

November 5, 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.



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(7:10) Bonnie Verga

Absent:

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.

RESOLUTION

#2008-399 RESOLVED by Mayor and Council to approve the 2008 Certified Bills List in the amount of **\$ 2,001,994.13**

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

RESOLUTION

#2008-400 RESOLVED by Mayor and Council to approve the minutes of the September 24th Special Meeting of Mayor and Council.

PREVIOUSLY APPROVED – NOT ACTED ON AT THIS MEETING

RESOLUTION

#2008-401 RESOLVED by Mayor and Council to approve the minutes of the October 15th Meeting of Mayor and Council

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

RESOLUTION

#2008-402 RESOLVED by Mayor and Council to approve the following rentals for the Community Center – Mayo Park

2008		Community Center	
Dec.	07	Bruett	Rental: \$350
		P.O. Box 342 (Owns 526 Atlantic City Blvd)	Deposit: \$500
		Pine Beach	
Dec..	08	O.C. M. J. I. F.	Rental: \$WAIVE
Employment Practices		Main St.	Deposit: \$WAIVE
		Toms River N.J.	
2009		Community Center	
Jan..	16	Hirshon	Rental: \$350
		658 Atlantic City Blvd.	Deposit: \$500
		Beachwood	
Feb.	22	Harvey	Rental: \$350
		1017 Ensign Ave.	Deposit: \$500
		Beachwood	
April	04	Frederiksen	Rental: \$350
		929 Leeward Ave	Deposit: \$500
		Beachwood	

June	07	Babinski	Rental:	\$350
		725 Longboat Avenue	Deposit:	\$500
		Beachwood		
June	28	Gonzalez	Rental:	\$350
		1116 Seaman Ave	Deposit:	\$500
		Beachwood		

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

Resolution #2008-403 RESOLVED by Mayor and Council of the Borough of Beachwood to amend the agreement with Ocean County for Schedule “C” to a total of \$550,000.00.

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

RESOLUTION #2008-404 RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE CLOSEOUT AND RELEASE OF PERFORMANCE BOND FOR THE SODIUM HYPOCHLORITE CONVERSION CONTRACT WITH CFM CONSTRUCTION, INC.

WHEREAS, the Borough of Beachwood previously awarded a contract to CFM Construction, Inc. for the Sodium Hypochlorite Conversion Contract; and

WHEREAS, the Borough Engineers, CMX, have certified that all work on said contract has been completed and that the contract is ready for closeout, release of retainage and final payment; and

WHEREAS, the contractor has supplied Maintenance Bond No. 4-058-759 issued by American Fire and Casualty Company in the amount of \$8,665.00, or 10% of the final contract value; and

WHEREAS, the Borough Attorney has reviewed the said Maintenance Bond and all required back-up documents, together with the closeout documents submitted to the Borough Engineer and found the same to be in acceptable form and order; and

WHEREAS, it is now the desire of the Borough Council to act upon the closeout request for the Sodium Hypochlorite Conversion contract.

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 issued by American Fire and Casualty Company on behalf of CFM Construction, Inc. in the amount of \$8,665.00 based upon the Borough's receipt of Maintenance Bond No. 4-058-759 and running for a period of two (2) years.

2. That the Borough Council hereby approves final invoice for release of retainage and for final payment in the amount of \$9,592.00.

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 CFM Construction, Inc.

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

RESOLUTION
#2008-405

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY APPROVING FINAL CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE BOROUGH OF BEACHWOOD AND EAGLE PAVING CORP. FOR THE CHLORINE CONTACT PIPE PROJECT INCREASING THE CONTRACT PRICE FROM \$119,340.00 TO \$137,061.87 FOR AN INCREASE OF \$17,721.87

WHEREAS, the Borough of Beachwood previously awarded a contract for its Chlorine Contact Pipe Project to Eagle Paving Corp. in the amount of \$119,340.00; and

WHEREAS, as a result of an increase for extra work and a decrease due to variation of quantities, Borough Engineer, CMX have recommended the approval of Final Change Order No. 1 increasing the contract by \$17,721.87 as per Schedule A attached hereto; and

WHEREAS, the Borough Council wishes to act upon the recommendation of the Borough Engineer.

