

December 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.



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:

Beverly Clayton
Gregory Feeney

Steven Komsa
Ronald Roma
Bonnie Verga

Absent: Katina Clark

A total of 10 minutes has been allocated under Borough Code 2-6.9 for the public discussion by individuals. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda. Citizens must give their name and address when recognized to speak. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.

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

Special Presentation: House Decorating Contest Awards -

Third Place Tie - 1128 Pacific Ave
737 Cable Ave



Second Place - 708 Surf Ave.



First Place Winner - 1120 Pacific Ave



TO RECESS:

Motion: Roma Second: Verga
Approved: Clayton – Feeney – Komsa – Roma – Verga

RE-OPEN

Motion: Verga Second: Roma
Approved: Clayton – Feeney – Komsa – Roma – Verga

Special Presentation: Mr. Frank Scarantino – Ocean County Engineering – Re: Proposed Birch Street Bridge Construction.

Special Presentation: League of Women Voters – To Mayor on behalf of the signing onto the U.S. Mayors Climate Protection Agreement and pledging to make the Borough of Beachwood a Cool City. Presentation preceded Resolution endorsing U.S. Mayors’ Climate Protection Agreement. #2008-465

RESOLUTION

#2008-451 RESOLVED by Mayor and Council to approve the 2008 Certified Bills List in the amount of **\$2,152,189.29**

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

RESOLUTION

#2008-452 RESOLVED by Mayor and Council to approve the minutes of the December 3rd Meeting of Mayor and Council.

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

RESOLUTION

#2008-453

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

2009		Community Center		
January	24	Finley	Rental:	\$350
		716 Spar Ave	Deposit:	\$500
		Beachwood		
April	26	Cottrell	Rental:	\$350
		26 Maple St.	Deposit:	\$500
		Beachwood		
May	10	Republican Club of Beachwood	Rental:	\$WAIVE
		P.O. Box 252 – Beachwood	Deposit:	\$WAIVE
September	12	Murray	Rental:	\$350
		844 Windward Ave	Deposit:	\$500
		Beachwood		
September	13	Republican Club of Beachwood	Rental:	\$WAIVE
		P.O. Box 252 – Beachwood	Deposit:	\$WAIVE
2010		COMMUNITY CENTER		
May	09	Republican Club of Beachwood	Rental:	\$WAIVE
		P.O. Box 252 – Beachwood	Deposit:	\$WAIVE
2010		MAYO PARK		
September	19	Republican Club of Beachwood	Rental:	\$WAIVE
		P.O. Box 252 – Beachwood	Deposit:	\$WAIVE

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

RESOLUTION #2008-454

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE CLOSEOUT AND RELEASE OF PERFORMANCE BOND FOR THE CHLORINE CONTACT PIPE CONTRACT WITH EAGLE PAVING CORPORATION

WHEREAS, the Borough of Beachwood previously awarded a contract to Eagle Paving Corporation for the chlorine contact pipe contract in the original amount of \$119,340.00; and

WHEREAS, the contractor has now requested the performance bond release and closeout of the contract with the Borough; and

WHEREAS, the Borough Engineers, CMX, have reviewed said request and recommended the same for closeout and further recommended the release of the Performance Bond upon the submittal and acceptance of the required two (2) year Maintenance Bond in the amount of \$13,706.19; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed said closeout documents relative to the chlorine contact pipe contract and are recommending approval of the contract closeout, performance bond release and acceptance of the two (2) year Maintenance Bond issued by Colonial Surety Company under Bond Number CSC-214734M in the amount of \$13,706.19 running for a period of two (2) years.

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

1. That the Borough Council of the Borough of Beachwood hereby approves the contract closeout, Performance Bond release and acceptance of the two (2) year Maintenance Bond in the amount of \$13,706.19 issued by Colonial Surety Company for the chlorine contact pipe replacement project.
2. That upon adoption of the within Resolution the Clerk is authorized and directed to forward a certified copy of it to the Borough Administrator, the Borough Engineers, the Borough Treasurer and Eagle Paving Corporation.

