

April 8, 2016

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on April 8, 2016 at 9:00 A.M.

Present: Mayor Ades, Commissioner Cohen and Commissioner Wiener  
Also Present: Martin Barger, Borough Attorney and Vince Alvino, Borough Auditor

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

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

The following Resolution was discussed and enacted:

Commissioner Cohen offers the following Resolution

**Resolution 16-39**

WHEREAS, the 2016 budget of the Borough of Deal has been reviewed by the Board of Commissioners and is scheduled to be adopted at this meeting after an appropriate public hearing; and

WHEREAS, a copy of same has been made available to each person requesting it during said week and during the public hearing scheduled for April 8, 2016. A summary posted in the official newspapers and a copy posted on the official website of the Borough.

NOW, THEREFORE BE IT RESOLVED, that having conformed with the conditions set forth in N.J.S.A. 40A:4-8, the 2016 Budget be read by its title.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Mr. Alvino read the 2016 Budget by Title with explanations and discussions by the Commissioners.

A public hearing was held on the 2016 Municipal Budget. There were no comments from the public.

A motion to adopt the 2016 municipal budget was moved by Commissioner Cohen, seconded by Commissioner Wiener. Roll Call: Ayes 3; Ades, Cohen & Wiener.

Ordinance 1127 Bond Ordinance to provide for improvements and renovations to the Deal Casino and Conover Pavilion was introduced by Commissioner Cohen, seconded by Commissioner Wiener. The Roll Call: Ayes 3; Ades, Cohen & Wiener.

Public Hearing for this ordinance will be given on May 13, 2016 at 9:00 A.M.

April 8, 2016

**BOND ORDINANCE NO. 1127**

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

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

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

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

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

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

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

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

April 8, 2016

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

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

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

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

April 8, 2016

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

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

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

Ordinance 1128 Bond Ordinance to provide for purchase and improvements to Sanitation Equipment was introduced by Commissioner Cohen, seconded by Commissioner Wiener. The Roll Call: Ayes 3; Ades, Cohen & Wiener.

Public Hearing for this ordinance will be given on May 13, 2016 at 9:00 A.M.

#### **BOND ORDINANCE NO. 1128**

#### **BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO SANITATION EQUIPMENT, AND APPROPRIATING \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$71,250 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"), for the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$75,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$3,750 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 \$71,250, 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

April 8, 2016

issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

(d) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3 (a) hereof is \$71,250, as stated in Section 2 hereof.

(e) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$75,000, which is equal to the amount of the appropriation herein made therefore, the excess of the appropriation of \$75,000 over the estimated maximum amount of bonds or notes to be issued therefore being the amount of said \$3,750 down payment for said purposes.

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

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

- (f) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and not part of the cost thereof has been or shall be specifically addressed on property specifically benefited thereby.
- (g) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.
- (h) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the

April 8, 2016

Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$71,250 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

- (i) An aggregate amount not exceeding \$10,000 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 I the estimated cost indicated herein for said improvements.
- (j) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2 (e) of the United States Treasury Regulations.

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

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

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

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

Ordinance 1129 Capital Ordinance to provide for various improvements to Municipal Buildings was introduced by Commissioner Cohen, seconded by Commissioner Wiener. The Roll Call: Ayes 3; Ades, Cohen & Wiener.

Public Hearing for this ordinance will be given on May 13, 2016 at 9:00 A.M.

April 8, 2016

**CAPITAL ORDINANCE NO. 1129**

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

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

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

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

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

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

Section 3. The 2016 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 1130 Amending Chapter X Traffic Code was introduced by Commissioner Wiener, seconded by Commissioner Cohen. The Roll Call: Ayes 3; Ades, Cohen & Wiener.

Public Hearing for this ordinance will be given on May 13, 2016 at 9:00 A.M.

April 8, 2016

**ORDINANCE 1130**

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

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

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

Section 2.

