

April 5, 2017

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on April 5, 2017 at 7:30 P.M.

Present: Mayor Cohen, Commissioner Simhon

Absent: Commissioner Ades

Also Present: Martin Barger, Borough Attorney, Vince Alvino, Auditor

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.

It was moved by Commissioner Simhon, seconded by Mayor Cohen and carried that the reading of the minutes of the previous meeting held on March 8, 2017 be dispensed with and the same be approved as recorded.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 17-42

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Deal has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Deal that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

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4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-43

WHEREAS, the local municipal budget for the year 2017 was approved on the 8th day of March, 2017 and

WHEREAS, the public hearing on said budget has been held as advertised, and;

WHEREAS, it is desired to amend said approved budget.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, that the following amendment to the approved budget of 2017 be made:

Anticipated Revenues

	<u>From</u>	<u>To</u>
3. Miscellaneous Revenues - Section F		
Drink Driving Enforcement Fund	\$.00	\$38,003.35
Over the Limit Under Arrest	\$.00	\$3,200.00
Total Miscellaneous Revenues - Section F	\$20,681.59	\$61,884.94

Summary of Revenues

3. Miscellaneous Revenues - Total Section F	\$20,681.59	\$61,884.94
Total Miscellaneous Revenues	\$3,329,933.59	\$3,371,136.74
5. Subtotal General Revenues (Items 1,2,3, & 4)	\$4,424,933.59	\$4,466,136.94
7 . Total General Revenues	\$10,880,170.99	\$10,921,374.34

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	<u>From</u>	<u>To</u>
8. General Appropriations:		
(A) Operations Excluded from "CAPS"		
Public and Private Programs Offset by Revenues		
Drunk Driving Enforcement Fund	\$.00	\$38,003.35
Over the Limit Under Arrest	\$.00	\$3,200.00
Total Public and Private Programs Offset by Revenues	\$20,681.59	\$61,884.94
Total Operations - Excluded from "CAPS"	\$915,418.59	\$956,621.94
Detail:		
Other Expenses	\$915,418.59	\$956,621.94
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	\$2,549,952.70	\$2,591,156.05
(0) Total General Appropriations - Excluded from "CAPS"	\$ 2,549,952.70	\$ 2,591,156.05
(L) Subtotal General Appropriations (Items (H-1) and (0))	\$10,340,958.70	\$10,382,162.05
9. Total General Appropriations	\$10,880,170.99	\$10,921,374.34
Summary of Appropriations		
(A) Operations - Excluded from "CAPS"		
Public & Private Programs Offset by Revenues	\$20,681.59	\$61,884.94
Total Operations - Excluded from "CAPS"	\$915,418.59	\$956,621.94
Total General Appropriations	\$10,880,170.99	\$10,921,374.34

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Board of Commissioners on the 5th day of April, 2017.

Seconded by Mayor Cohen

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

Mr. Alvino read the 2017 Budget by Title with explanations and discussions by the Commissioners.

A public hearing was held on the 2017 Municipal Budget. Barbara Coffey stated that she did not see the budget online and cannot comment on the budget, but may have comments in the future. John Soto asked the Board of Commissioners what was in the budget for bathrooms and lifeguards at Hathaway Avenue, Mayor Cohen stated there will not be any. There were no comments from the public.

A motion to adopt the 2017 municipal budget was moved by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

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Ordinance #1142 to amend Chapter X, Vehicle and Traffic, was introduced on March 8, 2017 and the public hearing is scheduled for today, April 5, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance #1142, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

ORDINANCE #1142

AN ORDINANCE AMENDING CHAPTER VII OF “REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982” Vehicle and Traffic

Commissioner Simhon moved to adopt Ordinance 1142, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Ordinance 1143 to amend Chapter X, Vehicle and Traffic was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

ORDINANCE #1143

AN ORDINANCE AMENDING CHAPTER X OF “REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982”

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:**

Section 1. That Chapter X of the “Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 10-16 Parking By Permit During Certain Hours on Certain Days on Certain Streets is amended to read as follows:

No person shall park a vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit as issued by the Borough of Deal is displayed on said vehicle for those streets or parts of streets as described or listed within the following sections.

Permits will be required from Memorial Day Weekend to Labor Day weekend. The cost of a permit will be \$100 for the season or \$50 per month (June, July or August).

