowed to proceed this evening.
Mr. DiBella	Asking if Mr. Feeney and Mr. Komsa will submit to criminal and motor vehicle background checks for campaign, on behalf of the people. I think it's important. On behalf of the people would you two join us.
Mr. Feeney and Mr. Komsa	No problem doing so.
Mr. Novak – 38 Maple St.	Re: Painting of lines. Maple Street was done check who did it and have them address it.

CLOSE TO PUBLIC DISCUSSION

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

Re-Open

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

EXECUTIVE SESSION THIS DATE:

1. **Contractual:** Council discussed the proposed Interlocal Service Agreement submitted by the County Prosecutors' Office. The program is run for the purpose of Identifying and removing intoxicated drivers from the roadways.

#2008-361 RESOLVED by Mayor and Council to approve the Interlocal agreement between the Borough of Beachwood and the Ocean County Prosecutors' Office for Driving While Intoxicated Check Points.

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

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

2. **Contractual:** Proposal received from Citta Holzapfel & Zabarsky During the Borough's solicitation for RFP's 2008 the Borough named the firm to act as Labor Counsel. This proposal will address the 2008 Contract for DPW (Teamsters).

#2008-362 RESOLVED by Mayor and Council to approve the Professional Service Agreement between the Borough of Beachwood and Citta, Holzapfel & Zabarsky as Labor Counsel in the 2008 DPW (Teamsters) Contract negotiations, with a not to exceed \$4,000.; 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:

3. **Terms & Condition of Employment:** Planning Board Coverage in absence of Secretary. To address the operations of the "recording system" in the absence of the Secretary, Council will authorize 1.5 times the hourly rate with a minimum of 1 hour as follows:

#2008-363 RESOLVED by Mayor and Council to authorize Morgan Blevins to cover the Planning Board recording system in the absence of the Secretary at 1.5 times her hourly rate with a minimum of 1 hour provided.

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

Additional discussions:

Correspondence from the MEL requesting authorization to work with our DPW on creating a "Road Construction Safety Film". Council agreed with the stipulation that the Teamsters Local provide their consent.

Correspondence from Construction Company Dello Pella awarded the milling and paving of Rt. 166 and Rt. 9 requesting permission to hook into our hydrant for water. Council advised the Clerk to confirm with Water Supervisor the billing aspect.

The Borough will create a meter hook up at the hydrant for billing purposes.

TO ADJOURN

Motion: Komsa Second: Clayton
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
Municipal Clerk