

March 13, 2019

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on March 13, 2019 at 9:00 A.M.

Present: Commissioner Ades & Commissioner Simhon

Absent: Mayor Cohen

Also Present: Paul Fernicola, Borough Attorney & John Swisher, Borough Registered Municipal Accountant.

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 Ades, seconded by Commissioner Simhon and carried that the minutes of the previous meeting held on February 13, 2019 be approved as recorded.

Ordinance 1183 to Establish a CAP Bank was introduced by Commissioner Ades, seconded by Commissioner Simhon.

Roll Call: Ayes 2; Ades & Simhon.

Absent 1; Cohen

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

ORDINANCE 1183

CALENDAR YEAR 2019

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 2019 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 \$287,222.74 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.

March 13, 2019

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 2019 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 \$287,222.74, and that the CY 2019 municipal budget for the Borough of Deal be approved and adopted in accordance with this ordinance; and,

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

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

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

The following resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 19-30

WHEREAS, the Borough of Deal, New Jersey, desires to constitute the 2019 Temporary Capital Budget of said municipality by inserting therein:

Various Improvements to the Deal Casino, Conover Pavilion and Municipal Beach
Purchase of & Improvements to DPW Equipment
Various Improvements to Municipal Buildings
Various Improvements to Streets & Drains
Purchase of Sanitation Equipment
Purchase of & Improvements to Fire Department Equipment
Purchase of & Improvements to Police Department Equipment
Improvements to Sanitary Sewers
Purchase of Sanitary Sewer Equipment
Improvements to Roosevelt Avenue Pump Station

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Deal in the County of Monmouth as follows:

Section 1. The 2019 Temporary Capital Budget of the Borough of Deal is hereby constituted by the addition of a schedule to read as follows:

TEMPORARY CAPITAL BUDGET OF THE
BOROUGH OF DEAL
COUNTY OF MONMOUTH, NEW JERSEY

PROJECTS SCHEDULE FOR 2019

METHOD OF FINANCING

March 13, 2019

| Project | Est. Costs | Capital Improvement Fund |
|-----------------------------------|-----------------------|---|
| Various Imp. Beaches | \$150,000.00 | \$150,000.00 |
| Purch. of & Imp. to DPW Equip. | \$100,000.00 | \$100,000.00 |
| Various Imp. to Municipal Build. | \$25,000.00 | \$25,000.00 |
| Various Imp. to Streets & Drains | \$750,000.00 | \$750,000.00 |
| Purchase of Sanitation Equip. | \$25,000.00 | \$25,000.00 |
| Purch. of & Imp. to Fire Equip. | \$25,000.00 | \$25,000.00 |
| Purch. of & Imp. to Police Equip. | \$40,000.00 | \$40,000.00 |
| Imp. to Sanitary Sewers | \$250,000.00 | \$250,000.00 |
| Purchase of Sanitary Equip. | \$25,000.00 | \$25,000.00 |
| Imp. to Roosevelt Pump Station | \$100,000.00 | \$100,000.00 |
| Total | \$1,490,000.00 | \$1,490,000.00 |

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2019 Temporary Capital Budget, to be included in the 2019 Permanent Capital Budget as adopted.

Seconded by Commissioner Simhon

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

Capital Ordinance 1184 providing for various improvements to Deal Casino, Conover Pavilion and Municipal Beaches was introduced by Commissioner Simhon, seconded by Commissioner Ades.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1184

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 IMPROVEMENT FUND 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 the Deal Casino, Conover Pavilion and Municipal Beach, and

WHEREAS, the Borough has available \$150,000 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:

March 13, 2019

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 \$150,000, said sum being inclusive of \$150,000 from the Borough's Capital Improvement 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 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1185 providing for the purchase of and various improvements to DPW Equipment was introduced by Commissioner Ades, seconded by Commissioner Simhon.

Roll Call: Ayes 2; Ades & Simhon.

Absent 1; Cohen

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1185

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO DPW EQUIPMENT AND APPROPRIATING \$100,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

March 13, 2019

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 purchase of and various improvements to DPW equipment; 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:

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 various 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 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1186 providing for the various improvements to Municipal Buildings was introduced by Commissioner Ades, seconded by Commissioner Simhon.