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>	<u>Hours</u>	<u>Days</u>
Monmouth Terrace	Both	Entire Length	10A-6P	All
Monmouth Drive	Both	Ocean Ave East to Monmouth Terr	10A-6P	All

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Hathaway Avenue	Both	Ocean Ave East to Monmouth Terr	10A-6P	All
Sydney Avenue	Both	Ocean Ave East to Monmouth Terr	10A-6P	All
Neptune Avenue	Both	Ocean Ave East to Monmouth Terr	10A-6P	All

Section 3. Subsection 10-37 Reproduction of Permits Prohibited is created to read as follows:

- A. No person, unless authorized by virtue of his or her employment, shall:
 1. Copy, reproduce or otherwise create a parking permit authorized within this Chapter;
 2. Create a facsimile or counterfeit parking permit;
 3. Display or use a parking permit knowing the same to have been copied, reproduced or otherwise created in violation of subsections (A) or (B) of this section.
- B. No person shall furnish false information or fraudulent documents in connection with an application for a parking permit.
- C. Any person violating the provisions of subsections (A) or (B) of this section is punished by a fine as outlined in the Borough Ordinances of the Borough of Deal and forfeits the right to receive or use a parking permit under this chapter for a period of three years.
- D. No permit authorized may be issued to a person with three or more outstanding summonses for violations of this chapter.

Section 4. Subsection 10-35B Handicapped Parking on Streets for Private Residences is amended to read as follows:

In accordance with the provisions of N.J.S.A. 39:4-197.6, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other Person shall be permitted in these spaces.

Street Number	Location	Residence
Campbell court	60 feet west of the 1 st Alleyway West of NJ Route 71 to a point 20 feet west therefrom.	11 Campbell Court

Section 5. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1144 to amend Chapter XVIII, Development Regulation was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

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Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

ORDINANCE #1144

**AN ORDINANCE AMENDING CHAPTER XVIII
DEVELOPMENT REGULATIONS OF
“REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982”**

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL HEREBY
ORDAIN:

Section 1. That Chapter XVIII Development Regulations “Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection **18.9 Fees** is amended to read as follows:

18.9.f Stenographer

Appearance fee for approving authority's court reporter. In addition to the fees set forth above, each applicant pay a fee of three hundred dollars (\$300.00) dollars for the appearance of the approving authority's court reporter at the applicants hearing.

Section 3. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1145 Bond Ordinance to provide for improvements and renovations to the Deal Casino and Conover Pavilion was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

BOND ORDINANCE NO. 1145

**BOND ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS
TO THE DEAL CASINO AND CONOVER PAVILION BEACH CLUBS
APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$142,500 BONDS AND NOTES TO FINANCE A PORTION
OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF
DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

BE IT ORDAINED by the BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the “Borough”), for the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$150,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$7,500 as the down payment for said purposes as required by the Local Bond Law,

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N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$142,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of various improvements to the Deal Casino and Conover Pavilion Beach Clubs, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefore on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3 (a) hereof is \$142,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$150,000, which is equal to the amount of the appropriation herein made therefore, the excess of the appropriation of \$150,000 over the estimated maximum amount of bonds or notes to be issued therefore being the amount of said \$7,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or deliver of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and not part of the cost thereof has been or shall be specifically addressed on property specifically benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into

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consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$142,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$30,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (e) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2 (e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar monies from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy and valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption , as provided by the Local Bond Law.

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Ordinance 1146 Bond Ordinance to provide for purchase of and improvements to the DPW Equipment was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

BOND ORDINANCE NO. 1146

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO DPW EQUIPMENT, AND APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$100,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$5,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$95,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of the purchase of and improvements to DPW equipment, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefore on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$95,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$100,000, which is equal to the amount of the appropriation herein made therefore, the excess of the appropriation of \$100,000 over the estimated maximum amount of bonds or notes to be issued therefore being the amount of said \$5,000 down payment for said purposes.

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Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or deliver of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and not part of the cost thereof has been or shall be specifically addressed on property specifically benefited thereby.
- (b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$95,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$20,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (e) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the

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purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar monies from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy and valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 1147 Capital Ordinance to provide for various improvements to Municipal Buildings was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

CAPITAL ORDINANCE NO. 1147

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO MUNICIPAL BUILDINGS, AND APPROPRIATING \$100,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Board of Commissioners of the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough") has determined to provide for the various improvements to Municipal Buildings within the Borough of Deal; and

WHEREAS, the Borough has available \$100,000 in the Borough's Capital Improvement Fund.