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

1. That the Borough Council hereby authorizes the execution of Final Change Order No. 1 to the contract between the Borough of Beachwood and Eagle Paving Corp. for the Chlorine Contact Pipe Project increasing the project by \$17,721.87 for a final contract price of \$137,061.87.

2. That upon the adoption of the within resolution, the Clerk is authorized to forward a duly-authenticated copy of it to Borough Engineer, James M. Oris, the Borough Treasurer and the contractor.

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

RESOLUTION
#2008-406

WHEREAS, P.L. 1983, Chapter 8, Local Fiscal Affairs Law; N.J.S. 40A: 5-2, has been amended to require that each municipality designate a Cash Management Plan for the deposit of each local unit's monies;

NOW, THEREFORE, BE IT RESOLVED, that the following Cash Management Plan of the Borough of Beachwood be and hereby is adopted:

A: DESIGNATION OF OFFICIAL DEPOSITORIES:

The following financial institutions are designated official depositories:

1st Constitution Bank	Bank of America
Bank of New York NJ	Bergen Commercial Bank
TD Bank, National Association	Fidelity Investments Institutional Services Co., Inc.
First Choice Bank	Grand Bank
Hudson City Savings Bank	JP Morgan Chase Bank
Merrill Lynch Bank & Trust Company	
MBIA Municipal Investors Service Corporation	
Morgan Stanley Dean Witter Trust FSB	
NJ/ARM New Jersey Asset & Rebate Management	
North Fork Bank	Ocean First Bank
PNC Bank	Sovereign Bank
State of New Jersey Cash Management Account	
Sun National Bank	The Bank
Valley National Bank	Wachovia Yardville National Bank

Designated official depositories are required to submit to the Chief Financial Officer of the Borough of Beachwood a copy of the State of New Jersey, Department of Banking, Government Unit Deposit Protection Act Notification of eligibility, which must be filed semiannually in the Department of Banking as of June 30th and December 31st of each year. Said Notices must be available for annual audit.

Designated official depositories are required to submit to the Chief Financial Officer a copy of institution's "Annual Report" on an annual basis.

B. DEPOSIT OF FUNDS:

All funds shall be deposited within Forty-eight (48) hours of receipt in accordance to maximize interest earnings.

Operating funds shall be deposited into interest bearing accounts to maximize interest earnings.

Capital and Debt service funds shall be deposited into interest bearing accounts.

Trust funds shall be deposited into interest bearing accounts in accordance with the State statutes regulating the deposit of developer's escrow deposits.

C. DESIGNATION OF ALLOWABLE INVESTMENT INSTRUMENTS:

The Borough may permit deposits and investments in such depositories as permitted in Section 4 of P.L. 1970, chapter 236 (C.17:19-44) and other instruments specified below:

United States Treasury Bills (T-Bills)
Borough of Beachwood or Other Municipal Bonds or Notes
Commercial Bank Deposit and Certificates of Deposit (CD's)
Repurchase Agreements
Investments in Savings and Loan Association
United States Government Agency and Instrumentality
Obligations
MBIA – Class Fund
State of New Jersey Cash Management Fund
School District Obligations

D. DEFINITION OF ACCEPTABLE COLLATERAL AND PROTECTION OF BOROUGH ASSETS:

All designated depositories must conform to all applicable State statutes concerning depositories of Public Funds.

All depositories shall obtain the highest amount possible F.D.I.C. and/or F.S.L.I.C. coverage of all Borough assets (Demand and Certificate of Deposit).

Collateral will be required for all deposits and investments of the Borough, except for those in the State Cash Management Fund, collateral must have a market value of not less than 100 percent of all deposits and investments.

For pledges by depositories on Borough Funds, the following securities will be considered acceptable for pledges:

- a. Any security backed by the U.S. Government

- b. Any direct obligation of any taxing authority within the Borough of Beachwood
- c. Real Estate Mortgage Loans for Real Estate property located within the Borough of Beachwood market area. Pledges of Real Estate Mortgage Loans shall be maintained at a market value of 115 percent of deposits.
- d. All pledges of Collateral must be indicated on an advice copy of the investment instrument which shall be forwarded to the Chief Financial Officer/Treasurer.