Roll Call: Ayes 2; Ades & Simhon.

Absent 1; Cohen

March 13, 2019

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1186

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO MUNICIPAL BUILDINGS AND APPROPRIATING \$25,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND 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 purchase of and various improvements to DPW equipment; and

WHEREAS, the Borough has available \$25,000 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:

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 \$25,000, said sum being inclusive of \$25,000 from the Borough's Capital Improvement 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 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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.

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Section 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1187 providing for various improvements to Streets & Drains was introduced by Commissioner Ades, seconded by Commissioner Simhon.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1187

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS AND APPROPRIATING \$750,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND 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 streets and drains; and

WHEREAS, the Borough has available \$750,000 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:

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 \$750,000, said sum being inclusive of \$750,000 from the Borough's Capital Improvement Fund.

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 2019 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 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 4. An aggregate amount not exceeding \$150,000 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1188 providing for the purchase of and various improvements to Sanitation Equipment was introduced by Commissioner Ades, seconded by Commissioner Simhon.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1188

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO SANITATION EQUIPMENT AND APPROPRIATING \$25,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND 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 purchase of and various improvements to Sanitation equipment; and

WHEREAS, the Borough has available \$25,000 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:

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 \$25,000, said sum being inclusive of \$25,000 from the Borough's Capital Improvement Fund.

March 13, 2019

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and various 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 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1189 providing for the purchase of and various improvements to Fire Department Equipment was introduced by Commissioner Ades, seconded by Commissioner Simhon.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1189

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO FIRE DEPARTMENT EQUIPMENT AND APPROPRIATING \$25,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND 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 purchase of and various improvements to Fire Department equipment; and

March 13, 2019

WHEREAS, the Borough has available \$25,000 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:

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 \$25,000, said sum being inclusive of \$25,000 from the Borough's Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and various 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 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1190 providing for the purchase of and various improvements to Police Department Equipment was introduced by Commissioner Ades, seconded by Commissioner Simhon.

Roll Call: Ayes 2; Ades & Simhon.

Absent 1; Cohen

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

March 13, 2019

CAPITAL ORDINANCE NO. 1190

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO POLICE DEPARTMENT EQUIPMENT AND APPROPRIATING \$40,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND 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 purchase of and various improvements to Police Department equipment; and

WHEREAS, the Borough has available \$40,000 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:

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 \$40,000, said sum being inclusive of \$40,000 from the Borough's Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and various improvements to Police 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 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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.

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Section 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1191 providing for the various improvements to Sanitary Sewers was introduced by Commissioner Ades, seconded by Commissioner Simhon.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1191

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO SANITARY SEWERS AND APPROPRIATING \$250,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM SEWER CAPITAL IMPROVEMENT FUND 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 Sanitary Sewers; and

WHEREAS, the Borough has available \$250,000 in the Borough's Sewer 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:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as sewer 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 \$250,000, said sum being inclusive of \$250,000 from the Borough's Sewer Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of various improvements to Sanitary Sewers 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 2019 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 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 4. An aggregate amount not exceeding \$50,000 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.

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Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1192 providing for the purchase of and various improvements to the Sanitary Sewer Equipment was introduced by Commissioner Ades, seconded by Commissioner Simhon.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1192

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO SANITARY SEWER EQUIPMENT AND APPROPRIATING \$25,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM SEWER CAPITAL IMPROVEMENT FUND 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 purchase of and various improvements to Sanitary Sewer Equipment; and

WHEREAS, the Borough has available \$25,000 in the Borough's Sewer 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:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as sewer 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 \$25,000, said sum being inclusive of \$25,000 from the Borough's Sewer Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and various improvements to Sanitary Sewer 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.