NOW, THEREFORE, BE IT ORDAINED by the BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

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Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"), for the improvements or purposes described in Section 2, there is hereby appropriated \$100,000, said sum being inclusive of \$100,000 from the Borough's Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and improvements to DPW equipment necessary for the safety of employees and efficiency of maintaining the various systems of the Borough of Deal, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2017 capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 4. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 5. This ordinance shall take effect as provided by law.

Ordinance 1148 Bond Ordinance to provide for various improvements to streets and drains was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

BOND ORDINANCE NO. 1148

BOND ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"), for the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$200,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$10,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

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Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$190,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of various improvements to streets and drains, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefore on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(d) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3 (a) hereof is \$190,000, as stated in Section 2 hereof.

(e) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$200,000, which is equal to the amount of the appropriation herein made therefore, the excess of the appropriation of \$200,000 over the estimated maximum amount of bonds or notes to be issued therefore being the amount of said \$10,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or deliver of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(f) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and not part of the cost thereof has been or shall be specifically addressed on property specifically benefited thereby.

(g) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

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- (h) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$190,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (i) An aggregate amount not exceeding \$40,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (j) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2 (e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar monies from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy and valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption , as provided by the Local Bond Law.

Ordinance 1149 Bond Ordinance to provide for various improvements to sanitary sewers was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

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BOND ORDINANCE NO. 1149

BOND ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO SANITARY SEWERS, AND APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"), for the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$150,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$7,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$142,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of various improvements to the Sanitary Sewers, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefore on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(f) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3 (a) hereof is \$142,500, as stated in Section 2 hereof.

(g) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$150,000, which is equal to the amount of the appropriation herein made therefore, the excess of the appropriation of \$150,000 over the estimated maximum amount of bonds or notes to be issued therefore being the amount of said \$7,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon

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the notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or deliver of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

- (k) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and not part of the cost thereof has been or shall be specifically addressed on property specifically benefited thereby.
- (l) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.
- (m) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$142,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (n) An aggregate amount not exceeding \$30,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (o) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2 (e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

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Section 7. Any grant or similar monies from time to time received by the Borough for the improvements or purposes described in Section 3 hereof,

shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy and valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption , as provided by the Local Bond Law.

Ordinance 1150 Bond Ordinance to provide for purchase of and improvements to sanitary equipment was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on May 10, 2017 at 7:30 P.M.

BOND ORDINANCE NO. 1150

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO SANITARY EQUIPMENT, AND APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$100,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$5,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$95,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or

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purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of the purchase of and improvements to SANITARY equipment, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefore on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$95,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$100,000, which is equal to the amount of the appropriation herein made therefore, the excess of the appropriation of \$100,000 over the estimated maximum amount of bonds or notes to be issued therefore being the amount of said \$5,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or deliver of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and not part of the cost thereof has been or shall be specifically addressed on property specifically benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed

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in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$95,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

- (d) An aggregate amount not exceeding \$20,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (e) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar monies from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy and valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 17-44

WHEREAS, the Public Works Garage is a transfer station for recyclable materials; and

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WHEREAS, NJ State statute requires fencing to secure and prevent unauthorized access to the site; and

WHEREAS, three proposals were solicited from the Borough who received two proposals from vendors that include the installation of fencing around the Deal DPW Garage; and

WHEREAS proposals were received ranging in cost from a high of \$44,500.00 from All Star Contracting, Lakewood, NJ, and a low bid of \$23,250.00 from Boundary Fence Company, West Long Branch, NJ;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal award the project of installing a fence around the Deal DPW Garage to Boundary Fence Company, West Long Branch, NJ at a cost of \$23,250.00.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-45

Supporting the
2017 UDrive. UText. UPay.
Distracted Driving Crackdown
April 1 - 21, 2017

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, in 2014 alone distracted driving-related crashes resulted in 3,179 deaths and 431,000 injuries on our nation's roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in more than 800,000 crashes between 2010-2014; and

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2017 Crackdown* from April 1 - 21, 2017 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS, the national slogan for the campaign is *UDrive. UText. UPay*; and

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal declares it's support for the *Distracted Driving 2017 Crackdown* both locally and nationally from April 1 - 21, 2017 and pledges to increase awareness of the dangers of distracted driving.

