

MAYOR & COUNCIL MEETING MINUTES  
 DECEMBER 7, 2022  
 BEACHWOOD MUNICIPAL COMPLEX  
 1600 PINEWALD RD.  
 7:00 PM

**CALL TO ORDER**

- Mayor Roma called the meeting to order

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

Also present were Michael McKenna, Esq. of Hiering, Gannon & McKenna, John LeCompte of Remington & Vernick Engineers Police Chief Glen DeMarco, Fire Chief Roger Hull, EMS Captain Chris Matyas and EMS Vice President & Trustee Jim Borque.

**FLAG SALUTE** led by Mayor Roma

Opening Statement and Remembrance Prayer read by Clerk Minock

**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 transmitted to the Asbury Park Press, the Star Ledger and to the Borough website on January 7, 2022. Read into record by the Municipal Clerk.

**REMEMBRANCE PRAYER**

While we pray for the safe return of our serving men and women, we must remember that servicemen and women from New Jersey have been killed in service for our country, Iraq, Afghanistan and around the world

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

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

Mayor also mentioned the anniversary of Pearl Harbor Day for the 2,403 soldiers who were killed.

**CITIZEN OF THE YEAR**

**RECREATION COMMISSIONER APPOINTMENT**

**RESOLUTION 2022-338  
 RESOLUTION AUTHORIZING BEACHWOOD BOROUGH RECREATION COMMISSIONER APPOINTMENT(S)**

RESOLVED by Mayor and Council to approve the following Commissioner of the Beachwood Recreation Commission as submitted

Commissioner(s) Darlene Hebel Alternate #1 Term to 12-31-2026

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

- Recreation Commission
- Municipal Clerk

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        | X   | X    |      |         | X      |
| <i>Councilman Feeney</i>          |        |     | X    |      |         |        |
| <i>Councilman Komsa</i>           | X      |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        |     | X    |      |         |        |

OATH OF OFFICE

- Darlene Hebel



Mayor administered the Oath of Office for Darlene Hebel as Alternate #1. Ms. Hebel gave overview of a career in retail and administrative work in a law office. Last year, Ms. Hebel began work from home and more time with her children. Ms. Hebel wants to give back to the community now having more time to do so. Ms. Hebel is looking forward to helping on the Recreation Commission. Mayor and Council thanked Ms. Hebel for her volunteerism.

BILLS AND CLAIMS

**RESOLUTION 2022-339**

**RESOLUTION AUTHORIZING THE APPROVAL OF BILLS AND CLAIMS FOR THE BOROUGH OF BEACHWOOD**

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

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

WHEREAS, the required signatures of the Department Head and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list \$1,505,943.18.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of Beachwood Borough that the voucher list submitted is hereby approved for payment in the total amount of \$1,505,943.18.

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

1. Municipal Clerk Sue Minock
2. Chief Financial Officer Jeannine Jones

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> | X      |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          |        | X   | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        |     | X    |      |         |        |

**ACCEPTANCE OF MINUTES**

**RESOLUTION 2022-340**

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVING THE BOROUGH COUNCIL REGULAR AND EXECUTIVE MEETING MINUTES**

BE IT RESOLVED that the following minutes be hereby accepted approved and filed

**MAYOR AND BOROUGH COUNCIL**

**October 19, 2022-Regular and Executive Session Minutes**

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        | X   |      |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          |        |     |      |      | X       |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           | X      |     | X    |      |         |        |

**RESOLUTION 2022-341**

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVING THE BOROUGH COUNCIL REGULAR MEETING MINUTES**

BE IT RESOLVED that the following minutes be hereby accepted approved and filed

**MAYOR AND BOROUGH COUNCIL**

**November 2, 2022-Regular Minutes**

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> | X      |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     |      |      | X       | X      |
| <i>Councilman Feeney</i>          |        |     |      |      | X       |        |
| <i>Councilman Komsa</i>           |        | X   | X    |      |         |        |
| <i>Councilman Zakar</i>           |        |     | X    |      |         |        |