Subsection 10-35 C **Handicap Parking in Municipal Parking Lots  
and Board of Education Property** is amended to read as follows:

<u>Property</u>	<u>Number of Spaces</u>	<u>Location</u>
Deal Casino 125 Ocean Avenue Block 28, Lot 1	15	As indicated on site plan

Subsection 10-36 A **Regulation for the Movement and the Parking  
of Traffic on Municipal Property and Board of Education  
Property** is amended to read as follows:

Property

Conover Pavilion Parking Lot  
125 Ocean Avenue  
Block 28, Lot 1

4. Permit Parking

<u>Name of Lot</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Lot "A"	All	9:00 A.M.-1:00 P.M.	Monday – Thursday
Lot "A"	All	9:00 A.M.-4:00 P.M.	Friday – Sunday and Holidays
Lot "B"	All	9:00 A.M.-1:00 P.M.	Monday – Thursday
Lot "B"	All	9:00 A.M.-4:00 P.M.	Friday – Sunday and Holidays
Lot "C"	All	9:00 A.M.-1:00 P.M.	Monday – Thursday
Lot "C"	All	9:00 A.M.-4:00 P.M.	Friday – Sunday and Holidays

The following Resolutions were discussed and enacted:

Commissioner Wiener offers the following Resolution:

**Resolution 16-40**

WHEREAS, Dana Delatush, 287 Norwood Avenue, Long Branch NJ has  
made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, Mrs. Delatush has paid the deposit for their membership at  
the Deal Casino in the amount of \$500.00 and is requesting a refund; and



April 8, 2016

WHEREAS, Mark and Leslie Kelly, 280 Jerome Avenue, Oakhurst NJ has made a payment for their membership at the W. Stanley Conover Pavilion; and

WHEREAS, Mr. and Mrs. Kelly has obtained a locker at the Deal Casino Beach Club and is requesting a refund of \$225.00.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund be issued to the following members of the Deal Casino or W. Stanley Conover Pavilion.

- 1) Dana Delatush, in the amount of \$500 for the 2016 Casino season.
- 2) Mark and Leslie Kelly, in the amount of \$225 for the 2016 Conover season.

Seconded by Commissioner Cohen

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 16-41**

WHEREAS, Evident Title has made an overpayment on behalf of Esther & Jimmy Azizo, 55 Sydney Ave, Block 73 Lot 10 in the amount of \$1,722.00; and

WHEREAS, this overpayment has been requested to be refunded to Evident Title Agency.

NOW, THEREFORE, BE RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorize the refund of the Tax overpayment for Block 73 Lot 10 in the amount of \$1,772.00 made payable to Evident Title Agency, 878 Pompton Ave, Suite A2 Cedar Grove, NJ 07009.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 16-42**

WHEREAS, Christopher Berardesco, Department of Public Works Laborer has attended a public works course at Rutgers University; and

WHEREAS, Christopher Berardesco would be reimbursed for a portion of his course fee;

WHEREAS, this reimbursement is provided this one time on an approved course.

NOW, THEREFORE, BE RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorize the partial reimbursement of the course fee to Christopher Berardesco in the amount of \$2,653.00.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

April 8, 2016

Commissioner Wiener offers the following Resolution:

**Resolution 16-43**

WHEREAS, the Borough is in the need of a small 4wd utility vehicle for the Deal Casino; and

WHEREAS, this multi-purpose vehicle will be used for maintenance as well as cleaning of the beaches within the Borough of Deal; and

WHEREAS, a John Deere XUV 825i utility vehicles are offered by the National Joint Powers Alliance Co-Op at a cost of \$17,114.98.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that a John Deere XUV825i be purchased from Central Jersey Equipment, Marlboro, NJ at a cost of \$17,114.98

Seconded by Commissioner Cohen

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 16-44**

WHEREAS, the Monmouth County Regional Health Commission #1 has provided a proclamation emphasizing April 4-10, 2016 as National Public Health Week; and

WHEREAS, the Borough of Deal is a member town with the Monmouth County Regional Health Commission #1.