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Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-46

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Brendan Mescal as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Brendan Mescal will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Brendan Mescal, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective May 15, 2017, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Mescal 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 Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-47

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Marc Spirito as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Marc Spirito will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Marc Spirito, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective May 15, 2017, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Spirito 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 Cohen

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

April 5, 2017

Commissioner Simhon offers the following Resolution:

Resolution 17-48

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Robert Tomaino as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Robert Tomaino will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Robert Tomaino, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective May 15, 2017, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Tomaino 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 Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-49

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Matthew Zweighaft as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Matthew Zweighaft will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Matthew Zweighaft, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective May 15, 2017, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Zweighaft 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 Cohen

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

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Commissioner Simhon offers the following Resolution:

Resolution 17-50

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, the Borough of Deal has a need to acquire the services of a substitute Prosecutor and their services will be provided as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5* as appropriate; and,

WHEREAS, the Borough Clerk/Administrator has determined and certified in writing that the value of the acquisition may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, *the* following business entities

Prosecutor-Substitute

James Carton, Esq.

David Gardner, Esq.

Paul Granick, Esq.

have submitted proposals indicating they will provide the legal services for the amounts specified in the 2017 Municipal Budget; and

WHEREAS, each of the following business entities have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee serving individually or collectively as the Board of Commissioners in the Borough of Deal in the previous one year, and that the contract will prohibit the following business entities:

Prosecutor-Substitute

James Carton, Esq.

David Gardner, Esq.

Paul Granick, Esq.

from making any reportable contributions through the term of the contract, and

WHEREAS, funds have been made available in the Annual Budget of the Borough of Deal to support these services,

NOW, THEREFORE, BE IT RESOLVED that:

1. The following appointments are hereby ratified and confirmed for the year 2017.

Prosecutor-Substitute

James Carton, Esq.

David Gardner, Esq.

Paul Granick, Esq.

2. The amounts charged for these services will be determined in accordance with the contracts dated as of January 1, 2017 and in effect through December 31, 2017.
3. The said contracts were awarded without public bidding as "Professional Services" under the provisions of said Local Public Contract Law.

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4. A copy of the Resolution shall be published in The Coaster within 10 days of its passage.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-51

WHEREAS, the Borough of Deal has a current list of Tow Companies providing Tow Service for the Deal Police Department; and

WHEREAS, the Borough was in the process of obtaining bids for the 2017-2018 year for Tow Service; and

WHEREAS; changes are needed for the bids and requires additional time to meet the statutory requirements

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the current Tow List be extended until the time that new bids are received according to law.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-52

WHEREAS, EllaMarie Jannarone, 2501 Bedford Corners Lane, Wall, NJ has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due to overpayment for their locker for the 2017 season; and

WHEREAS, Pam Stima, 822 Dow Road, Bridgewater, NJ has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due to overpayment for their locker for the 2017 season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$175.00 be issued to EllaMarie Jannarone and a refund of \$750 be issued to Pam Stima for their membership to the Deal Casino.

Seconded by Mayor Cohen

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

April 5, 2017

Commissioner Simhon offers the following Resolution:

Resolution 17-53

WHEREAS, Green Construction, Inc., 26 Elizabeth Street, PO Box 550 South River, NJ 08882 has been awarded a contract for the stamped concrete at the Deal Casino at a cost of \$125,760.00; and

WHEREAS, changes have been made to the project that included additional areas with damaged concrete that were in dire need of repair; and

WHEREAS, the cost of the changes would increase the contracted amount by \$19,722.75; and

WHEREAS, Green Construction Inc. has requested payment in the amount of \$120,000.00; and

WHEREAS, the Superintendent of Beaches and Public Works Superintendent has verified that the work to date has justified this payment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the payment of \$120,000.00 be made to Green Construction Inc. for the stamped concrete at the Deal Casino.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-54

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Anthony Colasi, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Anthony Colasi will be appointed a Laborer effective April 15, 2017 at an annual base salary of \$30,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Anthony Colasi is to be assigned his duties by the Superintendent of Public Works consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Mayor Cohen

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

April 5, 2017

Commissioner Simhon offers the following Resolution:

Resolution 17-55

**RESOLUTION ACCEPTING AND ADOPTING THE MONMOUTH COUNTY
MUNICIPAL JOINT INSURANCE FUND'S 2017 SAFETY AND COMPLIANCE
PROGRAM**

WHEREAS, the Borough of Deal is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF); and