**RESOLUTION 2022-342**

DECEMBER 7, 2022 MAYOR & COUNCIL MINUTES

**RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVING THE BOROUGH  
COUNCIL REGULAR AND EXECUTIVE MEETING MINUTES**

BE IT RESOLVED that the following minutes be hereby accepted approved and filed

**MAYOR AND BOROUGH COUNCIL  
November 14, 2022-Regular and Executive Session Minutes**

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> | X      |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         | X      |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         |        |
| <i>Councilman Feeney</i>          |        |     |      |      | X       |        |
| <i>Councilman Komsa</i>           |        | X   |      |      | X       |        |
| <i>Councilman Zakar</i>           |        |     | X    |      |         |        |

**CONSENT RESOLUTIONS RESO 2022-343 TO 2022-350**

**RESOLUTION #2022-343  
RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING TRAINING-  
SEMINAR-CONFERENCE ATTENDANCE**

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

**POLICE DEPARTMENT**

Dec 1-2, 2022  
Det A Altman  
Interview & Interrogation Training  
Ocean Co Police Academy – Lakewood, NJ  
\$299.00/pp  
Vehicle: Yes

Dec 16, 2022  
Sgt. A Griesemer  
Oleoresin Capsicum Instructors Course  
Monmouth Co Police Academy – Freehold  
\$75.00/pp  
Vehicle: Yes

**DPW**

Dec 15, 2022  
T Clayton, P Dukett  
Automatic Control Valves: Applications, Operation  
Hightstown Fire House – Hightstown, NJ  
\$0.00/pp  
Vehicle: Yes

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

1. Municipal Clerk Sue Minock
2. CFO Jeannine Jones
3. Police Chief Glen DeMarco
4. Asst. Director of DPW Gabriel Silva

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         | X      |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         |        |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

DECEMBER 7, 2022 MAYOR & COUNCIL MINUTES

**RESOLUTION 2022-344**  
**RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN COUNTY, NEW JERSEY AUTHORIZING COMMUNITY CENTER AND MAYO PARK RENTALS**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Beachwood to approved the following requests for the Community Center and Mayo Park

| <u>Community Center Rentals:</u> |  |  | <u>Fee</u>          | <u>Deposit</u>      |
|----------------------------------|--|--|---------------------|---------------------|
| 12-4-22                          | K Sherman – Birthday Party               |  | \$500.00            | \$500.00            |
| 1-29-23                          | L Delia – Baptism                        |  | \$500.00            | \$500.00            |
| 1-15-23                          | S Xelhua – Baby Shower                   |  | \$500.00            | \$500.00            |
| <del>11-13-22</del>              | <del>L Bruno – Baby Shower</del>         |  | <del>\$500.00</del> | <del>\$500.00</del> |
| 11-26-22                         | P Casertano – Repass                     |  | \$500.00            | \$500.00            |
| 5-21-23                          | H Walsh – Awards Dinner                  |  | \$500.00            | \$500.00            |
| 2-4-23                           | M Delaney – Birthday Party               |  | \$500.00            | \$500.00            |
| 8-19-23                          | P Gaffney – 50 <sup>th</sup> Anniversary |  | \$500.00            | \$500.00            |
| 3-25-23                          | J Cannella – 60 <sup>th</sup> Birthday   |  | \$500.00            | \$500.00            |
| 2-24-23                          | A Cabera Olivos – Birthday Party         |  | \$800.00            | \$300.00            |
| <u>Mayo Park Rentals:</u>        |  |  | <u>Fee</u>          | <u>Deposit</u>      |
| 5-27-23                          | J Pomaro – Wedding                       |  | \$200.00            | \$100.00            |
| 2-5-23                           | J Bernardino – Baby Shower               |  | \$200.00            | \$100.00            |
| 1-28-23                          | M Reed – Birthday Party                  |  | \$200.00            | \$100.00            |