March 13, 2019

Section 3. The 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1193 providing for the various improvements to the Roosevelt Avenue Pump Station was introduced by Commissioner Ades, seconded by Commissioner Simhon.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

CAPITAL ORDINANCE NO. 1193

CAPITAL ORDINANCE PROVIDING FOR THE IMPROVEMENTS TO THE ROOSEVELT AVENUE PUMP STATION AND APPROPRIATING \$100,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM SEWER CAPITAL IMPROVEMENT FUND 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 improvements to the Roosevelt Avenue Pump Station; and

WHEREAS, the Borough has available \$100,000 in the Borough's Sewer 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:

March 13, 2019

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as sewer 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 Sewer Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the improvements to the Roosevelt Avenue Pump Station 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 2019 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 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 4. An aggregate amount not exceeding \$0 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 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 6. 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 7. This ordinance shall take effect as provided by law.

Ordinance 1194 to Approve the Neptune Avenue Sale Agreement was introduced by Commissioner Ades, seconded by Commissioner Simhon.

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

Public Hearing for this ordinance will be given on March 13, 2019 at 9:00 A.M.

ORDINANCE #1194

**AN ORDINANCE TO APPROVE A SALE AGREEMENT
FOR A PORTION OF NEPTUNE AVENUE
IN THE BOROUGH OF DEAL
PURSUANT TO N.J.S.A. 40A:12-13(b)(5) et seq.**

March 13, 2019

WHEREAS, the Borough has proposed vacating the easterly portion of Neptune Avenue which lies between the southerly boundary line of Lot 1, Block 82, and the northerly boundary line of Lot 1, Block 83 with the exception of the access sidewalk adjacent to Lot 1, Block 82 leading to the beach and the Borough's right for ingress and egress to maintain, repair and/or replacement of all existing public utilities, including but not limited to, storm water lines, potable water main and lines, sanitary sewer pipes, etc.; and

WHEREAS, the Borough has concluded that the proposed vacated portion of Neptune Avenue serves no public purpose; and

WHEREAS, the Estate of Barry Sitt, owner of Block 82, Lot 1, by virtue of executing a Quit Claim Deed dated December 24, 2018 has relinquished any past, present or future interest in the vacated portion of Neptune Avenue to ICC Neptune Ave LLC.; and

WHEREAS, the Borough is amenable pursuant to N.J.S.A. 40A:12-13(b)(5) to enter into an Agreement for the sale of the vacated portion of Neptune Avenue property to ICC Neptune Ave LLC, a Delaware limited liability company whose post office address is c/o Crown Acquisitions, 767 Fifth Avenue, 24th Floor, New York, New York 10153 and the record owner of the adjacent property, Lot 1, Block; and

WHEREAS, the Borough has advised ICC Neptune Ave LLC that it intends to vacate the public rights in the Unimproved Portion of Neptune Avenue with the exception of the access sidewalk leading to the beach and the Borough's right for ingress and egress to maintain, repair and/or replacement of all existing public utilities, including but not limited to, storm water lines, potable water main and lines, sanitary sewer pipes, etc.; and

WHEREAS, the Agreement shall be executed between the Borough of Deal and ICC Neptune Avenue LLC pursuant to N.J.S.A. 40A:12-13(b)(5) setting forth the consideration that shall be paid by ICC Neptune Ave, LLC to the Borough of Deal and in further consideration of the parties' mutual promises and covenants as provided in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, that

1. In accordance with N.J.S.A. 40A:12-13(b)(5) the Mayor and Borough Administrator are authorized to execute the Agreement with ICC Neptune Avenue LLC setting forth the consideration that shall be paid by ICC Neptune Ave, LLC to the Borough of Deal and in further consideration of the parties' mutual promises and covenants as provided in the Agreement.
2. The Borough Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.
3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
4. If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

March 13, 2019

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

The following resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 19-31

RESOLUTION TO INTRODUCE THE 2019 MUNICIPAL BUDGET

WHEREAS, the 2019 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 10, 2019.

