

August 28, 2015

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on August 28, 2015 at 9:00 A.M.

Present: Mayor Ades, Commissioner Cohen and Commissioner Wiener  
Also Present: Martin Barger, Borough Attorney and Peter Avakian, Borough Engineer

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

It was moved by Commissioner Cohen, seconded by Commissioner Wiener and carried that the reading of the minutes of the previous meeting held on August 11, 2015 be dispensed with and the same be approved as recorded.

Ordinance #1120 was introduced on July 24, 2015 and the public hearing is scheduled for today, August 28, 2015. Mayor Ades moved to open the meeting to public comment on Ordinance 1120, seconded by Commissioner Cohen and approved. The Mayor invited public comment. Theda Cohen, 5 Monmouth Terrace, discussed how the 2 hour parking is not helping the parking problems in the area of her home and that she was not in favor of the 2 hour parking. She stated she would like to see designated residential parking in the area of her residence. Mr. and Mrs. Sutton, 9 Monmouth Terrace, also discussed how the 2 hour parking was not working. They felt the area is becoming unsafe and asked the Commissioners for help in restoring the safety in the area of their residence. There were no additional comments from the public and the public session was closed by the same vote.

#### **ORDINANCE #1120**

##### **AN ORDINANCE AMENDING CHAPTER X OF "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982"**

Mayor Ades moved to table Ordinance 1120, seconded by Commissioner Cohen. Roll Call: Ayes 3; Ades, Cohen & Wiener.

Ordinance 1121 Bond Ordinance was introduced by Commissioner Cohen, seconded by Commissioner Wiener. The Roll Call: Ayes 3; Ades, Cohen & Wiener.

#### **BOND ORDINANCE NO. 1121**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS AND RENOVATIONS TO THE POPLAR AVENUE CELL TOWER, AND APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

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

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

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

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

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

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

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

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and not part of the cost thereof has been or shall be specifically addressed on property specifically benefited thereby.
- (b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$95,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$20,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (e) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2 (e) of the United States Treasury Regulations.

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

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

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

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

Public Hearing for this ordinance will be given on September 11, 2015 at 9:00 A.M.

The following Resolutions were discussed and enacted:

Commissioner Wiener offers the following resolution.

**Resolution 15-115**

WHEREAS, an employee for the Borough of Deal has been disciplined for matters outlined with the Borough Administrator; and

WHEREAS, due to the discipline it has been determined that SC should be terminated from employment within the Borough of Deal.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that SC is terminated from the current position within the Borough of Deal effective immediately.

Seconded by Commissioner Cohen

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Wiener offers the following resolution.

**Resolution 15-116**

WHEREAS, the Borough of Rumson is selling a 2006 International 7400 20 cubic yard Leach Alpha 1 Body Garbage Truck, VIN #: 1HTWCAAR66J299231; and

WHEREAS, the Borough of Deal is in need of this vehicle and would like to purchase from the Borough of Rumson; and

WHEREAS, the Borough mechanic has examined this garbage truck and determined it to be suitable for our needs.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the 2006 International Garbage Truck be purchase and paid for at a cost of \$35,000.00.

Seconded by Commissioner Cohen

Roll Call: Ayes 3; Ades, Cohen & Wiener

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Commissioner Wiener offers the following resolution.

**Resolution 15-117**

WHEREAS, Germaine Menahem, 125 Brighton Avenue, Deal has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, Germaine Menahem has requested a refund of \$375.00 for the 2015 season due to her inability to attend the beach club.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$375.00 be issued to Germaine Menahem for her membership to the Deal Casino.

Seconded by Commissioner Cohen

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following resolution.

**Resolution 15-118**

WHEREAS, the Borough of Deal and Valerie Betesh, 88 Parker Avenue, has agreed upon a settlement on their complaint for interest and late charges on taxes; and

WHEREAS, the Borough Attorney has authorized and requested for the payment to be made.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payment in the amount of \$9,830.17 be payable to Ansell, Grimm & Aaron, Attorney Trust Account on behalf of Valerie Betesh.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 15-119**

**A RESOLUTION WITH REGARD TO CANCELING  
CAPITAL ORDINANCE 1106**

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Capital Fund Balance, and unused debt authorizations may be canceled:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the following unexpended and dedicated balances of General Capital Appropriations be cancelled:

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ORD No.	DATE AUTH.	PROJECT DESCRIPTION	AMOUNT FUNDED	AMOUNT CANCELLED
1106	5/8/15	Renovation to Poplar Avenue Cell Tower	\$100,000.00	

Seconded by Mayor Ades

Roll Call: Ayes 3; Ades, Cohen & Wiener

A letter was received from the NJ State League of Municipalities who was looking for any issues that need to be addressed. The Board of Commissioners discussed the disadvantage for three Commissioners to discuss business outside of an open meeting due to the Open Public Meeting Law. The Board of Commissioners were looking for relief.