WHEREAS, it is the policy of the MONMOUTH JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment, free from any recognized hazards; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their members are in compliance with applicable safety and health requirements; and

WHEREAS, the MONMOUTH JIF's Safety Committee is made up of volunteers representing many of the Fund's Municipalities, along with the professionals employed by the Fund; and

WHEREAS, over the past year, the MONMOUTH JIF'S Safety Committee has worked hard to develop a new Safety and Compliance Program like none other in the State that will better represent the members of the Fund's needs; and

WHEREAS, the new Program will assist all the Monmouth JIF's members in becoming or maintaining compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and

WHEREAS, the MONMOUTH JIF has adopted the new 2017 SAFETY AND COMPLIANCE PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and

WHEREAS, the Clerk/ Administrator of the Borough of Deal has reviewed this SAFETY AND COMPLIANCE PROGRAM and has recommended its adoption by the Governing Body; and

NOW; THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal , County of Monmouth, State of New Jersey that the Monmouth County Municipal Joint Insurance Fund SAFETY AND COMPLIANCE PROGRAM 2017 be adopted by the Borough of Deal.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 17-56

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of April; and

April 5, 2017

WHEREAS, payroll and miscellaneous expenses must be approved for payment.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending April 30, 2017 be approved in the amount not to exceed \$200,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$200,000.00 be paid at this time.

Seconded by Mayor Cohen

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

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

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

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

A letter was received from NJ Department of Transportation advising they are currently preparing construction documents for Route 71 to be constructed during 2017 & 2018 season.

A letter was received from New Jersey American Water advising of its annual cleaning of the water distribution system.

The legislative bulletin was received from the NJ League of Municipalities for the month of March.

A health update was received from the Ocean Monmouth Health Alliance advising that April is oral cancer awareness month.

A resolution was received from the Monmouth County Board of Chosen Freeholders authorizing a one-time payment to aid the Joint Municipal Group's opposition to the JCP&L Reliability Project.

An email was received from Freeholder Thomas Arnone advising of the 6th Annual Made in Monmouth event at Monmouth University on April 8, 2017.

A letter was received from Congregation Torat El, requesting use of the Conover Pavilion for services on June 23, 2017 and August 11, 2017. The Board of Commissioners approved the use.

An email was received from Daniel Sitt, Sephardic Food Fund, updating more details for a 5k color run/walk set for August 20, 2017. The Board of Commissioners granted their request.

An email was received from Jonathan Sidavi, SephJash, updating more details for his request for permission to use the Deal Casino for an event where people can meet in a stress-free environment on July 3, 2017. The Board of Commissioners approved the event.

April 5, 2017

A letter was received from the Deal Fire Company requesting permission to hold their Annual Fireman's Ball on August 5, 2017.

An application was received from the Deal Fire Company for membership to the NJ State Firemen's Association. The Board of Commissioners approved this application.

An application for a raffle license was received from the Family & Children's Service of Monmouth County Inc., to be held at the Deal Golf & Country Club on July 24, 2017. The Board of Commissioners approved the raffle license.

Commissioner Simhon offers the following Resolution:

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 17-03 of the Warrant Register in the amount of \$536,263.47.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon
Absent 1;

Mayor Cohen requested comments from the floor.

Andrew Chambarry, Asbury Park, stated to the Board of Commissioners that he met with Mayor Cohen on March 10 and the discussion was to create 2 hour parking, but now that had changed completely. Mr. Chambarry asked what the funds will be used for, Mayor Cohen stated a machine, labor and trash to clean the beach. Mr. Chambarry asked if the Borough would be hiring lifeguards, installing bathrooms and creating handicap access, Mayor Cohen stated the Borough would not. Mr. Chambarry stated there will be permit parking to go on a beach where you cannot swim. Mr. Chambarry asked if the residence would need permits, Mayor Cohen stated they would, the same as a non-resident, it does not give preferential treatment and that this is the simplest solution. Mr. Chambarry then produced an OPRA request for records and stated the Borough has 7 days to comply and he expects to have the documents within 7 days.

John Soto, addressed the Board of Commissioners and stated the whole thing has snowballed into a bigger issue when you decided to make revenue. Mr. Soto stated that a small group think that they buy a mansion and think they own the beach. Mr. Soto asked to continue to do the right thing to keep access open. Mr. Soto also stated that the police should ticket the people that litter.