NOW, THEREFORE BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2019:

| | |
|--|------------------|
| General Appropriations for: | |
| Appropriations within "CAPS" | |
| Municipal Purposes | \$ 8,610,966.06 |
| Appropriations excluded from "CAPS": | |
| Municipal Purposes | \$ 2,344,534.99 |
| Reserve for Uncollected Taxes | \$ 557,624.63 |
| Total General Appropriations | \$ 11,513,125.68 |
| Less: Anticipated Revenues other than current property tax | \$ 4,501,049.99 |
| Difference: Amount to be raised by Taxes for Support of Municipal Budget as follows: | |
| Local tax for Municipal Purposes including Reserve for Uncollected Taxes | \$ 7,012,075.69 |
| Sewer Utility: | |
| Total Appropriations | \$1,535,650.00 |

BE IT ALSO RESOLVED, that said Budget be published in the Coaster in the issue of March 21, 2019; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Borough of Deal does hereby approve the following as the Budget for the year 2019.

March 13, 2019

BE IT FINALLY RESOLVED that a Hearing on the Budget will be held at Deal Borough Hall on April 10, at 9:00 a.m. at which time and place objections to said Budget for the year 2019 may be presented by taxpayers or other interested persons.

Seconded by Commissioner Simhon

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

Commissioner Ades offers the following Resolution:

Resolution 19-32

WHEREAS, due to the age and mileage of one police vehicle, and the totaling of another police vehicle, there is a need to replace these vehicles; and

WHEREAS, the Board of Commissioners had approved bids to be received on purchasing two (2) 2019 Chevy Tahoe's; and

WHEREAS, the Borough has received one proposal for two (2) 2019 Chevy Tahoe's at a cost of \$75,673.00 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) 2019 Chevy Tahoe's from SeaCoast Chevrolet, Ocean, NJ at a cost of \$75,673.00.

Seconded by Commissioner Simhon

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

Commissioner Simhon offers the following Resolution:

Resolution 19-33

WHEREAS, the baby pool at the Deal Casino is need of renovation due to age and deterioration; and

WHEREAS, the Borough has received three (3) quotes to remove all existing coping and finishes, repair subsurface and install new finishing and coping; and

WHEREAS, proposals were received ranging in cost from a high of \$60,750.00 from Main Line Commercial Pools, King of Prussia, PA, and a low bid of \$39,575.00 from Ben Harvey Construction, Ocean Twp, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the renovation to the Deal Casino Baby Pool to Ben Harvey Construction, Ocean Twp, NJ at a cost of \$39,575.00.

Seconded by Commissioner Ades

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

March 13, 2019

Commissioner Simhon offers the following Resolution:

Resolution 19-34

WHEREAS, the main pool coping at the Deal Casino is need of renovation due to age and deterioration; and

WHEREAS, the Borough had requested three (3) quotes and received two (2) quotes to remove all existing coping and finishes and install new finishing and coping; and

WHEREAS, proposals were received ranging in cost from a high of \$110,000.00 from Ben Harvey Construction, Ocean, NJ, and a low bid of \$39,800.00 from Pax Construction Inc, West Long Branch, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the renovation to the Deal Casino Main Pool to Pax Construction Inc, West Long Branch, NJ at a cost of \$39,800.00.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-35

WHEREAS, the fencing located around the baby pool at the Deal Casino is need of renovation due to age and deterioration; and

WHEREAS, the Borough has received three (3) quotes to remove the existing fencing and install new fencing around the baby pool; and

WHEREAS, proposals were received ranging in cost from a high of \$28,560.00 from PAX Fence, Neptune, NJ, and a low bid of \$6,500.00 from Boundary Fence, Ocean, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the installation of a new fence around the Deal Casino Baby Pool to Boundary Fence, Ocean, NJ at a cost of \$6,500.00.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-36

WHEREAS, the front entrance sliding Door at the Deal Casino is need of renovation due to age and deterioration; and

WHEREAS, the Borough has received two (2) quotes to remove the existing sliding doors and install new swing open doors at the entrance; and

March 13, 2019

WHEREAS, proposals were received ranging in cost from a high of \$7,225.00 from Atlantic Glass Company, Belmar, NJ, and a low bid of \$7,100.00 from Glassworld, Ocean, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the installation of a new front entrance doors at the Deal Casino to Atlantic Glass, Belmar, NJ at a cost of \$7,225.00.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-37

WHEREAS, Richard Larrabee, Holmdel, NJ has made a payment for their membership at the Deal Casino; and

WHEREAS, a refund is being requested for their membership due to having to move from the area.