A letter was received from the Township of Ocean Sewerage Authority advising of the Borough's 2015 1<sup>st</sup> and 2<sup>nd</sup> quarter overage charges as outlined in the new agreement recently signed.

A letter was received from the Township of Ocean in support for Senate Bill S2677 which would amend the provisions of the current stream cleaning law.

A notice of public hearing was received from Jersey Central Power & Light for the Basic Service Charges procured is set for September 22, 2015 at 1:30 pm in Morristown.

A letter was received from the New Jersey League of Municipalities advising of their Annual Business Meeting to be held on November 19, 2015 at the Sheraton Convention Center Hotel, Atlantic City.

A letter was received from Carrie Sniffen, Ladies Auxiliary of the Deal Fire Company, thanking the Board of Commissioners for the use of the Conover Pavilion for their two movie nights this summer.

An application for seeking nominations for the "Fred G. Stickel Memorial Award" was received from the New Jersey Institute of Local Government Attorneys was received. The Board of Commissioners did not have any recommended nominations at this time.

Two raffle applications were received from Shore to Help, for their event at the Deal Golf and Country Club on August 31, 2105. The Board of Commissioners approved these raffles.

An email was received from Michele Levy, Sephardic Bikur Holim, requesting permission to hold their 5k race on August 21, 2016. The Board of Commissioners approved the date subject to approval on safety from the Police Department.

The following Resolution was offered by Commissioner Cohen:

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 15-08 of the Warrant Register in the amount of \$352,615.03.

Seconded by Commissioner Wiener

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Roll Call: Ayes 2; Ades, Cohen & Wiener

Peter Avakian, Borough Engineer, addressed the Board of Commissioners about the projects for the Borough. Mr. Avakian advised the Board on the status of the Atlantic Avenue drainage and paving. Bids will be received within the next month and the project is to begin in the Fall 2015.

Mr. Avakian also discussed the drainage project for Stratford Avenue. He stated that plans have been designed and proposed to have Phase I completed first which consists of replacing larger storm water pipe from the foot of Marine Place back to Stratford Avenue. The Board of Commissioners advised Mr. Avakian to start moving forward with the project.

Mayor Ades requested comments from the floor. Maurice Zacharia, DSN, addressed the Board of Commissioners about the use of the Deal Casino and Conover Pavilion. The DSN was recently awarded the lease for the tennis courts and use of the basketball courts at the Deal Casino. Mr. Zacharia showed the Commissioners their vision for the repairs and upgrades to the tennis and basketball courts as well as utilizing a beach area to rent lounges and umbrellas. Mr. Zacharia asked about a bulk type membership to the Deal Casino or Conover Pavilion. The Board of Commissioners asked Mr. Zacharia to return with more information on what they were looking for with a membership to the beach club. Mr. Zacharia completed his presentation and stated he would provide the additional information.

Raina Grossman addressed the Board of Commissioners about their economic development plan for the Norwood Avenue Business district. It was determined the business she was inquiring about were actually in Ocean Township, the Board of Commissioners asked her to address that with the Township of Ocean. Mrs. Grossman also inquired about the rebuilding of the Pier at the Conover Pavilion. The Board of Commissioners stated that is not a project that will be completed at this time. Mrs. Grossman asked if empty houses can be required to leave some lights on during the winter months. The Board of Commissioners stated they would ask property owners to have lights on throughout the winter.

There were no other comments from the floor.

The following resolution was discussed and enacted:

Commissioner Wiener offers the following Resolution:

**Resolution 15-120**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss anticipated litigation.

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

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

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Seconded by Commissioner Cohen

Roll Call: Ayes 3; Ades, Cohen & Wiener

The Board of Commissioners entered into closed session to discuss personnel matters at 10:45 A.M.

The Commissioners returned to open session at 11:05 A.M.

It was announced that the next meeting of the Board of Commissioners will be on Friday, September 11, 2015 at 9:00 A.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 11:06 A.M.

MA \_\_\_\_\_

SMC \_\_\_\_\_

VSW \_\_\_\_\_

\_\_\_\_\_  
Clerk