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to provide copies to the following:

1. Municipal Clerk Sue Minock
2. CFO Jeannine Jones

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         | X      |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         |        |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

**RESOLUTION #2022-345**  
**RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING CHANGE OF DATE FOR A COMMUNITY CENTER RENTAL**

WHEREAS, the Community Center Rental Applicant, Mohammed Tejwantie, received approval on October 19, 2022 under resolution 2022-323 for a date change from December 10, 2022 to May 27, 2023 in agreement with conditions and terms of the contract; and

WHEREAS, said applicant needs to change the rental date from May 27, 2023 to August 12, 2023 while fully aware of the \$50.00 rescheduling fee;

NOW THEREFORE BE IT RESOLVED by Mayor and Council to approve the following: rescheduling of Community Center rental contract for Mohammed Tejwantie to August 12, 2023 under Purchase Order 21-02047.

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

1. Susan A. Minock, Municipal Clerk

2. Jeannine M. Jones, Chief Financial Officer

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

RESOLUTION 2022-346

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING A FULL REFUND OF THE DECEMBER 4, 2022 COMMUNITY CENTER RENTAL FEE TO GEORGE COTTRELL IN THE AMOUNT OF \$1,000.00

WHEREAS the following refund(s) as shown:

- Community Center full rental fee refund of \$1,000.00 due to and emergent cancellation for the baby shower of George Cottrell on December 4, 2022.

NOW, THEREFORE BE IT RESOLVED to the Borough of Beachwood Mayor and Council authorize said refund in the amount of \$1,000.00 due to an emergent cancellation for the rental of the Community Center of the Borough of Beachwood scheduled to be held on December 4, 2022 by George Cottrell.

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

- Sue Minock, Municipal Clerk
- Jeannine Jones, Chief Financial Officer

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

RESOLUTION 2022-347

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING REQUEST FOR PAYMENT TO THE BOROUGH ENGINEERS, REMINGTON VERNICK ENGINEERS FOR ADDITIONAL SERVICES FOR THE PRE AND POST AWARD OF THE BEACHWOOD LANDFILL SOLAR PROJECT IN THE AMOUNT OF \$6,900.00

WHEREAS, the Borough of Beachwood has received a request for payment of additional services from the Borough Engineer, Remington Vernick Engineers for the Pre and Post Award of the Beachwood Landfill Solar Project in the Amount of \$6,900.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey hereby authorizes the Borough Engineer's request for payment of additional services from the Borough Engineer, Remington Vernick Engineers for the Pre and Post Award of the Beachwood Landfill Solar Project in the Amount of \$6,900.00.

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

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

**RESOLUTION 2022-348**

RESOLUTION OF THE BOROUGH OF BEACHWOOD COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A REFUND OF REDEMPTION MONIES FROM LIEN #19-00010 TO LIEN HOLDER, MILEAGE CAPITAL PARTNERS LLC IN THE AMOUNT OF \$3,480.09 AND A PREMIUM OF \$900.00.

WHEREAS, at the Municipal Tax Sale held on December 3, 2019 a lien was sold on Block 3.05 Lot 2.02 also known as 845 Ensign Ave. for 2018 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #19-00010 sold to Mileage Capital Partners LLC with a 0% interest rate and a premium of \$900.00;

WHEREAS, Donald & Sherilyn Walsh effected redemption, for certificate #19-00010 in the amount of \$3,480.09.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, Mileage Capital Partners LLC for the redemption of certificate #19-00010 in the amount of \$4,380.09.

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

**RESOLUTION 2022-349**

RESOLUTION OF THE BOROUGH OF BEACHWOOD COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A REFUND OF REDEMPTION MONIES FROM LIEN #21-00048 TO LIEN HOLDER, FIG CUST FIGNJ19LLC & SEC PTY IN THE AMOUNT OF \$2,270.78 AND A PREMIUM OF \$2,000.00.