WHEREAS, Vivian Frasca, Wayside, NJ has made a payment for their membership at the Deal Casino; and

WHEREAS, a refund is being requested due to an overpayment for their membership.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$500.00 be issued to Richard Larrabee and a refund of \$500.00 be issued to Vivian Frasca for their membership to the Deal Casino.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-38

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposits, Cash Bonds, and accumulated interest; and

WHEREAS, the Borough of Deal has received deposits for Review, Inspection Fees and Cash Bonds; and

WHEREAS, it has been determined that the various applications and projects listed below have been withdrawn or received approval for release;

| <u>Address</u> | <u>Owner</u> | <u>Balance</u> |
|------------------|--------------------|----------------|
| 248 Ocean Avenue | Shore Design Group | \$1,812.50 |

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the above applicants be refunded the remaining escrow balances.

March 13, 2019

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-39

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A SHARED SERVICE AGREEMENT REGARDING SANITARY SEWER CONNECTIONS

WHEREAS, N.J.S.A. 49:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and

WHEREAS, the Borough of Deal and the Borough of Allenhurst have negotiated an agreement to allow certain residents and commercial buildings within the Borough of Deal to connect to the sanitary sewer system within the Borough of Allenhurst due to the inability of the Borough of Deal to handle the connections; and

WHEREAS, the Borough of Deal and the Borough of Allenhurst wish to enter into an agreement whereby the Borough of Deal will connect to the sanitary sewer system with the Borough of Allenhurst with an effective date commencing January 1, 2019 through December 31, 2044.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Deal hereby agrees to the attached shared service agreement and all contractual provisions held within.
2. The Mayor and Municipal Clerk are hereby authorized to execute said agreement.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-40

WHEREAS, the pavement on Parker Avenue between Norwood and Ocean Avenues and also the entire length of Drummond Road is in need of repair; and

WHEREAS, the Board of Commissioners have agreed to authorize bids for the repaving of these two (2) roadways.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bids be received for the repaving and any concrete work for Parker Avenue, between Norwood Avenue and Ocean Avenue, and Drummond Road to be received by April 4, 2019.

Seconded by Commissioner Ades

Roll Call: Ayes 2; Ades & Simhon

March 13, 2019

Absent 1; Cohen

Commissioner Simhon offers the following Resolution:

Resolution 19-41

WHEREAS, the Borough of Deal has televised the entire sanitary sewer system; and

WHEREAS, the Superintendent of Public Works has recommended the repair to the sanitary sewer line at Norwood Avenue and Woodford Road; and

WHEREAS, the Borough received two (2) quotes to install 40 feet of sanitary sewer line, mill and repave trench area.

WHEREAS, proposals were received ranging in cost from a high of \$39,918.00 from Burke Contracting, Ocean, NJ, and a low bid of \$28,500.00 from Fiore Paving Company, Oceanport, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the replacement of the sanitary sewer line with mill and repaving at Norwood Avenue and Woodford Road to Fiore Paving Company, Oceanport, NJ at a cost of \$28,500.00.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-42

WHEREAS, the Borough of Deal has televised the entire sanitary sewer system; and

WHEREAS, the Superintendent of Public Works has recommended the repair to the sanitary sewer line on Atlantic Avenue in 2 separate locations; and

WHEREAS, there were spot repairs made to these lines in 2016 and currently remains a maintenance bond; and

WHEREAS, the bond company has asked the Borough to solicit quotes and make the necessary repairs; and

WHEREAS, the Borough received two (2) quotes to repair two (2) connections of sanitary sewer line, mill and repave curb to curb.

WHEREAS, proposals were received ranging in cost from a high of \$37,720.00 from Burke Contracting, Ocean, NJ, and a low bid of \$22,500.00 from Fiore Paving Company, Oceanport, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the repair of the sanitary sewer line with mill and repaving at Atlantic Avenue to Fiore Paving Company, Oceanport, NJ at a cost of \$22,500.00.

