

March 9, 2018

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on March 9, 2018 at 9:00 A.M.

Present: Mayor Cohen & Commissioner Simhon

Absent: Commissioner Ades

Also Present: Robert Moore, Borough Attorney Representative.

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 minutes of the previous meeting held on February 14, 2018 be approved as recorded.

Ordinance 1163 to exceed the municipal budget appropriation limits and to establish a cap bank 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 April 11, 2018 at 5:00 P.M.

ORDINANCE 1163

CALENDAR YEAR 2018

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 2.5% 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 2018 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 \$ 272,685.21 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 2018 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 \$ 272,685.21, and that the CY 2018 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.

Ordinance 1164 to Vacate the Right of Way Easement was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Public Hearing for this ordinance will be given on April 11, 2018 at 5:00 P.M.

ORDINANCE 1164

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHT OF WAY AND EASEMENT ASSOCIATED WITH THE A PORTION OF BLOCK 57, LOTS 10.01 IN THE BOROUGH OF DEAL.

WHEREAS, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-13(b)(4), a municipality, by ordinance, may “release the public rights in the nature of easements, in, on, over or under any real property within the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes;” and

WHEREAS, by Deed dated February 24, 1968 and recorded in the Monmouth County Clerk’s Office in Deed Book 3568, Page 693 on March 15, 1968 a right-of-way and easement over a portion of Block 57, Lot 10.01 in the Borough of Deal, County of Monmouth, State of New Jersey (“the Easement”); and

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to extinguish the Easement, as appropriate; and

WHEREAS, the homeowner shall provide confirmation that there are no other utilities within this easement; and

WHEREAS, the Governing Body has determined that it would be appropriate to vacate and release the Easement.

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

1. The Borough hereby vacates and extinguishes any and all right, title and interest to the public in and to certain lands described as a portion of Block 57, Lot 10.01 to be vacated, and more fully described in the Deeds recorded with the Monmouth County Clerk's Office in Book 3568, Page 693 subject to all conditions set forth hereinabove.

BE IT FURTHER RESOLVED, The Mayor and Borough Clerk / Administrator are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing an Extinguishment of Easement in a form acceptable to the Borough Attorney.

BE IT FURTHER RESOLVED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER RESOLVED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER RESOLVED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution was discussed and enacted:

**RESOLUTION 18-40
TEMPORARY CAPITAL BUDGET**

Whereas, it is desired to adopt a temporary capital budget,

Now, Therefore Be It Resolved, by the _____ Board of Commissioners of the _____ Borough of _____ Deal, County of _____ Monmouth _____, that the following temporary capital budget be adopted:

RECORDED VOTE	Ayes	(Nays	(Abstain	(Absent	(
(Insert last names)))))

CAPITAL BUDGET (Current Year Action)
2018

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2012					6 TO BE FUNDED IN FUTURE YEARS
				5a 2018 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants In Aid and Other Funds	5e Debt Authorized	
Various Improv to Deal Casino & Conover Pavilion Beach Club	1	150,000				150,000			
Purchase of & Improv to DPW Equip	2	100,000				100,000			
Various Improv to Municipal Buildings	3	20,000				20,000			
Various Improv to Streets & Drains	4	1,350,000				1,000,000	350,000		
Purchase of Sanitation Equipment	5	500,000				500,000			
Purchase of & Improv to Fire Dept Equip.	6	20,000				20,000			
TOTALS ALL PROJECTS		2,140,000				1,790,000	350,000	0.00	

3 YEAR CAPITAL PROGRAM 2018 - 2020
Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year					
				Budget Year 2018	2019	2020	20__	20__	20__
Various Improv to Deal Casino & Conover Pavilion Beach Club	1	450,000	End of Each Year	150,000	150,000	150,000			
Purchase of & Improv to DPW Equip	2	300,000	End of Each Year	100,000	100,000	100,000			
Various Improv to Municipal Buildings	3	220,000	End of Each Year	20,000	100,000	100,000			
Various Improv to Streets & Drains	4	1,750,000	End of Each Year	1,350,000	200,000	200,000			
Purchase of Sanitation Equipment	5	800,000	End of Each Year	500,000	150,000	150,000			
Purchase of & Improv to Fire Dept Equip.	6	220,000	End of Each Year	20,000	100,000	100,000			
TOTALS ALL PROJECTS		3,740,000		2,140,000	800,000	800,000			