E. COMPENSATING BALANCE AGREEMENTS:

Where compensating balances are used to offset bank expenses, an agreement between the bank and the Borough shall be executed, specifying the charge for each service.

F. REPORTING PROCEDURES:

The Chief Financial Officer shall prepare for the Business Administrator of the Borough of Beachwood the following investment reports:

MONTHLY REPORTING: A detailed listing of all investments purchased in the prior month, specifying the amount, interest percent per annum, number of days, period of investment and maturity date, interest amount at maturity and financial institutions with which investment is placed. This report shall be broken down by fund.

The Treasurer shall prepare a schedule of outstanding investments for the independent auditors as of December 31st of each year and at other such times as required by the auditors.

The Chief Financial Officer/Treasurer shall also periodically provide analysis of average daily balances in interest bearing checking account vs. other investment vehicle potential.

All such reports may include a comparison of current investment income vs. forecast, prior year or market conditions.

G. DIVERSIFICATION REQUIREMENTS:

The Chief Financial Officer/Treasurer shall closely examine investments to guard against the effects of a financial institution going into default. This may be accomplished through the practice of spreading the investments around in various designated official depositories.

H. MAXIMUM MATURITY POLICY:

Investments shall be limited to a maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of regulation promulgated by either the Federal or State Governments.

I. INVESTMENT PROCEDURES:

Bids for Certificates of Deposit will be solicited from at least three (3) designated depositories only if the amount is \$100,000 or greater.

Telephone bids will be solicited from designated depositories by the Chief Financial Officer/Treasurer or designated staff member.

The depository shall specify the principal amount of investment bid on, interest rate and number of days used to calculate the interest to be paid upon maturity.

Interest paid shall be from the date the bid was awarded to the day of maturity.

All bidders may request the results of the bid after the bid is formally awarded.

A check or wire transfer of funds will be made available to the winning bidder on the same business day the bid is awarded.

Each quotation shall be documented to record the date and time of quote, the parties in the discussion, the instrument(s), maturities and rates. A bid form of the Township may be used.

J. RETURN ON INVESTMENT:

Where the return on a proposed investment does not exceed the cost of making said investment by a minimum amount the Chief Financial Officer/Treasurer will not make the investment. The Chief Financial Officer/Treasurer shall have the discretion to award an investment to the bank wherein the funds reside, should that bank's quoted rate be less than other quoted rates received in the event that the differential in interest rates is less than 25 basis points, and providing that the term of the investment is less than fifteen (15) days.

K. CONTROLS:

When possible, the internal controls should provide for a separation of the investment placement functions and the accounting activity. Controls must be designated for telephone orders, wire transfers and securities safekeeping. Only specifically designated personnel shall be allowed to conduct this part of the transactions, and all activity should be subject to immediate written confirmation by the designated depository. The Chief Financial Officer/Treasurer shall review each day's activity.

L. BONDING:

Staff members of the Borough of Beachwood shall be covered by a Public Employee's Faithful Performance Bond with the Municipal Joint Insurance Fund.

M. COMPLIANCE:

The Cash Management Plan of the Borough of Beachwood shall be subject to the annual audit conducted pursuant to N.J.S. 40A:5-4.

N. The Official charged with the custody of the monies of the Borough of Beachwood shall deposit them as designated by the Cash Management Plan and shall thereafter be relieved of any liability or loss of such monies due to the insolvency or closing of any depository designated in the Cash Management Plan pursuant to N.J.S. 40A:5-2.

O. Where a conflict exists between this Cash Management Plan and State statute, the applicable State statute shall apply.

P. AFFORDABLE HOUSING DEVELOPMENT FEES

All development fees collected pursuant to the Borough of Beachwood Affordable Housing Development Fee Ordinance will be placed in an account established pursuant to the Cash Management Plan and known as the Affordable Housing Trust Fund. No money shall be expended from the account unless the expenditure conforms to the Development Fee Ordinance, a Spending Plan approved by the Council on Affordable Housing, and the conditions set forth in N.J.A.C. 5:94-6.16(a). The depository holding the Affordable Housing Trust Fund will sign a statement so as to recognize the necessity of compliance with the conditions placed upon the Borough's Chief Financial Officer by this paragraph.