NOW, THEREFORE, BE RESOLVED, by the Board of Commissioners of the Borough of Deal hereby adopts the proclamation prepared by the Monmouth County Regional Health Commission #1 for National Health Week and the theme of "Healthiest Nation 2030".

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

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

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

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

A notice of public hearing was received from Jersey Central Power & Light for the review and approval of costs incurred for environmental remediation of manufactured gas plant sites.

A notice of public hearing was received from New Jersey Natural Gas for approval of an increase in gas base rates and for changes in its tariff for gas service.

April 8, 2016

A resolution was received from the Monmouth County Board of Chosen Freeholders supporting the siting of the new KC-46A Tanker Aircraft at the Joint Base McGuire-Dix-Lakehurst.

A letter was received from Martin Barger advising of his contact with Richard DeLucry, Esq. about the possibility of completing an agreement to add small cell antennas on Ocean Avenue. No new information has been received from Tilson about modifying the design from the previous meeting.

The March 2016 Legislative Bulletin was received from the New Jersey League of Municipalities.

A letter was received from Ocean Monmouth Health Alliance advising that April is Oral Cancer Awareness Month.

An email was received from Alan Shamah requesting the use of the Conover Pavilion in August 2016 for an Anniversary Party. The Commissioners discussed and more information will be obtained prior to approving the request.

A letter was received from One More Tri; A triathlon to benefit the Special Olympics to be held on September 25, 2016. The Board of Commissioners approved the triathlon subject to a satisfactory traffic control plan with the Deal Police Department.

Raffle license applications have been received from Monmouth Museum and Cultural Center for a raffle at the Deal Golf and Country Club on June 16, 2016. A raffle license application was received from the Arc of Monmouth for a raffle at the Deal Golf and Country Club on June 20, 2016. A raffle license application was received from the Mya Lin Terry Foundation for a raffle at the Deal Golf and Country Club on May 21, 2016. The Board of Commissioners approved all raffle licenses.

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 16-04 of the Warrant Register in the amount of \$1,619,087.85.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Mayor Ades requested comments from the floor.

Maurice Zacharia, DSN, addressed the Board of Commissioners and presented a conceptual design for the Deal Tennis Courts at the Deal Casino. Mr. Zacharia provided a photograph of the changes that they would like to complete as per the Tennis Court Lease signed in 2015 with the DSN. The proposed changes would be converting tennis courts to basketball courts, converting the existing basketball courts to a playground, volleyball court and spray park.

Irwin Levine, 28 Richmond Avenue, stated that the basketball courts are nice and age related. Mr. Levine stated that we are losing some amenities for Deal. Mr. Levine asked if the lease was to change the tennis courts. Martin Barger, Borough Attorney, read the lease explaining what they can do with no

April 8, 2016

specific time table. Commissioner Cohen commented that the tennis courts are not used.

Commissioner Cohen asked Mr. Zacharia if the courts would be used for tournaments and the potential parking problems. Mr. Zacharia stated that they would hire police officers during tournaments to have vehicles park on local side streets.

Mayor Ades asked about the northeast corner of the property being squared off. Mr. Zacharia stated that they squared off to utilize the extra space. Jennifer Krimko, Esq., represents the DSN and stated that the area in question is unusable space.

Mr. Levine asked if the lease can be changed for the ability to rent out the courts and provide a fee schedule. Mayor Ades stated that the lease cannot be changed unless the DSN agrees to modify.

Barbara Coffey, 85 Norwood Avenue, asked where the entrances would be. Mr. Zacharia pointed out the locations of all entrances. Ms. Coffey asked if Phillips Avenue can be accessed from the Deal Casino parking lot. Mr. Zacharia stated that everyone would have to walk around the courts to access the Conover Pavilion, the current pathway would be removed. Ms. Coffey asked how many bathrooms are at the facility. Mr. Zacharia believed there maybe one current bathroom but was not sure. Ms. Krimko stated that this is a conceptual design and all state codes will be met. Ms. Coffey asked what the hours of operation would be, Mr. Zacharia stated that they are working on that now and was unsure.

