

February 12, 2016

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on February 12, 2016 at 9:00 A.M.

Present: Mayor Ades and Commissioner Wiener

Absent: Commissioner Cohen

It was stated that in conjunction with the "Open Public Meeting Law", p.l. 1975 ch. 231, a notice required by this statute has been satisfied as per a resolution passed on December 9, 1997 at 5:05 P.M. at Borough Hall at a regular meeting of the Board of Commissioners, Borough of Deal, and Monmouth County, New Jersey. Notice of the change in date and time of this meeting was published in the Asbury Park Press and the Coaster and posted on the bulletin Board

It was moved by Mayor Ades, seconded by Commissioner Wiener and carried that the reading of the minutes of the previous meeting held on January 11, 2016 be dispensed with and the same be approved as recorded.

Ordinance 1126 to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank was introduced by Commissioner Wiener, seconded by Mayor Ades. Roll Call: Ayes 2; Ades & Wiener. Absent 1; Cohen.

Public Hearing for this ordinance will be given on March 11, 2016 at 9:00 A.M.

ORDINANCE 1126

CALENDAR YEAR 2016

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Borough of Deal in the County of Monmouth finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 3.5% increase in the budget for said year, amounting to \$256,841.11 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

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NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Deal shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$256,841.11, and that the CY 2016 municipal budget for the Borough of Deal be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Resolutions were discussed and enacted:

Commissioner Wiener offers the following Resolution:

Resolution 16-16

WHEREAS, the Borough of Deal is required to appoint a representative to the Deal Lake Commission; and

WHEREAS, Elliot Chera, 57 Jerome Avenue expressed an interest in becoming the representative for the Borough of Deal on the Deal Lake Commission.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Elliot Chera, 57 Jerome Avenue, Deal be appointed as the representative to the Deal Lake Commission to commence January 1, 2016 and to expire December 31, 2016.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-17

WHEREAS, the mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

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WHEREAS, The New Jersey Department of Environmental Protection has promulgating recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for 2015 Recycling Tonnage Grant, such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of The Board of Commissioners to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, that the Borough of Deal hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jason Fazio to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund for 2015 to be used solely for the purpose of recycling.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-18

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of John P. Morano, 81 Shining Way, Toms River, NJ 08753 as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Officer Morano has successfully completed his course of instruction at the Ocean County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class II Special Police Officer, John P. Morano, having completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective February 16, 2016, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Morano is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades & Wiener
Absent 1; Cohen

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Commissioner Wiener offers the following Resolution:

Resolution 16-19

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Joseph R. Zoppi, 6 Winchester Drive, Tinton Falls, NJ 07724 as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Joseph Zoppi will be attending his course of instruction at the Atlantic County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Joseph R. Zoppi be and is hereby appointed to take the February 2016 Course at the Atlantic County Police Academy for Class II Special Police Officers.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-20

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Miguel A. Medina III, 9 Crater Lake Road, Howell, NJ 07731 as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Miguel A. Medina III will be attending his course of instruction at the Atlantic County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Miguel A. Medina III be and is hereby appointed to take the February 2016 Course at the Atlantic County Police Academy for Class II Special Police Officers.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-21

WHEREAS, the Deal Police Department is in need of a part time Police Dispatcher; and

WHEREAS, James A. Minella, 104 5th Avenue Apartment #14, Belmar, NJ 07719 has applied for this position, has been interviewed and has been determined to be qualified for this position.

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NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that James A. Minella be offered a position as a part time Police Dispatcher, serving under the direction of the Chief of Police at the pay scale set for this position.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-22

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Borough of Deal entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on March 6, 2013 that provided \$150,000.00 for the Harry Franco Park under Application No. 312-12 that required certain conditions be met by the Borough of Deal prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that all conditions of the on March 6, 2013 Grant Agreement have been satisfied by the Borough of Deal and that the project has been completed; and

BE IT FURTHER RESOLVED that the Borough of Deal made final payment to the contractor All Surface Asphalt Paving per the letter of the municipal engineer Peter Avakian of October 27, 2015 [Attached] and that payment was made per voucher [Attached] on November 13, 2015 under check no. 351, which are hereby attached and also on file in the Municipal Clerk's Office.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades, & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-23

WHEREAS, the Monmouth County Vocational School District has requested a student for internship with the Deal Police Department; and

WHEREAS, the purpose of the internship is to provide the student with the opportunity to explore and practice academia and occupationally related skills; and

WHEREAS, the Deal Police Department has utilized interns from the Monmouth County Vocational School in the past;

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WHEREAS, Caterina Azzarello has been selected for the internship to begin February 15, 2016 and end on or before June 1, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Caterina Azzarello be provided the internship opportunity with the Deal Police Department beginning February 15, 2016 through June 1, 2016.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades, & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-24

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CITY OF ASBURY PARK FOR MAINTENANCE AND REPAIR FOR FIRE TRAINING

WHEREAS, the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1, *et seq.* (the "Act"), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Borough of Deal desires to enter into a Shared Services Agreement with the City of Asbury Park for maintenance and repair of Fire Apparatus for Training of Fire Personnel; and

WHEREAS, the Borough of Deal determines that entering into this agreement with the City of Asbury Park provides a benefit to the residents of the Borough of Deal.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth and State of New Jersey, as follows:

1. Authorize the Mayor and Borough Clerk to enter into an Agreement with the City of Asbury Park for maintenance and repair of Fire Apparatus for the training of Fire Personnel, a copy of which is attached hereto.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades, & Wiener
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

Resolution 16-25

WHEREAS, the Borough of Deal has received bids for improvements to the Marine Place Drainage; and

WHEREAS, the Borough Engineer solicited proposals and received bids from fourteen (14) vendors that includes the storm water drainage, milling and repaving of Marine Place; and

WHEREAS, proposals were received ranging in cost from a high of \$1,294,255.00 from T&T Commonwealth Construction, Jackson, NJ, and a low bid of \$673,298.00 from Underground Utilities, Linden, NJ.