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

RESOLUTION

#2008-455 RESOLVED by Mayor and Council to approve the request for Conference Training Seminar

Date:	Jan. 13-20-27 Feb. 3-10-17-24 Mar. 3-10-17-24-31 Elizabeth Sarantinoudis
Location:	Rutgers – New Brunswick
Subject:	Preparation of Annual Financial Statements
Cost:	\$876
Vehicle:	Yes

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

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

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

Opposed:
Abstain: Absent: Clark

RESOLUTION

#2008-456 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-17 as presented and held for public discussion .

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

ORDINANCE

#2008-24 SECOND READING – PUBLIC DISCUSSION – ADOPTION -

ORDINANCE OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING REVISED DEVELOPMENT FEE ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING

OPEN TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

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

NO QUESTIONS

CLOSE TO PUBLIC DISCUSSION THIS ORDINANCE ONLY

Motion: Roma Second: Clayton
Approved: Clayton – Feeney – Komsa – Roma - Verga
Opposed:
Abstain: Absent: Clark
Attorney Cipriani: Recommending amendment that will not change the ordinance. Paragraph 10 addressing Fair Share.

RESOLUTION: To approve the amendment as noted.

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

RESOLUTION

#2008-457 RESOLVED by Mayor and Council to approve and adopt Ordinance #2008-24 as presented and held for public discussion and amended Paragraph 10.

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

RESOLUTION
#2008-458

RESOLVED by Mayor and Council to **AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00006 TO LIEN HOLDER CCTS TAX LIENS II LLC IN THE AMOUNT OF \$190.83**

WHEREAS, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 2.02 Lot 6, also known as 254 Ensign Avenue, for 2007 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-00006, was sold to CCTS Tax Liens II, LLC with a 0% redemption fee; and,

WHEREAS, property owner, John Bell has effected redemption for certificate # 07-00006 in the amount of \$190.83.

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 \$190.83 payable to CCTS Tax Liens II, LLC, 141 Shreve Ave, Barrington, NJ 08007, for the redemption of Tax Sale Certificate #07-00006

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

RESOLUTION
#2008-459

RESOLVED by Mayor and Council to **AUTHORIZE REFUND OF REDEMPTION MONIES FROM LIEN #07-00038 TO LIEN HOFFMAN JOSEF IN THE AMOUNT OF \$ 250.85**

WHEREAS, at the Municipal Tax Sale held on October 3, 2008, a lien was sold on Block 8.56 Lot 8, also known as 1519 Windward Avenue, for 2007 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #07-00038, was sold to Hoffman Josef with a 0% redemption fee; and,

WHEREAS, property owner, Michael DelVirginia has effected redemption for certificate # 07-00038 in the amount of \$250.85

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 \$250.85, payable to Hoffman Josef, 326 Shady Lane, Trenton, NJ 08619, for the redemption of Tax Sale Certificate #07-00038

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

RESOLUTION
#2008-460

RESOLVED by Mayor and Council to approve the cancellation of Taxes on Block 5.04 Lot 01 as tax exempt (Borough owned).

WHEREAS, the Borough of Beachwood has acquired Block 5.04 Lot 1, also known as property address 800 Locust Road, on October 16, 2008; and

WHEREAS, taxes for the 4th quarter 2008, remain open and owing, in the amount of \$376.10; and

WHEREAS, the 2008 4th quarter tax installment in the amount of \$376.10 shall require cancellation and the parcel shall be exempted on the 2009 tax list.

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

The Tax Collector is directed to cancel taxes as follows as follows:
2008- \$376.10 The parcel is exempted on the 2009 tax list.

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

RESOLUTION

#2008-461 RESOLVED by Mayor and Council to AUTHORIZE REFUND OF TAX OVERPAYMENTS FOR BLOCK 1.55 LOT 1, BLOCK 2.01 LOT 6.01, BLOCK 2.35 LOT 3, BLOCK 9.31 LOT 2, BLOCK 10.05 LOT 8, BLOCK 10.21 LOT 5, BLOCK 11.28 LOT 7 AND BLOCK 11.31 LOT 2