March 13, 2019

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-43

WHEREAS, pursuant to N.J.S.A. 40:55D-26, the Board of Commissioners requests the Deal Planning Board issue a report on the vacation of Neptune Avenue pursuant to Ordinance 1181.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal request the following:

- 1) The Deal Planning Board within 35 days after this referral, issue a report identifying whether the vacation of the most easterly portion of Neptune Avenue is inconsistent with the Borough's Master Plan; and
- 2) If there are any inconsistencies, the Planning Board may make recommendations concerning these inconsistencies and any other matters related to the street vacation ordinance the Planning Board deems appropriate.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 19-44

WHEREAS, L&V Realty LLC, 111 Monmouth Drive would like to maintain a portion of pool deck and fencing encroaching on the Borough's parcel of land; and

WHEREAS, Paul Fernicola, Borough Attorney, has provided a written agreement for the agreement.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the proposed agreement to encroach on the Borough's parcel of land outlined in the agreement be signed by a representative of the Mayor and Borough Administrator.

Seconded by Commissioner Ades

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

Commissioner Ades offers the following Resolution:

Resolution 19-45

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

March 13, 2019

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, 2019 be approved in the amount not to exceed \$300,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$300,000.00 be paid at this time.

Seconded by Commissioner Simhon

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

Commissioner Ades offers the following Proclamation:

Proclamation

WHEREAS, Congress designated the third full week in March to be National Poison Prevention Week (NPPW) in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

WHEREAS, poisoning is a preventable illness! From the youngest to the oldest, all people and even pets are at risk; and

WHEREAS, poison centers across the country will focus the public's attention on identifying poisoning hazards at home as well as learning ways to prevent poisoning emergencies; and

WHEREAS, a poison is defined as anything that is taken in the wrong amount, in the wrong way or by the wrong person; and

WHEREAS, unintentional poisoning is the leading cause of unintentional injury death in New Jersey outnumbering deaths by motor vehicles and firearms; and

WHEREAS, drug overdose deaths including those from prescription and over-the-counter medications, as well as illegal drugs such as heroin and methamphetamines remain at epidemic proportions for both New Jersey and the United States.; and

WHEREAS, in approximately 94% of unintentional poison death nationally and 96% in New Jersey, drugs are the poison; and

WHEREAS, although the majority of reported poison exposures involve children five (5) years old and younger; the majority of poisoning deaths occur in adults aged 20 to 59; and

WHEREAS, lead poisoning remains a major public health concern. Elevated blood lead levels can cause significant and permanent damage to the health and wellbeing of a young child. There is no safe level of lead. Stop a child's exposure to lead before it causes harm; and

March 13, 2019

WHEREAS, the New Jersey Poison Information and Education System (NJPIES), a division of the Department of Emergency Medicine of the New Jersey Medical School of Rutgers, The State University of New Jersey, provides expert advice, drug information, and poison prevention education to NJ residents through the 800-222-1222 Poison Help Hotline; and

WHEREAS, all services are free, confidential, multilingual and available 24 hours a day, 7 days a week, 365 days a year even during bouts of Mother Nature; and

WHEREAS, the public can contact a poison expert by calling (1-800-222-1222), chatting (www.njpies.org), or texting (8002221222@njpies.org); and

WHEREAS, consumers must be aware that e-cigarette devices, hookah pipes and liquid nicotine may contain very high doses of nicotine in enticing colors, aromas, and flavors – increasing the likelihood that small children and pets will focus their attention on them. These products pose serious risk of poisoning; and

WHEREAS, poison experts urge residents to use our services as a resource for poison and drug information instead of consulting the internet for information that may not be accurate; and

WHEREAS, we encourage all residents to program the Poison Help Line 800-222-1222 into home, office, and cell phones because a rapid response can make a difference in preventing serious injury and saving lives; and

WHEREAS, poison centers help to eliminate thousands of unnecessary and expensive emergency department visits by offering callers access to free, confidential medical advice; and

WHEREAS, NJPIES is also involved with the state's efforts in homeland defense, counter-terrorism, emergency preparedness and response, bio surveillance, and surveillance for clusters of poisonings and their sources (products, food and beverages, chemicals in the workplace and at home, environmental toxins, drugs and medicine, and animal and insect bites and stings);

NOW, THEREFORE, I, Samuel Cohen, Mayor of the Borough of Deal, do hereby proclaim the week of March 17-23, 2019 as National Poison Prevention Week in New Jersey and encourage all citizens to pledge their commitment to ensuring the safety of themselves, their families, and their community.