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3 YEAR CAPITAL PROGRAM 2018-2020

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants In Aid and Other Funds	7 BONDS AND NOTES			
		Current Year 2018	Future Years				General	Self- Liquidating	Assessment	School
Various Improv to Deal Casino & Conover										
Pavilion Beach Club	450,000				450,000					
Purchase of & Improv to DPW Equip	300,000				300,000					
Various Improv to Municipal Buildings	220,000				220,000					
Various Improv to Streets & Drains	1,750,000				1,400,000	350,000				
Purchase of Sanitation Equipment	800,000				800,000					
Purchase of & Improv to Fire Dept Equip.	220,000				220,000					
TOTALS ALL PROJECTS	3,740,000				3,390,000	350,000.00				

Be It Further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution adopting a temporary capital budget by the governing body on the _____ 9th day of _____ March, 2018.

Certified by me

(DATE)

MUNICIPAL CLERK

TRENTON, NEW JERSEY
APPROVED _____, 20__18

DIRECTOR OF LOCAL GOVERNMENT SERVICES

Ordinance 1165 Capital 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 April 11, 2018 at 5:00 P.M.

CAPITAL ORDINANCE NO. 1165

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO THE DEAL CASINO, CONOVER PAVILION AND MUNICIPAL BEACH AND APPROPRIATING \$150,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS 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 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and

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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 \$150,000, said sum being inclusive of \$150,000 from the Borough's Capital Surplus Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the various improvements to the Deal Casino, Conover Pavilion and Municipal Beach 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 2018 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 1166 Capital Ordinance to provide for purchase and improvements to 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 April 11, 2018 at 5:00 P.M.

CAPITAL ORDINANCE NO. 1166

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO DPW EQUIPMENT AND APPROPRIATING \$100,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS 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 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 Surplus 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

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therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2018 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 1167 Capital Ordinance to provide for 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 April 11, 2018 at 5:00 P.M.

CAPITAL ORDINANCE NO. 1167

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO MUNICIPAL BUILDINGS AND APPROPRIATING \$20,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS 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 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 \$20,000, said sum being inclusive of \$20,000 from the Borough's Capital Surplus Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the various improvements to Municipal Buildings 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 2018 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.

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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 1168 Capital Ordinance to provide for improvements to the 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 April 11, 2018 at 5:00 P.M.

CAPITAL ORDINANCE NO. 1168

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS AND APPROPRIATING \$1,350,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND A STATE GRANT 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 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 \$1,350,000, said sum being inclusive of \$1,350,000 from the Borough's Capital Surplus Fund and a State Grant.

Section 2. The improvements hereby authorized to be undertaken consist of the various improvements to Streets and Drains 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 2018 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 1169 Capital Ordinance to provide for purchase and improvements to Sanitation Equipment 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 April 11, 2018 at 5:00 P.M.

CAPITAL ORDINANCE NO. 1169

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO SANITATION EQUIPMENT AND APPROPRIATING \$500,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS 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 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 \$500,000, said sum being inclusive of \$500,000 from the Borough's Capital Surplus Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and improvements to Sanitation 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 2018 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 1170 Capital Ordinance to provide for the purchase and improvements to Fire Department 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 April 11, 2018 at 5:00 P.M.

CAPITAL ORDINANCE NO. 1170

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO FIRE DEPARTMENT EQUIPMENT AND APPROPRIATING \$20,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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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 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 \$20,000, said sum being inclusive of \$20,000 from the Borough's Capital Surplus Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and improvements to Fire Department 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 2018 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.

The following resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution

Resolution 18-41

WHEREAS, the 2018 budget of the Borough of Deal has been reviewed by the Board of Commissioners and is scheduled to be introduced at this meeting; and

WHEREAS, a copy of same will be made available to each person requesting it during said week and during the public hearing scheduled for April 11, 2018.

NOW, THEREFORE BE IT RESOLVED, that having conformed with the conditions set forth in N.J.S.A. 40A:4-8, the 2018 Budget be read by its title.

Seconded by Mayor Cohen

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

Mr. Alvino, Borough Auditor, read the 2018 Introduced Budget by Title to the Board of Commissioners.