If and when COAH deems it necessary to access the account or freeze expenditures from said account, the depository by signing this agreement agrees to comply with such instructions from COAH upon receiving official notice from its Executive Director.

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

**RESOLUTION
#2008-406**

WHEREAS, there exists on file in the Finance Office outstanding checks in various Borough Accounts; and

WHEREAS, the following is a list of outstanding amounts for these accounts:

General Capital Fund	\$300.00
General Trust Fund	\$279.62

WHEREAS, cancellation of these amounts would provide for a more accurate and efficient means of maintaining the Borough's records; and

WHEREAS, the Borough Chief Financial Officer recommends that these items be cancelled from the Borough records.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Beachwood that these outstanding amounts be cancelled from the Borough records.

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

**RESOLUTION
#2008-407**

RESOLVED by Mayor and Council to approve the DOP permanent title following certification of Equipment Operator for:
Jeffrey Clayton – David B. Roche – Lance P. Starmer

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

RESOLUTION

#2008-408

AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00010 TO LIEN HOLDER CCTS TAX LIENS I IN THE AMOUNT OF \$ 1507.38 PLUS A PREMIUM OF \$8000.00

WHEREAS, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 2.31 Lot 3, also known as 111 Spar Avenue, for 2007 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-00010, was sold to Edison Tax Services with a 0% redemption fee and a premium of \$8000.00; and,

WHEREAS, property owner Glenn Evans has effected redemption for certificate # 07-00010 in the amount of \$1507.38.

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 \$1507.38, payable to Edison Tax Services, LLC, 1350 Liberty Place, Hillside, NJ 07205, for the redemption of Tax Sale Certificate #07-00010 and refund of the premium

Motion: Roma Second: Clayton
 Approved: Clark – Clayton – Feeney(Arrived 7:10) – Komsa – Roma - Verga
 Opposed:
 Abstain: Absent:

#2008-409

RESOLVED by Mayor and Council to authorize the Tax Collector to impose liens for Clean Up as per itemized billing attached for the following properties:

85 Locker Street	\$ 289.96
132 Windward Ave.	\$ 1,103.44
141 Neptune Ave.	\$ 1,031.02

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

TO: Mayor & Governing Body

FROM: Jeanette Larrison, Tax Collector

RE: Authorization to bill property owners for clean-up

DATE: October 28, 2008

Attached please find invoices for several properties which have been cleaned up by our Public Works department pursuant to the procedure outlined in Borough Ordinance 3-2-3.

I am requesting the Council, by resolution certify the amounts listed on the invoices and authorize me to bill the property owners.

Thank you.

TO: NANCY DEFALCO, CODE ENFORCEMENT

FROM: CLIFFORD SCHIEL, ASST. SUPERVISOR PUBLIC WORKS

SUBJECT: PRIVATE PROPERTY CLEAN UP

DATE: 11/17/2008

CC: JEANETTE LARRISON, TAX COLLECTOR

INVOICE X AS PER YOUR REQUEST BELOW ARE THE COSTS ASSOCIATED WITH THE CLEAN-UP
OF: 85 LOCKER ST.

<u> 8 </u> Laborer/Operator	@ \$14.37 per hr. =	\$ 114.96
<u> 0 </u> Use of Dump truck	@ \$80.00 per day. =	\$ 0
<u> 0 </u> Use of Machine	@ \$290.00 per day =	\$ 0
<u> 1 </u> Use of Weedwacker	@ \$50.00 per day =	\$ 50.00
<u> 0 </u> Use of Pole Pruning Saw	@ \$85.00 per day =	0
<u> 0 </u> Logs/Stumps Recycling fee	@ \$34.00 per ton =	\$ 0
<u> 0 </u> Trash, Landfill fees	@ \$81.16 per ton =	0
Administrative /Fuel costs/Misc.	@ \$75.00 =	\$75.00
Other Hedge trimmer	@ \$50.00 =	<u>\$50.00</u>
TOTAL		\$ 289.96