Ms. Coffey disagreed with municipal property that is privately used. Ms. Coffey also stated that Ocean Township has awarded their tennis courts for private use for \$50,000. The Borough will be receiving \$6,000. Mayor Ades stated that Ocean Township has a larger complex and we cannot compare the two. Ms. Coffey asked for an explanation of what the water park is. Mr. Zacharia had a book and showed a photograph on what they envision the water park to look like.

Isadora Chamlin, 5 Poplar Avenue, stated that this design is an arena and asked about the noise. Mr. Zacharia stated that Row H of the Deal Casino will act as a buffer. Mrs. Chamlin stated that she resented this whole thing that it is private and requested a reduction in taxes. Mrs. Chamlin asked if she can join the DSN as an Irish person. Ms. Krimko, stated that she is advising her clients to not answer that question.

Patty Verrochi, 246 Jerome Ave, Ocean Twp., stated that she concurred with prior statements and stated that the lease was not properly bid. Ms. Krimko stated that the bid process followed correctly. Mrs. Verrochi asked if people would be bused in, Mr. Zacharia stated that they could be but have not decided.

Commissioner Wiener asked if the area would be enclosed. Mr. Zacharia stated that they will not, only the building will be enclosed.

No further comments were received in reference to changes proposed by the DSN for the tennis courts. The following Resolution was discussed and enacted:

April 8, 2016

Commissioner Cohen offers the following Resolution:

**Resolution 16-45**

WHEREAS, the Deal Sephardic Network (DSN) has been awarded the lease for the Deal Casino Tennis Courts; and

WHEREAS, members of the DSN have made a presentation to the Board of Commissioners for changes and upgrades to the Borough facility; and

WHEREAS, these changes and upgrades are to be approved by the Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the changes and upgrades proposed to the Deal Tennis Courts be approved which includes:

- 1) Basketball Courts
- 2) Concept for Future Development
- 3) Footprint for Beach House Building

As outlined in detail on Site Plan B2 dated 3/24/16 as attached hereto and made a part hereof.

Seconded by Mayor Ades

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

Mayor Ades asked for any other comments from the floor:

Patty Verrochi asked if the Borough had received any results on the material excavated from the beach by the contractors for the Army Corp. Mayor Ades stated that the Army Corp has not told us. Mrs. Verrochi asked about the newly constructed wall on the south side of the Roosevelt Pump station if this is still borough land and that the homeowner advised her that she was trespassing. It was explained that this piece of land is owned by the Borough of Deal and that this was repaired due to erosion and protection of the pump station from storm surge. Mrs. Verrochi asked if Poplar Brook after the Army Corp has completed their work and covered the brook, if it will be public access. Mayor Ades stated that there will be an easement for cleaning the culvert and that there will be no public access there. Mrs. Verrochi asked if there were plans to sell Poplar Brook, Commissioner Cohen stated not at this time. Mrs. Verrochi asked if signs could be placed stating to surf at your own risk, Mayor Ades stated the surfers have the right to surf.

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

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

April 8, 2016

Commissioner Cohen offers the following Resolution:

**Resolution 16-46**

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 Contractual matters.

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

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

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen, & Wiener

The Board of Commissioners entered into closed session to discuss contractual matters at 10:40 A.M.

The Commissioners returned to open session at 11:02 A.M.

It was announced that the next meeting of the Board of Commissioners will be on Friday, April 22, 2016 at 9:00 A.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 11:02 A.M.

MA \_\_\_\_\_

SMC \_\_\_\_\_

VSW \_\_\_\_\_

\_\_\_\_\_  
Clerk