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Commissioner Simhon offers the following Resolution:

Resolution 18-42

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 Planning Board Attorney and the service 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 will exceed \$17,500; and,

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

WHEREAS, *the following business entities*

Planning/Zoning Attorney Erik Anderson, Esq.

has submitted a proposal indicating they will provide the legal services for the amounts specified in the 2018 Municipal Budget; and

WHEREAS, each of the following business entities have completed and submitted a Business Entity Disclosure Certification which certifies that they have has 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:

Planning/Zoning Attorney Erik Anderson, 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 appointment is hereby ratified and confirmed for the year 2018.

Planning/Zoning Attorney Erik Anderson, Esq.

2. The amounts charged for these services will be determined in accordance with the contracts dated as of January 1, 2018 and in effect through December 31, 2018.
3. The said contracts were awarded without public bidding as "Professional Services" under the provisions of said Local Public Contract Law.
4. A copy of the Resolution shall be published in The Coaster within 10 days of its passage.

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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 18-43

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEE, CONGREGATION BEIT YOSEF OF DEAL, INC.,
BLOCK 22 LOT 4**

WHEREAS, Congregation Beit Yosef of Deal, Inc., posted a Performance Guarantee with the Borough of Deal in the amount of \$89,400.00 for the on-site improvements associated with the development of this project on Block 22, Lot 4 as follows: Cash Surety Bond, in the amount of \$80,460.00 and cash in the amount of \$8,940.00; and

WHEREAS, upon review of the construction status and associated paperwork, the Borough Engineer has found that all on-site improvements have been completed in accordance with the approved plans and has recommended the release of the performance guarantee and acceptance of the improvements in his correspondence to the Borough of Deal dated February 21, 2018; and

WHEREAS, the Borough Engineer has recommended the acceptance of the two-year Maintenance Guarantee in the amount of \$11,175.00 in the form of a surety maintenance bond scheduled to expire two years from the date of acceptance.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that 1) all of the on-site improvements covered by the aforementioned performance guarantee are hereby accepted; 2) therefore, said Performance Guarantee posted by Congregation Beit Yosef of Deal, Inc., cash surety bond in the amount of \$80,460.20 be and is hereby released less the performance maintenance bond of \$11,175.00; and 3) that these acceptances are subject to all professional escrow fees being paid, and

BE IT FURTHER RESOLVED, in accordance with the recommendation of the Township Engineer stated above, that the Township Council accept the two-year Maintenance Guarantee posted by Congregation Beit Yosef of Deal, Inc., cash surety bond in the amount of \$11,175.00 be and is hereby accepted.

Seconded by Mayor Cohen

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

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Commissioner Simhon offers the following Resolution:

Resolution 18-44

WHEREAS, the Deal Department of Public Works is in need of a new Zues Vehicle Scanner duue to the age and inability to upgrade; and

WHEREAS, this equipment is a proprietary piece of equipment for the Borough Mechanic to use to read computer vehicle codes; and

WHEREAS, a proposal was received from Snap-On Tool in the amount of \$9,195.00;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the new Zeus Vehicle Scanner be purchased from Snap-On Tool in the amount of \$9,195.00.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 18-45

WHEREAS, Susan Cain, Atlantic Avenue, Long Branch, NJ has made a payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due the overpayment of their membership; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$300.00 be issued to Susan Cain for the overpayment of their membership to the Deal Casino.

Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 18-46

WHEREAS, due to the age and mileage of two police vehicles, there is a need to replace this vehicle; and

WHEREAS, the Board of Commissioners had approved bids to be received on purchasing two (2) 2018 Chevy Tahoes; and

WHEREAS, the Borough has received one proposal for twp (2) 2018 Chevy Tahoes at a cost of \$74,765.00 from SeaCoast Chevrolet, Ocean, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the purchase of two (2) 2018 Chevy Tahoes from SeaCoast Chevrolet, Ocean, NJ at a cost of \$74,765.00.

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Seconded by Mayor Cohen

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

Commissioner Simhon offers the following Resolution:

Resolution 18-47

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

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 March 31, 2018 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 February was received from Chief Ronen Neuman.