INVOICE_x_ As per your request below are the costs associated with the clean-up of: 132 Windward Ave

__32__ Laborer/Operator	@ \$14.37 per hr. =	\$ 459.84
__1__ Use of Dump truck	@ \$80.00 per day. =	\$ 80.00
__1__ Use of Machine	@ \$290.00 per day =	\$ 290.00
__2__ Use of Weedwacker	@ \$50.00 per day =	\$ 100.00
__0__ Use of Pole Pruning Saw	@ \$85.00 per day =	0
__2.9__ Logs/Stumps Recycling fee	@ \$34.00 per ton =	\$ 98.60
__0__ Trash, Landfill fees	@ \$81.16 per ton =	0
Administrative /Fuel costs/Misc.	@ \$75.00 =	\$75.00
Other		<u>0</u>
TOTAL		\$ 1,103.44

INVOICE_x_ As per your request below are the costs associated with the clean-up of: 141 Neptune Ave

__32__ Laborer/Operator	@ \$14.37 per hr. =	\$ 459.84
__1__ Use of Dump truck	@ \$80.00 per day. =	\$ 80.00
__1__ Use of Machine	@ \$290.00 per day =	\$ 290.00
__2__ Use of Weedwacker	@ \$50.00 per day =	\$ 100.00
__0__ Use of Pole Pruning Saw	@ \$85.00 per day =	0
__.77__ Logs/Stumps Recycling fee	@ \$34.00 per ton =	\$ 26.18
__0__ Trash, Landfill fees	@ \$81.16 per ton =	0
Administrative /Fuel costs/Misc.	@ \$75.00 =	\$75.00
Other		<u>0</u>
TOTAL		\$ 1,031.02

Ordinance
#2008-22

Final Reading – Public Discussion - Adoption

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER II OF THE BOROUGH CODE AS IT AFFECTS THE LENGTH OF SERVICE AWARDS PROGRAM (L.O.S.A.P) COST OF LIVING ADJUSTMENT AND POINT SYSTEM

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

LaCrosse
Forecastle Commented on LOSAP and the Fire Company.

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

RESOLUTION

#2008-410 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-22as held for public discussion.

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

CORRESPONDENCE NONE

REPORTS:

Mayor Jones Proposed the following

RESOLUTION:

#2008-411 **WHEREAS**, the Barnegat Bay-Little Egg Harbor estuary is located along the coast within the Atlantic Coastal Plain, and covers an area of ~1,730 km2 almost entirely within Ocean County, the second largest county in the State of New Jersey;

WHEREAS, the Barnegat Bay-Little Egg Harbor estuary and its watershed contains a diversity of habitats, ranging from open water, intertidal mudflats, back-bay beaches, and coastal dune communities to freshwater rivers, streams, lakes and wetlands, to upland scrub and forest habitats, to agricultural and other developed lands;

WHEREAS, the estuary and surrounding watershed include both distinctive wetlands, such as the State's largest eelgrass beds, and uplands, such as large contiguous portions of the Pine Barrens, which are home to unique plant (e.g., bog asphodel, swamp pink) and animal (e.g., Pine Barrens tree frog, Pine snake) species;

WHEREAS, estuarine ecosystems such as the Barnegat Bay-Little Egg Harbor Estuary are among the most productive habitats on earth and provide vital spawning, nursery, and feeding grounds for recreationally and commercially important fishes and shellfishes;

WHEREAS, estuarine systems such as the Barnegat Bay-Little Egg Harbor Estuary provide critical and often overlooked services such as sediment trapping, storm-surge protection, and water quality protection;

WHEREAS, the Kirkwood-Cohansey aquifer underlying the watershed is critical to maintaining the ecological integrity of the Barnegat Bay-Little Egg Harbor estuary and its surrounding watershed;

WHEREAS, the Barnegat Bay-Little Egg Harbor estuary and its watershed encompass the 33 municipalities in Ocean County and most of four municipalities in Monmouth County, with a total resident population of over 500,000 that nearly doubles with tourists during the summer;

WHEREAS, the Barnegat Bay-Little Egg Harbor estuary and watershed have been long recognized for their great aesthetic, historical, economic, and recreational value, and support a thriving tourist industry valued at \$3.3 billion in 2007;