WHEREAS, at the Municipal Tax Sale held on December 10, 2021 a lien was sold on Block 11.19 Lot 3 also known as 531 Mizzen Ave. for 2020 delinquent municipal charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #21-00048 sold to FIG Cust FIGNJ19LLC & SEC PTY with a 0% interest rate and a premium of \$2,000.00;

WHEREAS, the Est of Susan Mosley effected redemption, for certificate #21-00048 in the amount of \$2,270.78.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to refund lien holder, Evolve Bank & Trust for the redemption of certificate #21-00048 in the amount of \$4,270.78.

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |

|                             |   |   |   |  |  |   |
|-----------------------------|---|---|---|--|--|---|
| <i>Councilman Cairns</i>    |   |   |   |  |  | X |
| <i>Councilwoman Clayton</i> |   |   | X |  |  |   |
| <i>Councilman Feeney</i>    | X |   | X |  |  |   |
| <i>Councilman Komsa</i>     |   |   | X |  |  |   |
| <i>Councilman Zakar</i>     |   | X | X |  |  |   |

**RESOLUTION 2022-350**

**RESOLUTION AUTHORIZING MUNICIPAL BUDGET TRANSFERS DURING THE LAST (2) MONTHS OF THE FISCAL YEAR 2022**

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Beachwood in the County of Ocean, New Jersey, that transfers between 2022 Budget Appropriations are made as follows:

| TITLE               | FROM              |  | TITLE                    | TO                |
|---------------------|-------------------|--|--------------------------|-------------------|
| LIABILITY INSURANCE | 45,000.00         |  |                          |                   |
| NATURAL GAS         | 10,000.00         |  |                          |                   |
| CLERK S&W           | 19,000.00         |  |                          |                   |
| FINANCE S&W         | 9,000.00          |  |                          |                   |
| GASOLINE & OIL      | 35,500.00         |  |                          |                   |
|                     |                   |  | MAYOR & COUNCIL O/E      | 2,000.00          |
|                     |                   |  | MUNICIPAL CLERK O/E      | 6,000.00          |
|                     |                   |  | ADVERTISING O/E          | 1,500.00          |
|                     |                   |  | EE GROUP INSURANCE       | 73,000.00         |
|                     |                   |  | POLICE O/E               | 15,500.00         |
|                     |                   |  | EMERGENCY MANAGEMENT O/E | 1,500.00          |
|                     |                   |  | ELECTRICITY O/E          | 10,500.00         |
|                     |                   |  | COURT S&W                | 7,500.00          |
|                     |                   |  | COURT O/E                | 1,000.00          |
| <b>TOTAL</b>        | <b>118,500.00</b> |  | <b>TOTAL</b>             | <b>118,500.00</b> |

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         | X      |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         |        |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

**NON-CONSENT RESOLUTION(S)**

- None

**SECOND READING & PUBLIC HEARING OF ORDINANCE(S)**

- None

**FIRST READING OF ORDINANCE(S)**

**ORDINANCE 2022-07**  
**AN ORDINANCE**  
**AUTHORIZING AND ENCOURAGING**  
**ELECTRIC VEHICLE**  
**SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**



[Note: Pursuant to P.L. 2021, c.171, all sections of this model ordinance become effective in each municipality upon its publication on the Department of Community Affairs' Internet website. Municipalities may make changes to the reasonable standards in the model ordinance as noted below through the normal ordinance amendment process. However, municipalities may not make changes to the legislatively mandated requirements in Sections C., D., and E. This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Borough of Beachwood of Ocean County.

WHEREAS, supporting the transition to electric vehicles contributes to Borough of Beachwood's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Beachwood encourages increased installation of EVSE and Make-Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 352); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of Borough of Beachwood adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals of the Master Plan as well as the land use, circulation, and *Environmental* elements of the Master Plan; and

WHEREAS, the Borough of Beachwood encourages greater ownership and use of electric vehicles, thus the Borough of Beachwood is amending the Land Use Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

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

#### FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

##### A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

*{Note: Section C. of the model ordinance is mandatory and may not be altered.}*

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The *zoning officer* shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Borough of Beachwood's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-1.19 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
  - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
  - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
  - c. a one-time written correction notice is not issued by the *zoning officer* within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

**D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces**

*{Note: Section D of the model ordinance is mandatory and may not be altered.}*

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form

of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:

- a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
- b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
- c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
- d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
- e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.