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NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby award the work for the improvements to Marine Place to Underground Utilities, Linden, NJ in the amount of \$673,298.00.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades, & Wiener
Absent 1; Cohen

Resolution 16-26

RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF DEAL

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Deal is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Board of Commissioners hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades, & Wiener
Absent 1; Cohen

A report of the monthly activities, time and sick use for the Police Department in January was received from Chief Ronen Neuman.

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A report of the Building Department for the month of January was received from Allison Gavin.

A report of the disbursement checks for the Municipal Court for January was received from Mary Ellen Supon.

A letter was received from Martin Barger, Borough Attorney, advising of the 2016 County Tax Appeals.

An email was received from Assembly Members Eric Houghtaling and Joann Downey requesting a meeting to introduce themselves. The Board of Commissioners agreed to meet at one of the Board meetings.

A notice of Public Hearing was received from the Monmouth County Board of Chosen Freeholders for the sale of surplus property in Middletown on March 8, 2016.

A notice of Public Hearing was received from Jersey Central Power & Light for proposed increase in the Company's Rider RRC which funds certain demand response and renewable energy programs on February 24, 2016.

A letter was received from the Ocean Monmouth Health Alliance advising that February is Heart Awareness Month.

A letter was received from Freeholder John Curley advising of his seminar that he is sponsoring for newly elected government officials and our sitting officials at Brookdale Community College on February 27, 2016.

A notice of Public Hearing was received from New Jersey American Water to change the levels of purchased water and purchased wastewater treatment.

A letter was received from the Monmouth County Board of Chosen Freeholders advising of the Grown in Monmouth initiative which promotes agriculture in our County.

A resolution was received from the Monmouth County Board of Chosen Freeholders encouraging Municipalities to adopt ordinances restricting sales of dogs and cats at Pet Shops. The Board of Commissioners would not introduce an ordinance at this time due to the fact there are no pet shops within the Borough.

A letter was received from the National Multiple Sclerosis Society requesting to run their "Coast the Coast" bike ride. The Board of Commissioners approved the race subject to the traffic approval by the Deal Police Department.

A letter was received from Camp Veritans requesting permission to send their Masada Campers to the Conover Pavilion on June 28th. The Board of Commissioners approved this request.

An application for the NJ State Firemen's Association was received from Peter DeLisa and Robert Roxey. The Board of Commissioners approved these applications to be submitted.

A letter was received from several members of the Conover Pavilion looking for a discount due to the increase in fees. Commissioner Wiener was looking for relief for senior citizens. Mayor Ades stated that he did not wish to provide a discount. Mayor Ades stated that the fees for the Conover Pavilion are the least expensive around and are needed due to expenses.

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Commissioner Wiener will discuss this at the next Commissioners meeting with Commissioner Cohen.

Under unfinished business, Mayor Ades asked about FEMA reimbursements from Superstorm Sandy. Mayor Ades was advised that a portion of the projects have been submitted and that FEMA stated that the process will take a while. Mayor Ades also advised that he would recommend the new beach access at the south parking lot of the Deal Casino be a paid beach access. This access point will be the same as the daily rate for the W. Stanley Conover Pavilion. The access point would be considered a southern Conover Access point.

The following Resolution was offered by Commissioner Wiener:

BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, New Jersey that the following bills reported by the finance committee be ordered paid and vouchers drawn for same as listed on page 16-02 of the Warrant Register in the amount of \$620,612.21.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades & Wiener
Absent 1; Cohen

Mayor Ades requested comments from the floor.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioner if charging at the new beach access at the southern lot of the Deal Casino would place a burden due to the fact people would enter from an access point south and walk up the beach. Ms. Coffey was advised the next access point is Darlington Road, approximately ½ mile away. The Borough will monitor the traffic from the southern access points. Ms. Coffey also offered a suggestion to provide one additional parking pass for the grass lot to each cabana owner for guests to help alleviate any congestion in the parking lots. The Borough would look into the suggestion.

Patty Verrochi, 246 Jerome Ave, Ocean Twp, stated that the new stairs at the Roosevelt Avenue access point look nice. Ms. Verrochi asked if the sign could be reinstalled at Roosevelt Avenue. She was advised that we will contact NJ Fish and Wildlife and inquire about the sign. Ms. Verrochi also inquired if all beach access will be open when the Army Corp is done with beach replenishment. Ms. Verrochi was advised that when all construction is complete and safe, the same beach access points will be open as prior to the beach nourishment project.

Mayor Ades asked for any additional comments from the public, which there was none and closed the floor to public comments.

It was announced that the next meeting of the Board of Commissioners will be on Friday, February 26, 2016 at 9:00 A.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 9:27 A.M.

MA _____

SMC _____ ABSENT _____

VSW _____

Clerk