WHEREAS, the Barnegat Bay-Little Egg Harbor Estuary and its surrounding watershed are experiencing an array of human impacts such as; development, non-point source pollution, and climate change that threaten its ecological integrity;

WHEREAS, the impacts of these and other human-related activities have resulted in eutrophication and other ecosystem changes and contributed to substantial declines in submerged aquatic vegetation (SAV), significant decreases in abundance of fishes and shellfishes, increased occurrences of harmful algae (e.g., brown tide) and nuisance species (e.g., jellyfishes);

WHEREAS, the Barnegat Bay-Little Egg Harbor Estuary was designated as a National Estuary Program site by the United States Congress under Section 320 of the Clean Water Act on July 10, 1995 and included as part of the Jacques Cousteau National Estuarine Research Reserve by the National Oceanic and Atmospheric Administration in 1997;

WHEREAS, the 2002 Barnegat Bay Comprehensive and Conservation Management Plan (CCMP) and its 2008-2011 Strategic Plan outline action items to restore, maintain, protect and enhance the natural resources and traditional uses of the Barnegat Bay-Little Egg Harbor Estuary;

WHEREAS, the Barnegat Bay National Estuary Program, the Jacques Cousteau National Estuarine Research Reserve and their key agency, academic and other partners (including the *United States Environmental Protection Agency, New Jersey Department of Environmental Protection, Ocean County Board of Chosen Freeholders, Ocean County College, Ocean County Soil Conservation District, United States Geological Society, United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Natural Resource Conservation Service, Rutgers University, Monmouth University, Georgian Court University*) are committed and engaged in addressing these

complex issues in a coordinated manner towards improving water habitat quality in the Barnegat Bay-Little Egg Harbor Estuary;

WHEREAS, the Barnegat Bay National Estuary Program and the Jacques Cousteau National Estuarine Research Reserve, through their research, education and stewardship programs, have identified strategies to address the pressing issues facing the estuary;

WHEREAS, implementation of these strategies to address the complex issues facing the Estuary will require substantial dedicated state and local funding support;

THEREFORE BE IT RESOLVED, that the New Jersey State Assembly and Senate will conduct joint hearings on the state of the Barnegat Bay-Little Egg Harbor Estuary, review the strategic priorities to restore and maintain the water and habitat quality of the estuary, and thus protect the traditional uses and economic benefits provided by the estuary and its adjoining watershed to the State of New Jersey.

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

Councilmembers:

Reports:	
Mayor	No voice
Clark	No report
Clayton	Mr. Oris will report on the First Aid this evening. In touch with Mr. Murante just about every day since they've been trying to demolish the building. Congrats to Feeney Komsa on election . Will be talking about artist display for next meeting.
Feeney	Thanked all residents for their support.
Komsa	Congratulations to Mr. Feeney on re-election. Look forward to working next three years. Thanked all who supported. Recreation still sponsoring holiday collection box for military. Deadline 11/14 for troops. For kids mid December. Congrats Recreation and Public Works for work on bon-fire. Re: Program of State - Municipal Energy Audit Program. Program up and running. State pays 75% and we pay the other 25%. Will be working with Mr. Oris on this. Nov. 11th Veterans Day. Marine Corp Birthday 11/10.
Roma	Congrats to Mr. Feeney and Mr.Komsa.
Verga	No Report

Attorney	No Report
Oris	Working with Mr. Murante relative to status of First Aid Building. Will be working on an action plan. Will move swiftly.

Municipal Clerk:

RESOLUTION

#2008-410

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

Date:	November 14 - Mayor Ronald W. Jones Jr. (See Attached)
Location:	Foresgate Country Club – Monroe N.J.
Subject:	Impact of COAH and Efforts to Streamline Government
Cost:	\$55 (\$10 Cancellation Fee)
Vehicle:	Not requested.