2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:

- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
- b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
- c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
- d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
- e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

#### E. Minimum Parking Requirements

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Chapter 17-23.1 through Chapter 17-23.11 as the minimum required parking spaces vary by zone.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

#### F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
  - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

3. EVSE Parking:

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to N.J.S.A. 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or Chapter 1-5. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

*{Note: Municipalities may establish alternative penalties than those listed above by ordinance.}*

*{Note: Municipality may put the locations of the publicly-accessible, municipally-owned EVSE parking spaces in this ordinance and the fees associated with charging/parking at those spaces. See Section 6. below for Usage Fees.}*

- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

3. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Borough of Beachwood's ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Borough of Beachwood shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

**5. Signs**

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - 2) Usage fees and parking fees, if applicable; and
  - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

**6. Usage Fees**

- a. For publicly-accessible municipal EVSE {Optional}: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be determined at time of construction for each hour that the electric vehicle is connected to the EVSE {or per kWh}.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

**SECOND: SEVERABILITY**

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**THIRD: REPEAL OF PRIOR ORDINANCES**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**FOURTH: EFFECTIVE DATE**

~~\_\_\_\_\_~~

{Note: This section is only applicable if the municipality amends the ordinance to change the reasonable standards.}

This ordinance shall take effect after final passage and publication as provided by law.

**Roll Call Introducing Ord 2022-07 on December 7, 2022**

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         | X      |
| <i>Councilwoman Clayton</i>       |        |     |      | X    |         |        |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

**NOTICE**

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Beachwood, Ocean County, New Jersey held on the 7<sup>th</sup> day of December 2022. It will be further considered for final passage by the Borough Council at a meeting to be held at the Beachwood Municipal Complex, 1600 Pinewald Avenue, Beachwood, New Jersey on the 21<sup>st</sup> day of December 2022 at 7:00 p.m. or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such Ordinance. During the week prior to and including the date of such further consideration, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

**CORRESPONDENCE**

- None

**MAYOR & COUNCIL REPORTS**

**Mayor Roma**

-Recreation did a fantastic job with the Tree Lighting; great costumes. Thanked Recreation, Fire, EMS and Police with assistance. Congratulated and thanked DPW for the decorating and hanging the lights. Thanked Chief Hull for the lights & sirens.

**Council President LaCrosse**

- Thanked the Fire Department for the Breakfast with Santa; it was terrific.
- Couldn't make the tree lighting but remarked on the beautiful tree.
- Thanked Mayor for mentioning Pearl Harbor Day.
- Will bring toys to the First Responder Toy Drive
- Safe & Happy Christmas!

**Councilwoman Clayton**

- The tree is gorgeous and Councilwoman remembers when it was planted 36 years ago. The Tree Lighting is a wonderful event. Thanked all the volunteers.
- A chess table was installed at the beach along with chess pieces.
- Items for Executive Session.
- Merry Christmas & Happy New Year!

**Councilman Feeney**

- DPW is prepared for snow.

-The first Tree Lighting, a bucket truck was provided by the Fire Department. Thanked Recreation, Fire Department, EMS and Police.  
-2 items for Executive Session.

Councilman Zakar

-Thanked Darlene Hebel for her volunteerism.  
-Mentioned the First Responder Toy Drive.  
-The Fire Department Breakfast was delicious and all the Christmas Trees are sold out.  
-Merry Christmas and Happy New Year!

Councilman Komsa

-Great job with the Tree Lighting. Thanked Recreation, Fire, EMS and Police. Also thanked Pastor Sue from Living Word Baptist Church for leading the Christmas Carols.