WHEREAS, First American Real Estate Tax Services has made payment for the 2008, 3rd quarter installments for Michael & Priscilla Mandica, Block 1.55 Lot 1, 249 Ship Avenue in the amount of \$943.72, Jeffrey Baker, Block 2.01 Lot 6.01, 204 Admiral Avenue in the amount of \$962.52, Joseph Rotella, Block 2.35 Lot 3, 235 Pennant Avenue in the amount of \$233.75, Rocco & Phyllis Femano, Block 9.31 Lot 2, 1145 Neptune Avenue in the amount of \$1,092.59, Francis & Amanda Bentivegna, Block 10.05 Lot 8, 1006 Longboat Avenue in the amount of \$1,189.92, Emil & Justine Kotchessa, Block 10.21 Lot 5, 929 Windward Avenue in the amount of \$872.22, Robert Johnson, Block 11.28 Lot 7, 316 Longboat Avenue in the amount of \$402.59 and Robert Gere, Block 11.31 Lot 2, 300 Neptune Avenue in the amount of \$1,053.41; and,

WHEREAS, 2008, 3rd quarter installments were duplicated by First American Real Estate Tax Services and;

WHEREAS, First American Real Estate Tax Services 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:

1. The Tax Collector is directed to process a refund in the amount of \$6,750.72 for the total overpayment of 2008, 3rd quarter taxes.

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

#2008-462 WHEREAS on September 17th, 2008 under Resolution #334 approval was given for rental of the Community Center by Thorval Hamness, 248 Compass Avenue Beachwood, for a February 8th 2009 rental, noting all resident fees were posted(\$850) ; and

WHEREAS on December 11, 2008, written notice of cancellation was received, subjecting the applicant to a fee of \$125.

NOW, THEREFORE, BE IT RESOLVED, to authorize a refund of \$725 to Thorval Hamness, 248 Compass Avenue Beachwood, said refund reflecting a cancellation fee of \$125.

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

RESOLUTION #2008-463 PROPOSED BY COAH ATTORNEY FOR COUNCIL CONSIDERATION
Resolution of the Borough of Beachwood Requesting Review and Approval of Municipal Affordable Housing Trust Fund Spending Plan

WHEREAS, the Borough of Beachwood received approval from the Superior Court of New Jersey of its development fee ordinance and has been certified by the same has having met all affordable housing obligations through the second round; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units.

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;

9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.
12. WHEREAS, the Borough of Beachwood has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.
13. NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Beachwood, County of Ocean requests that COAH review and approve the Borough of Beachwood's spending plan.

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

RESOLUTION

#2008-464 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, County of Ocean, State of New Jersey , that transfers between 2008 Budget Appropriations is made as follows:

Account:	From	To Account	Title	Amount
8-01-25-240-020	Police Other Exp.	8-01-25-242-020	Police Vehicle Acquisition	\$12,591.00
8-01-25-249-919	Police Salary/Wages	8-01-25-242-020	Police Vehicle Acquisition	\$10,409.00
8-01-20-100-010	General Admin S/W	8-01-20-110-010	Mayor & Council S/W	\$ 1,485.00
8-01-22-200-020	Code/Zoning Other Exp.	8-01-22-200-010	Code/Zoning S / W	\$ 300.00
8-01-28-370-020	Recreation Other Exp.	8-01-28-370-010	Recreation S/W	\$ 5.00
			Total:	\$24,790.00

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

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 - Ocean County

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

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

RE-OPEN

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

CORRESPONDENCE None

Reports:

Mayor Jones

RESOLUTION PROPOSED BY MAYOR JONES: **NON BINDING RESOLUTION** ENDORSING THE U.S. MAYORS
#2008-465 CLIMATE PROTECTION AGREEMENT

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community’s most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well—documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world’s population, is responsible for producing approximately 25 percent of the world’s global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse *gas* reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the **73rd** Annual U.S. Conference of Mayors meeting, reads:

The U.S. Mayors Climate Protection Agreement (As endorsed by the 73rd Annual U.S. Conference of Mayors meeting, Chicago, 2005)

A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;

B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that 1) includes clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and

C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:

1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
4. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
6. Purchase only Energy Star equipment and appliances for City use;
7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
10. Increase recycling rates in City operations and in the community;
11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and
12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED that The U.S. Conference of Mayors endorses the U.S. Mayors Climate Protection Agreement as amended by the **73rd** annual U.S. Conference of Mayors meeting and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED, The U.S. Conference of Mayors will work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement as amended by the **73rd** annual U.S. Conference of Mayors meeting.