Date:	November 24 – 26 Ptlmn. Frank Mellillo
Location:	Gloucester County Police Academy
Subject:	Field Training Officer
Cost:	\$60
Vehicle:	Yes

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

#2008-411 RESOLUTION AURTHORIZING 2008 BUDGET TRASFERS

WHEREAS, transfers are permitted between budget appropriations during the last two months of the fiscal year:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Beachwood in the County of Ocean, New Jersey, that transfers between 2008 Budget Appropriations is made as follows:

Account No.	Title	From	To
8-01-20-155-233	Legal – Foreclosed Property	7,000.00	
8-01-30-416-020	Salary & Wage Adjustment	10,000.00	
8-01-32-465-167	Garbage & Trash Disposal	37,500.00	
8-01-23-220-234	Employees Group Insurance	11,500.00	
8-01-31-460-020	Gasoline and Oil		34,000.00
8-01-43-490-010	Municipal Court – Salary & Wages		9,000.00

Total 54,500.00

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

RESOLUTION

#2008-412 WHEREAS, an application has been filed for a Person-to--Person Transfer of Plenary Retail Consumption License Number 1504-44-002-002 , heretofore issued to McCullough Inc (T/A) Sawyers Liquors for premises located at 336 Atlantic City Blvd., Beachwood, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Beachwood hereby approves, effective November 5, 2008, the transfer of the aforesaid Plenary Retail Consumption License to Shree Smeet LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows:

“This license, subject to all its terms and conditions, is hereby transferred to Shree Smeet LLC effective November 5, 2008“

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

PUBLIC DISCUSSION:

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

Schiffermiller – Windward	<p>Congrats to Feeney - Komsa and Woodward and Clark. for campaign Re: LOSAP - still to understand that First Aid is not included.</p> <p>Mr. Feeney – When we did the original program with interlocal agreement with Pine Beach First Aid it prohibited us at that time. Our first order of business is to get the building up. Our next order of business to make sure that Pine Beach, will agree that the benefits are there for the volunteers and get on board the LOSAP program.</p>
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Murante – Tiller	<p>First Aid Building – Met last meeting, thought things were straightened out. We had a meeting set up with the State. How people found out about it. Very intimidating. Things getting confused. Would like to ask Council - we don't need all this involved. Lets get this cleaned up. We told the Environmental Committee they are not involved with it, yet members still show up. Asking people to back down so they can resolve. Committee knows everything going on.</p>
LaCrosse – Forecastle	<p>Concern about Political signs on Public property. Showed picture taken day of election. An 8 x 4 sign Welsh Farms exceeds limit. Tax Map shows corner area is Borough property. Upset that people who sit on dais, make up rules for people to follow, but refuse to follow themselves. Re: Water - received flyer in mail showing tub with brown water. Photo came from 400 Block of Tiller Ave. Tub looks identical to older flyer. Asked who owned tub. Mrs. Clark noted she did.</p> <p>Did parents ever call about water conditions. (Yes) Did you call this year (Not 2008) Did you do it last year. Terrible that we have to go through campaigns like this. When we start bringing children into the forefront of these campaigns and doing something like this, it gives Beachwood a bad name. Council went through agenda there was no vote in objection. Good to see they can work together. We know where the abrasiveness is coming from and where the law suits are going. Making Beachwood look bad. Congratulations to Mr. Feeney and Mr. Komsa on fine campaign.</p>
Jansen - Mizzen Ave	<p>Congrats to Mr. Feeney and Mr. Komsa. Re: Literature (Tub) has Neighbor on Mizzen Ave has toilet that looks like flyer. Saw literature at home. That's what is coming out of her water. Tried to explain to neighbor. Things do happen. Things have to be done about the water. Ashamed of the way the campaign went this year. Was one of the lucky ones, didn't get the many obnoxious calls. Neighbors upset with slander and things stated in recordings. As a result of that, she is resigning as a Republican and becoming a Democrat. Republicans should be embarrassed at what they did during this campaign. They used slander of the nonsense that has been going on in these meetings as their platform. They didn't use, taxes, schools or promise anything to make Beachwood better. They talked about the nonsense going on at these meetings.</p>
Solowynsky Cable Ave	<p>Was a Democrat changed to Republican. Town was wonderful until a few people came in to bully the town and take over the town. Do not know what the problem is with these people's water. It has to stop now. The people voted, they wanted Beachwood back and we got it back.</p>
Balazinski - Halliard Ave	<p>Re: Wind Turbines - saw a cylindrical one - stack - kicks up more energy . You might consider.</p> <p>Re: Tub situation. To Mrs. Clark – was present at your home....</p> <p>Mrs. Clark – Took that picture before I decided to vote. To: Mr. Hierung, on advise of her personal attorney, I was instructed not to speak.</p>