Fire Chief Roger Hull

-Thanked the Governing Body and all for support of the Fire Department – Breakfast with Santa, the Christmas Tree sale and the Holiday raffle. The trees were sold out in 6 days. The Ladies Auxiliary are selling grave blankets and wreaths.  
-Free smoke detectors are provided to all in need.  
-Please dial 9-11 for emergencies and do not use an App. A resident had a gas leak and luckily, someone was at the Fire House to receive the message.  
-The Toy Drive collection is still happening. Drop off locations are the Police lobby; the Fire House and EMS building.

EMS Captain Chris Matyas

-No report; will be present for Executive Session.

Police Chief Glen DeMarco

-No report.

Recreation Commissioner Michele Rutkowski

-Thanked all the Governing Body, all volunteers, EMS, Fire, Police and Borough hall employees for helping to make Recreation as success.

Engineer Jim Oris

-No report.

Attorney Mike McKenna

- No report.

Municipal Clerk Assistant Gabrielle Napolitano

-Called for motion to adopt an amended Resolution for the Landfill Solar lease contract award:

RESOLUTION 2022-350a  
RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING A CONTRACT AWARD TO  
ADVANCED SOLAR PRODUCTS, INC. FOR LEASE OF THE BOROUGH OF BEACHWOOD LANDFILL FOR DEVELOPMENT AND  
MAINTENANCE OF A SOLAR SYSTEM IN THE AMOUNT OF \$52,309.00

WHEREAS, the Borough of Beachwood previously authorized receipt of bids for the Lease of the Borough of Beachwood Landfill for Development and Maintenance of a Solar System project; and



WHEREAS, at the time and place for the receipt of bids five (5) bids were received for the bid amounts for annual amounts per MW (DC) from ranging from a low bid amount of \$40,000.00 to a high bid amount of \$75,000.00 from Hathaway Solar, LLC at \$75,000.00, Advanced Solar Products, Inc. at \$52,309.00, Miller Bros. at \$50,00.00, Solar Landscape at \$45,000.00 and HESP Solar, Inc. at \$40,000.00; and

WHEREAS, the Borough's Engineers, Remington & Vernick Engineers and Borough Attorney, interviewed the top two (2) bidders Hathaway Solar, LLC and Advanced Solar Products, Inc. which were evaluated/rated the bids in accordance with the Engineer's rating system and followed up with a side-by-side analysis confirming said highest bidders their projected tax credits (ITC) for a 20% discount to all solar subscribers; and

WHEREAS, the two (2) highest bidders with each of their below amounts per megawatt per year

| HATHAWAY SOLAR     | ADVANCED SOLAR PRODUCTS                                |
|--------------------|--|
| 30% ITC - \$31,000 | 30% ITC - \$43,613                                     |
| 40% ITC - \$53,000 | 40% ITC - \$76,106                                     |
| 50% ITC - \$75,000 | 50% ITC - \$108,599                                    |
| 60% ITC - \$97,000 | 60% ITC - \$144,673 YEARS 1-15 & \$108,599-YEARS 16-20 |

WHEREAS, the Borough's Engineers, Remington & Vernick Engineers expect the energy generated from the landfill will be between 3 and 5 megawatts; and

WHEREAS Remington & Vernick Engineers conducted a reference interview with the Ocean County Landfill Project completed by Advanced Solar Products (ASP) with confirmation of a good experience by the Engineer and Executive Director; and

WHEREAS, Remington & Vernick Engineers have recommended the award to Advanced Solar Products, Inc. for the bid amount that will vary depending on the approval by the BPU and awarded ITC credits and said bid amount is \$43,613 for an ITC

credit of 30%, or \$76,106 for a 40% ITC credit; \$108,599 for a 50% ITC credit and \$144,673 for a 60% ITC credit for years 1-15 and \$108,599 for years 16-20 ; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available to award said contract; and

WHEREAS, it is the desire of this Governing Body to act upon the Engineers recommendation.