Seconded by Commissioner Simhon

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

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 notice of public hearing was received from NJ Natural Gas for the annual review and revision of Societal Benefits Charge.

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A letter was received from the Monmouth County Historical Commission who are receiving nominations for the Historic Preservation Awards.

A notice of Green Acre public hearing was received from the Monmouth County Park System for the NJAW Howell to Lakewood Transmission Main Project.

A letter was received from Edison Energy requesting permission for the One More Tri; A triathlon for September 8th. The Board of Commissioners approved the race.

A letter was received from The Deal School PTO requesting a donation for their annual Gift Auction. Paul Fernicola, Borough Attorney, stated that donations cannot be made by a municipality. The request was denied.

An application for membership for the Deal Fire Company as an Active NJ State Firemen's Association was received for Joseph Cohen. The Board of Commissioners accepted the application and approved the membership to the Deal Fire Company as an active Firefighter for the NJ State Firemen's Association.

A raffle application was received from Christian Brothers Academy Alumni Association at the W. Stanley Conover Pavilion on September 6, 2019. The Board of Commissioners approved the application.

A raffle application was received from the Mya Lin Terry Foundation at the Deal Golf & Country Club on May 4, 2019. The Board of Commissioners approved the application.

Commissioner Ades 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 19-03 of the Warrant Register in the amount of \$395,528.64.

Seconded by Commissioner Simhon

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

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

Patty Verrochia, 246 Norwood Ave Oakhurst, advised the Board of Commissioners that drilling was taking place on the beach at Neptune Avenue. Paul Fernicola stated that we will look into it. Mrs. Verrochia asked if the bulkhead was being removed and rebuilt. Paul Fernicola, stated that there are no plans to change the bulkhead.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners if a new member of the Deal Lake Commission was selected due to the current liaison not living in Deal. Ms. Coffey was advised that the Deal Lake Commission does not require residency. Ms. Coffey asked how many students from Deal attend Deal School, the Board of Commissioners were not aware. Ms. Coffey asked the status of the new beach houses, she was advised that nothing new has been discussed. Ms. Coffey asked how the Police Department would enforce flying of small aircraft over the beach.

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Chief Neuman stated when they land and take off, they would be able to enforce. Ms. Coffey commented that golf carts would also not be allowed on public property. Ms. Coffey mentioned that she counted 270 spots on the grass lot of the Conover Pavilion and the DSN at the planning board meeting mentioned that there would be 185 spots. Commissioner Simhon stated that he would look into it. Ms. Coffey asked how many spots would be going to the DSN, Commissioner Simhon stated that he would look into it. Ms. Coffey asked which lease has the details of the parking. Commissioner Ades stated that it was not discussed in the lease. Ms. Coffey stated that there are 3 or 4 handicap spots also by the leased property. Ms. Coffey asked about a meeting that the Borough attended in 2016 with the DEP and DSN, Ms. Coffey wanted to know who attended the meeting. Ms. Coffey was advised that it was unknown who attended. Ms. Coffey also asked about the landscape plan for Roosevelt Avenue, Commissioner Simhon stated that it was not completed.

Renee Levine, 28 Richmond Avenue, addressed the Board of Commissioners about the letter on bicycle safety and the use of lights. Commissioner Simhon stated that he received the letter and is working on it. Commissioner Simhon asked about the possibility of adding signs on Richmond Avenue advising of the requirement for bicycle lights.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that the beach club around the snack bar is dirty. Commissioner Ades stated that we are trying to police that. Mrs. Chamlin stated that the leasee should be told to clean it up. Mrs. Chamlin also asked for locks on the ladies room doors.

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

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, April 10, 2019 at 9:00 A.M.

There being no further business or comments, it was moved by Commissioner Ades and seconded by Commissioner Simhon that the meeting be adjourned at 9:41 A.M.

SC _____

MA _____

DS _____

Clerk