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

Opposed:
Abstain: Absent: Clark

Councilmembers:

Katina Clark Absent: Mayor noted Mrs. Clarks absence due to family emergency.

Beverly Clayton Met with Architect regarding Community Center deck. First Aid contractor on site. Moving forward. Happy Holidays to all

RESOLUTION
#2008-466

RESOLVED by Mayor and Council to approve an agreement between the Borough of Beachwood and CMX for Structural Investigation of the Community Center decking not to exceed \$500.

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

Mayor Jones: Noted letter of resignation received from Robin Clayton (Recreation Commission). Commended her as a true role model for what a volunteer should be. Served the community with distinction for 15 years. Best wishes. God Bless

Gregory Feeney No report. Happy Holidays

Steven Komsa Thanked Robin Clayton for her dedication and service. Thanked Recreation for Holiday House Decorating Contest, for Tree Lighting Ceremony. Fire Company for their participation. Thanked all for their donations to our Holiday drive for National Guard. Happy Holidays

Ronald Roma Spray Avenue Drainage complete. Grading in process. Paving to follow. Water Tower project under way. Steel is on order. Alliance anticipating grant from Community Foundation to be able to provide ski trip. Information will be coming soon. Happy Holidays.

Bonnie Verga Happy, Safe Healthy Holiday.

**Municipal Attorney
William T. Hiering** Metro PCS eager to move on Antenna installation. Happy Holiday.

**Municipal Engineer
Jim Oris** Working closely with all to move First Aid project along quickly and smoothly. Contractor seems to be responsive. Hoping we will see a lot of action in short period of time.

Municipal Clerk:
RESOLUTION

#2008-467 RESOLVED by Mayor and Council to approve the agreement for Animal Control Services 2009 from A-Academy; and authorize execution.

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

RESOLUTION
#2008-468

RESOLVED by Mayor and Council to approve the agreement between the Borough of Beachwood and Remington Vernick Engineers for Professional Services on Installation Supervision of the Cellular

Antennas on the Water Storage Tank not to exceed \$7,200. (RFP's submitted in 2008 round proposal on file)

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

#2008- 469 WHEREAS on February 6th, 2008 under Resolution #66 approval was given for rental of the Community Center by Karen Kennedy 936 Longboat Ave, Beachwood, for a May 9th 2009 rental, noting all resident fees were posted(\$850) ; and

WHEREAS on December 12, 2008, written notice of cancellation was received, subjecting the applicant to a fee of \$100

NOW, THEREFORE, BE IT RESOLVED, to authorize a refund of \$700 to T Karen Kennedy 936 Longboat Ave, Beachwood said refund reflecting a cancellation fee of \$100.

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

#2008-470 WHEREAS, the Borough of Beachwood advertised Notice to Bidders for Fuel (Vehicles) on November 12, 2008 and December 16, 2008; and

WHEREAS, on both occasions notice to bidders were mailed or faxed to Hess (Portland Maine) Shell Oil (Fax) Lukoil (Moorestown N.J. and WaWa – Pennsylvania; and

WHEREAS, on both occasions the Borough did not receive any bids.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Beachwood to authorize negotiations with the existing service provider to do fleet service at the pump price less taxes.

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

Clerks Report: Advised Council she was contacted on Monday by the FBI requesting documentation and recordings of various meetings. They wanted the information expedited as quickly as possible so the Clerk advised Council she utilized Fed Ex for the delivery. The expenditure will be on the certified bills list.

PUBLIC DISCUSSION: To Open

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

Lipton
Anchor Ave: Comments on Resolution proposed by Mayor Jones. Suggested that it be referenced “Non-Binding”. Offered additional comments about concerns of resolution. Happy Holidays.

Baliziniski
1008 Halliard Ave

Comments on personal issues affecting Mayor. Question on action taken re: asbestos concerns of First Aid Building. Statement about action he had taken last winter about black ice and last spring about reporting stop sign down. He did it for the safety of public. Comments on personal issues affecting Mayor. Advised he is one of three chairmen of committee to implement Mayors' recall. Suggested Mayor step down before recall committee is formed. Did research and advised council they can have attorney bring proposal to the court noting that the Mayor is not competent to serve.