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

1. That the Borough Council hereby awards a Contract to the highest bidder, Advanced Solar Products, Inc. for the Lease of the Borough of Beachwood Landfill for Development and Maintenance of a Solar System project in accordance with the Borough Engineers' bid specifications. in the amounts stipulated by the bidder, per ITC credit, per megawatt, per year as follows:

|  |
|--|
| <b>ADVANCED SOLAR PRODUCTS</b>                       |
| 30% ITC - \$43,613                                   |
| 40% ITC - \$76,106                                   |
| 50% ITC - \$108,599                                  |
| 60% ITC - \$144,673 YEARS 1-15 & 108,599-YEARS 16-20 |

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 and the Borough Engineer.

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         | X      |
| <i>Councilwoman Clayton</i>       | X      |     | X    |      |         |        |
| <i>Councilman Feeney</i>          |        |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        | X   | X    |      |         |        |
| <i>Councilman Zakar</i>           |        |     | X    |      |         |        |

**PUBLIC DISCUSSION**

Mayor called for motion to open for public discussion.

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

- Peter Wolf of 101 Cedar Street addressed the governing body in regard to the need of repair on Cedar Street. Mayor addressed Mr. LeCompte to respond. Mr. LeCompte indicated that he and the DPW Supervisor, Mr. Wrocklage, have Cedar Street on the 2023 Schedule C listing for milling and paving by the County. Mr. LeCompte explained Schedule C is a county program and they receive only so much money per year but Cedar is on the list for 2023. Mayor gave further explanation of the process and costs. Councilwoman added about underground repairs or openings for gas/sewer must be done beforehand; there's a 2-year moratorium for newly paved roads.
- Deanna Serpico of 18 Starboard Street asked how far the construction will go. Mr. LeCompte replied that on the current scope of work, there is a patch from the intersection going each way to the end. Starboard is not on the upcoming list but Mr. LeCompte can review with Mr. Wrocklage. Mr. LeCompte also commented Starboard is not in as bad shape as Cedar. Mayor interjected that if it's something that is an easy fix, it may be done but John and TJ will look at it.
- John Girgenti of 20 Starboard Street echoed Ms. Serpico's concerns. Mr. Girgenti indicated that some of the road is dirt and not paved since he has moved there. Mayor commented the same as to Ms. Serpico. Mr. LeCompte interjected that Schedule is generally milling and paving but NJDOT would extend the pavement so it would be more likely that it could go on an NJDOT grant application as a reconstruction project. Mr. LeCompte indicated they will go out to review and put a cost estimate together.

Being there is no further public comment, Mayor called for motion.

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          | X      |     | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        | X   | X    |      |         |        |

**EXECUTIVE SESSION**

**RESOLUTION 2022-351  
RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW  
JERSEY AUTHORIZING THE BOROUGH COUNCIL TO ENTER INTO EXECUTIVE SESSION**

WHEREAS, Section 8 of the 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 discussions of and action upon the hereinafter specified subject matter  
It is anticipated that the subject matter discussed may be made public in 90 days.

1. Terms & Conditions – Ord 3-12-13 Towing Services & Wreckers Rates & Charges; Boat slip refund/credit; 2023 Council Assignments
2. Contractual – Berkeley UCC SSA; 2023 Professional Services RFPs; BW-PB EMS Services Agreement; Employee Medical Bank & Stipend in lieu of health coverage
3. Personnel – Construction Assistant position

Adjourned to Executive Session at 7:32 pm

| COUNCIL                           | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President LaCrosse</i> | X      |     | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |     |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |     | X    |      |         | X      |
| <i>Councilman Feeney</i>          |        | X   | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |     | X    |      |         |        |
| <i>Councilman Zakar</i>           |        |     | X    |      |         |        |