	<p>Balazinski – Provided explanation of his understanding of the circumstances of the flyer. Commented on statement on flyer.</p>
<p>Bucca - Neptune Ave</p>	<p>Explained his belief of campaign. Congratulated Mr. Feeney and Mr. Komsa. Commended Woodward and Clark on campaign. Was not involved in this campaign. Explained why he supported Feeney and Komsa. Reason for support was nepotism. Didn't care for it. Wasn't involved because Mr. Komsa and Mr. Feeney – did not do double dipping and no nepotism. Last year a problem, next year will be a bigger problem. The biggest. There will be a lot of things coming out. Things from peoples past. You can laugh. I have lots of friends in the Peter Rodino building. People want to send FBI people to my house. There are gonna be a lot of problems next year. Lots. No it's not threats. I got threatened by the FBI, that my wife had a paid job., when she was a volunteer. There will be lots and lots of problems. When I was in line (voting) if you are not a resident of this town are you allowed to vote.? Person used to live at 1536 Mizzen Ave, Paul Minialga, doesn't live there, but he voted there.</p> <p>Mrs. Clayton: Explanation of how some voters who moved can vote at the Beachwood address.</p>
<p>Balazinski</p>	<p>Comments on statements concerning FBI. Not sure how to explain the arrogance of some people who think they have authority over the FBI. No one can tell the FBI what to do, including the gentlemen who just spoke.</p>
<p>DiBella Halliard Ave</p>	<p>Congratulated Mr. Feeney – Mr. Komsa on victory. Well deserved. Do members of Council have any identification as members?. Sign ordinance - banners prohibited. Can't have members of planning board violating simple codes. Must be addressed by code enforcement or police. To Attorney believes this body was threatened by an individual who has friends at the Peter Rodino building, and the consequences. Does not take lightly to being threatened by a convicted criminal. Comments on police reports filed. If council files a report against the Mayor for something happening over a period of 5 times, thinks there needs to be answers. Public should know when member of governing body has charges filed against them. Comment on flyer language about Sewerage Authority surplus. Promising money back because there is a surplus. Absurd. About flyer of tub, picture this year and last year water in tub notably darker.</p>
<p>Clark; R Tiller Ave</p>	<p>? Re: Police reports - On record ? Would like governing body to discuss how his police report left the police department. Would like you to discuss the Borough Clerk and the Police Department. I have all OPRA reports stating that the Police did not let it go, the Municipal Court did not release it, the County Court did not release it, the County Prosecutor did not release it. An actual detectives report, which by law, cannot be released from this building, was released, including my social security number. Confronted Mr. Komsa at Quick Check, Residents complained that when Feeney, Komsa and Roma visited homes and advised residents he was a pedophile.</p> <p>Mr. Feeney; Did not happen.</p>

Mr. Clark: Where are the 55,000 job that if Bob and I are elected we would give to the Mayor (your literature) Where are the two jobs (\$30,000) that I hold with the Borough. Talk about low. When things leave this Police Department that get handed out – that’s low.

In January, requested answer about Sewerage Authority from Attorney. Still waiting for that interpretation.

Again when you go into Executive Session I want you to discuss how a Detectives report, which is not part of OPRA request, wound up in the hands of an opponent and wound up being blasted all over Beachwood.

DiBella: Commented on how the request was processed. A Right to Know request was processed to the Borough Clerk.

PUBLIC DISCUSSION:

To Close

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:

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

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

Re-Open

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

ACTION RESULTING FROM EXECUTIVE SESSION - CONTRACTUAL Council discussed the proposed agreement for Professional Services in connection with Project Management for the First Aid Building by CMX.

#2008-413 RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and CMX for Project Management Services – First Aid Building not to exceed \$34,000.00

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

TO ADJOURN

Motion: Clayton Second: Roma
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