Mayor: (8:38:36)

First, since we are involved in litigation so I will not respond to comments. Second, the vast majority of your comments are self serving and fictitious and I wouldn't glorify them with a comment. Let me just say, that you definitely know that I am a witness against you in an investigation by the State Attorney Generals Office, where you have come before this council as a licensed indicating that you are a licensed contractor, you're Mr. Honest and you are not. You performed work without a license and you are subject to an investigation, so I will not give credence to what you have to say. First off in order to be a person who is to recall the Mayor, please make sure you are actually honest enough to live in town and not just use an address.

LaCrosse - Forecastle

Serious allegations made tonight and promises. Wish all happy holiday. Had report card for you, but will give you another few weeks. To Clerk about reference to FBI.

Clerk:

Just a continuation of earlier items.

LaCrosse:

Re: award received tonight. Comments on resolution enacted tonight. Concerns about establishment of commissions and what they have done. Every time we put our name on some piece of paper, we are reaching into people's lives, grabbing someone by the throat and telling them we can't do something. We have lost our freedoms. Still very concerned about giving more power to agency or authority or committee. Hope you will reign that in. At earlier meeting asked about certified mail he sent to Mayor.

Mayor:

Doesn't believe this is Borough business. Will not respond. Personal issue between you and me and will be adjudicated in a court.

LaCrosse:

Have your attorney contact me and follow the rules.

DiBella – 1008 Halliard:

Read closed session minutes and noticed appearance of redaction. Clerk could have just been problem with copy. Nothing has been redacted on that set of minutes. March 5th Executive Session appointment of substitute judge.? Explanation – from Mr. Hiering and Mrs. Verga. “Not a specific case. Request of Judge. Last meeting Alt. #2 appointment to Recreation how did that become vacant. Explantion – from Mr. Komsa. Comments on resolution proposed by Mayor. Question: In absence of Administrator, who is the acting Administrator ?

Mr. Roma: Right now, the Mayor said he was going to handle the day to day responsibilities, we don't have an “Acting Administrator”.

DiBella:

Questions to Mayor on “cancer cluster” statements. Repeated question of October 15th about texting message to Mrs. Clark about meeting him at Borough Hall. Comment on TV interview and question about running for office in 2001.

NOTATION

Periods of overlapping statements between Mr. DiBella and Mayor Jones from 8:53 to 8:59.

Comment on rights to ask any question that resident believes affects government. Comment on Mayors statements of August 20th. Comments on police reports filed by Mrs. Clark. Question, If Mayor was suspended from Brick police.? Mayor: Absolutely incorrect about that. Provided

explanation. Comments regarding “campaign reports” by Mayor Jones. Noted Council needs to authorize Attorney to file court documents asking to have Mayor unfit to serve.

Sal Murante – Tiller Ave: Regarding Mayor’s earlier statements where he stopped himself from saying he called the state on the asbestos issue. Thanked Mrs. Clayton and Mr. Oris for their help.

Bucca – Neptune Ave: Was implicated in “so called bribe”. Addressed e-mail dated 3/16/2008 from “Councilman Robert DiBella @ MSN .COM to Mike Bucca at e-mail address - read e-mail. Addressing issue of money owed from loan taken by Mr. DiBella (for business they were to enter into).

LaCrosse – Forecastle: Re: Birch Street Bridge changes and affect to Emergency Services access.

Mr. Roma: There is a contingency access for Emergency Service provided for in the project.

Various conversations taking place between audience members.

PUBLIC DISCUSSION: To Close

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

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:

The public shall be excluded from discussion of and action upon the hereinafter specified subject matter

The general nature of the subject of the subject matter to be discussed is as follows:

Contractual - Teamsters
Terms & Condition of Employment – DPW

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

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

Re-Open

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

NO ACTION RESULTING FROM EXECUTIVE SESSION

TO ADJOURN

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

Prepared by: E.A. Mastropasqua

Ronald W. Jones; Jr.
Mayor

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