Reconvened to Public Session at 8:34pm

| COUNCIL                           | MOTION | 2 <sup>ND</sup> | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----------------|------|------|---------|--------|
| <i>Council President LaCrosse</i> | X      |                 | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |                 |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |                 | X    |      |         | X      |
| <i>Councilman Feeney</i>          |        | X               | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |                 | X    |      |         |        |
| <i>Councilman Zakar</i>           |        |                 | X    |      |         |        |

**ACTION TAKEN FROM EXECUTIVE SESSION**

**RESOLUTION 2022-352**

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RENEWAL OF THE INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF BEACHWOOD AND BERKELEY TOWNSHIP FOR THE CONSTRUCTION AND INSPECTION SERVICES, SUB CODE PLAN REVIEW AND SUB CODE INSPECTIONS; PURSUANT TO THE STATE UNIFORM CONSTRUCTION ACT, N.J.S.A. 52:27D-119, BY THE BERKELEY CONSTRUCTION INSPECTION DEPARTMENT

WHEREAS, on December 5, 2018, the Borough of Beachwood Governing Body entered into a joint agreement with the Township of Berkeley to utilize the Berkeley Township Construction and Inspection Services, sub code plan review and sub code inspections, pursuant to the State Uniform Construction Act, N.J.S.A. 52:27d-119, et. Seq., and the regulations promulgated thereunder as per Resolution 2018-405; and

WHEREAS, this agreement may be automatically renewed for additional four-year periods from January 1 through December 31 with written consent of both parties; and

WHEREAS, being the expiring term of December 31, 2022 is drawing near, the Borough of Beachwood Governing Body desires to renew for an additional four-year period from January 1, 2023 through December 31, 2026 upon written consent of both parties.

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

1. The Municipal Clerk is hereby authorized to execute a letter to the Township of Berkeley notifying them of Beachwood's desire and consent to extend the current Contract for Uniform Construction Services for 4 years from January 1, 2023 to December 31, 2026. The Borough requests that the Township of Berkeley forward a similar letter to the Borough consenting to extend the current agreement for 4 years from January 1, 2023 to December 31, 2026.
2. A certified copy of this Resolution shall be sent to the Berkeley Township Municipal Clerk and the Borough of Beachwood Chief Financial Officer.

| COUNCIL                           | MOTION | 2 <sup>ND</sup> | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----------------|------|------|---------|--------|
| <i>Council President LaCrosse</i> |        | X               | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |                 |      |      |         |        |
| <i>Councilwoman Clayton</i>       |        |                 | X    |      |         | X      |
| <i>Councilman Feeney</i>          |        |                 | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |                 | X    |      |         |        |
| <i>Councilman Zakar</i>           | X      |                 | X    |      |         |        |


**ADJOURNMENT**

Mayor Roma called for motion to adjourn.

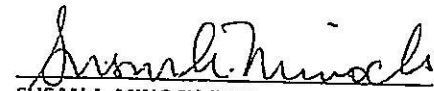
Adjourned at 8:34pm

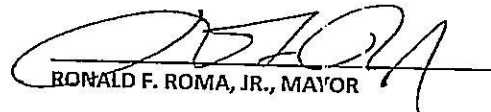
| COUNCIL                           | MOTION | 2 <sup>ND</sup> | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------------|--------|-----------------|------|------|---------|--------|
| <i>Council President LaCrosse</i> | X      |                 | X    |      |         |        |
| <i>Councilman Cairns</i>          |        |                 |      |      |         | X      |
| <i>Councilwoman Clayton</i>       |        |                 | X    |      |         |        |
| <i>Councilman Feeney</i>          |        | X               | X    |      |         |        |
| <i>Councilman Komsa</i>           |        |                 | X    |      |         |        |
| <i>Councilman Zakar</i>           |        |                 | X    |      |         |        |

Respectively submitted by,

  
 Susan A. Minock, RMC  
 Municipal Clerk

ATTESTED BY:

  
 SUSAN A. MINOCK, RMC  
 MUNICIPAL CLERK

  
 RONALD F. ROMA, JR., MAYOR