Maralies Beveridge, Elberon, stated to the Board of Commissioners that the residents are coming to come in and buy all the all the permits. Mayor Cohen stated that there is an unlimited number of parking permits and they could not do that. Mrs. Beveridge stated that the Borough is making public beaches private. Mrs. Beveridge also asked if crosswalks could be added on Ocean Avenue. Mrs. Beveridge state that the Borough is restricting public beach access to federally funded beaches and listed states. Mrs. Beveridge stated that his was ethically, morally and politically wrong.

Dr. Harry Chambarry, Fisherman, stated that the Borough is limiting access to the beaches, Mayor Cohen state that the Borough is not restricting access. Mr. Chambarry stated that the fisherman are conservationists.

April 5, 2017

Richard Lee, Surfers Environmental Alliance, stated he would like to provide signs that state "Only leave your footprints" and stated they can help put the signs up. Mr. Lee asked about any workers with jobs on those streets. Mayor Cohen stated they would not require a permit.

Isadora Chamlin, 5 Poplar Avenue, stated that the fisherman and surfers are not leaving the trash, it is the private property owners. Mrs. Chamlin stated it is an infringement and she should have the ability to park wherever she wants.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners about installing solar panels at the Deal Casino. Ms. Coffey asked about the flooding and how it is getting worse. Ms. Coffey asked about putting a pipe in the creek for water. Ms. Coffey asked about the south lot of the Deal Casino being closed, she was advised that there is still erosion in front of the stairwell and the NJDEP asked the Borough to repair instead of waiting on the Army Corp of Engineers. Ms. Coffey asked why the Borough is charging if the equipment is funded, Mayor Cohen stated we will require maintenance and labor for the machine. Ms. Coffey asked about the status of the oil leak at Marine Place, she was advised the Borough is working with the NJDPE and Monmouth County Hazmat on cleaning up the area. Ms. Coffey asked for an update on Roosevelt Avenue landscaping, Mayor Cohen stated he is working with a landscape architect. Ms. Coffey stated that there is a house in town that rents out their home on short term since 2015. Ms. Coffey asked what the rules are about short term rentals, the borough would need to look into the matter.

Tim Dillian, American Littoral Society, stated the beaches are public trust and open to all and the ability to park cannot be restricted. Mr. Dillian stated all the residents will buy the permits and there will be no turnover. Mr. Dillian acknowledged the challenge of keeping the beach clean. Mr. Dillian asked if there were any other revenue. Mayor Cohen stated the Deal Casino and Conover will have to supplement if parking is not effective.

Bob Siliato, Ocean Twp., asked what time of machine, Mayor Cohen stated it was a Cherrington. Mr. Siliato asked what the schedule would be, Mayor Cohen stated the Borough is working on that now. Mr. Siliato asked if it would be year round, Mayor Cohen stated it would be as needed but not year round. Mr. Siliato asked to increase enforcement on littering.

Renee Levine, 28 Richmond Avenue, asked about the people west of Ocean Avenue and how they are affected, Mayor Cohen stated they will not be affected.

Isadora Chamlin, 5 Poplar Avenue, stated that she does not want to see people walking through the streets of Deal in bathing suits.

Norma Coffey, Ocean Twp., asked if she could park with a handicap permit, Mayor Cohen stated not at this time.

Bill Scank, Ocean Twp., stated that he likes to just pull up and check on the schools of fish and jump out to the fish quickly.

Maralies Beveridge, stated that an unlimited amount of parking permits does not guarantee parking.

John Soto, stated that people feel it's a perception that the Borough is restricting access and that it is not right to do what is being proposed.

April 5, 2017

Bill Dougherty, West Allenhurst, asked about the oil spill at Marine Place. Mr. Dougherty was advised that the Borough is working with the NJ DEP and Monmouth County Hazmat to clean the affected area. Mr. Dougherty stated that with all the access open, there will be a reduction in numbers.

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

Commissioner Simhon offers the following Resolution:

Resolution 17-57

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 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; and

WHEREAS, the Governing Body wishes to discuss Litigation matters.

WHEREAS, Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal hereby exclude the public from this meeting.

Seconded by Mayor Cohen

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

The Board of Commissioners entered into closed session to discuss a litigation matter at 8:51 P.M.

The Commissioners returned to open session at 9:30 P.M.

It was announced that the next meeting of the Board of Commissioners will be on Wednesday, May 10, 2017 at 7:30 P.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 9:30 P.M.

SC _____

MA _____

DS _____

Clerk