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

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

A letter was received from the NJ Department of Transportation informing the Borough of receiving funding for FY2018 Municipal Aid for Ocean Avenue Phase III in the amount of \$350,000.00.

A letter was received from the NJ State League of Municipalities advising of the 24th Annual Mayors' Hall of Fame applications are being accepted.

A public hearing notice was received from NJ American Water for their filing of a petition for approval in support of the Distribution System Improvement Charge.

A list from JCP&L was received listing streets that they will be trimming trees near the power lines.

A letter was received from the Honorable Mark Apostolou thanking the Borough for the recognition of his induction into Christian Brothers Academy Hall of Fame.

The February edition of the Legislative Bulletin was received from the NJ League of Municipalities.

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An email was received from the Deal Fire Company requesting use of the Deal Casino for their Annual Ball on August 11, 2018 with a rain date of August 18, 2018. The Board of Commissioners approved the use.

A letter was received from Camp Veritans, requesting to send their Masada Campers to the W. Stanley Conover Pavilion on July 12th. The Board of Commissioners approved the request.

An email was received from Daniel O'Hara, film student at Farleigh Dickinson University, requesting to film a video on Roosevelt Avenue on March 30th between 11pm -3am. The Board of Commissioners approved the request subject to traffic safety approval from the Police Department.

A letter was received from the DSN Community Center requesting use of the basketball courts at the Deal Casino starting March 15th. As per the lease agreement, the leasee is required to receive Board Approval. The Board of Commissioners approved the request.

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 18-03 of the Warrant Register in the amount of \$460,630.11.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon

Mayor Cohen moved to open the floor to public comments, seconded by Commissioner Simhon and approved.

Irwin Levine, 28 Richmond Avenue, asked the Board of Commissioners if Richmond Avenue could be placed on the list for repaving, Mayor Cohen stated that was one of the streets to be paved.

Isadora Chamlin, 5 Poplar Avenue, asked the Board of Commissioners what was going on with Roosevelt Avenue at the pump station as far as viewing the ocean and adding benches. Mayor Cohen stated he will take a look at it. Mrs. Chamlin stated that there isn't one bench for people to sit and look at the ocean. Commissioner Simhon stated he like the idea of the pier, Mayor Cohen stated that he is still working on funding for the pier. Mrs. Chamlin also stated that the Deal Casino needed a lot of work and that it is very dirty.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners what the improvements were to the Deal Casino as referenced in the introduction of the Ordinance. Ms. Coffey was advised that there are no immediate plans, but funding is in place for future improvements as well as any emergencies that may arise. Ms. Coffey showed the Board of Commissioners a photo of the beach next to the Phillips Avenue outfall, which shows erosion on the beach. Mayor Cohen requested a copy of the photo to pass on to the Army Corp of Engineers. Ms. Coffey stated if the lease for the DSN is going to be extended for additional use, can they be charged an additional fee. Mayor Cohen stated that he will look into an extra fee. Ms. Coffey asked for an update on the AirBNB, she was advised the fire official has been notified and trying to determine the locations. Ms. Coffey asked for draft minutes to be released, she was advised that draft minutes are not available under OPRA and would not be released. Ms. Coffey asked on the

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status of the basketball court at the Deal Casino, Commissioner Simhon stated that he is working on it. Ms. Coffey asked for an update on the beach access and people entering without paying. Mayor Cohen stated that the police will monitor access points. Ms. Coffey asked for an update on the sheds on the beach, she was advised that it is under the jurisdiction of the NJDEP and they are handling. Ms. Coffey asked about the landscape plan for Norwood Avenue. Mayor Cohen stated he has a landscape architect working on a plan for NJDOT to implement. Ms. Coffey asked the Board of Commissioners to move the Borough meeting from 9am due to people attending mass at the St. Mary's church.

Joseph Coakley, Surf rider Association, advised the Board of Commissioners that he opposes the ordinance to vacate the easement. Mr. Coakley also stated that he would like to see a demarcation line at the Antebi property to define Borough property from the Antebi property.

Mayor Cohen 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, which will be on Wednesday, April 11, 2018 at 5:00 P.M.

There being no further business or comments, it was moved by Commissioner Simhon and seconded by Mayor Cohen that the meeting be adjourned at 9:40 A.M.

SC _____

MA ABSENT _____

DS _____

Clerk