

July 8, 2016

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

Present: Mayor Cohen, Commissioner Ades and Commissioner Simhon
Also Present: Martin Barger, Borough Attorney

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 Ades, seconded by Commissioner Simhon and carried that the reading of the minutes of the previous meeting held on June 29, 2016 be dispensed with and the same be approved as recorded.

Ordinance 1133 Bond Ordinance to provide for the various improvements to streets and drains was introduced by Commissioner Ades, seconded by Commissioner Simhon. The Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on July 27, 2016 at 9:00 A.M.

**BOROUGH OF DEAL
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 1133

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

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

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

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

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issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

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

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

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

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

- (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.

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- (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 \$190,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$40,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (e) To the extent that monies of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2 (e) of the United States Treasury Regulations.

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

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

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

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

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 16-91

CB-2

CAPITAL BUDGET AMENDMENT

Whereas, the local capital budget for the year 2016 was adopted on the 8th day of April 2016; and,

Whereas, it is desired to amend said adopted capital budget section,

Now, Therefore Be It Resolved, by the Board of Commissioners of the Borough of Deal,

County of Monmouth, that the following amendment(s) to the adopted capital budget section of 2016 be made:

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

CAPITAL BUDGET (Current Year Action)
2016

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2010					6 TO BE FUNDED IN FUTURE YEARS
				5a 2010 Budget Appropriations	5b Capital Im- provement Fund	5c Capital Surplus	5d Grants In Aid and Other Funds	5e Debt Authorized	
					10,000.00				
TOTALS ALL PROJECTS									

3 YEAR CAPITAL PROGRAM 2013 - 2015
Anticipated PROJECT Schedule
and Funding Requirement

1 PROJECT	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year			
				Budget Year 2016	2017	2018	
TOTALS ALL PROJECTS							

3 YEAR CAPITAL PROGRAM 2013-2015

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants In Aid and Other Funds	7 BONDS AND NOTES			
		Current Year 2010	Future Years				General	Self- Liquidating	Assessment	School
TOTALS ALL PROJECTS										

TO

CAPITAL BUDGET (Current Year Action)
2013

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2011					6 TO BE FUNDED IN FUTURE YEARS
				5a 2013 Budget Appropriations	5b Capital Im- provement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Various Improvements to Streets and Drains	4	200,000			10,000			190,000	
TOTALS ALL PROJECTS									

3 YEAR CAPITAL PROGRAM 2013-2015
Anticipated PROJECT Schedule
and Funding Requirement

1 PROJECT	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year			
				Budget Year 2016	2017	2018	
Various Improvements to Streets and Drains	9	200,000.00		200,000			
TOTALS ALL PROJECTS							

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3 YEAR CAPITAL PROGRAM 2013-2015										
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS										
1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants In Aid and Other Funds	7 BONDS AND NOTES			
		Current Year 2010	Future Years				General	Self- Liquidating	Assessment	School
Various Improvements to Streets and Drains	200,000			10,000			190,000			
TOTALS ALL PROJECTS	2,175,000			393,750			1,211,250	570,000		

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

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 8th day of July, 2016.

Certified by me

(DATE)

STEPHEN CARASIA, MUNICIPAL CLERK

TRENTON, NEW JERSEY

APPROVED _____ 2016

DIRECTOR OF LOCAL GOVERNMENT SERVICES

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-92

RESOLUTION OF THE BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MEGHAN BENNETT CLARK OF GLUCKWALRATH LLP. AS BOND COUNSEL FOR THE BOROUGH OF DEAL

WHEREAS at the Organization meeting of Borough of Deal held on May 27, 2016, Meghan Bennett Clark of Dilworth Paxson LLP was appointed as Bond Counsel; and

WHEREAS, on September 1, 2016, Meghan Bennett Clark, Esq. will become affiliated with the firm of GluckWalrath LLP; and

WHEREAS, the governing body desires to amend the appointment of Bond Counsel and to enter into an agreement to reflect the affiliation of Meghan Bennett Clark with GluckWalrath LLP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, as follows:

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1. Effective September 1, 2016, Meghan Bennett Clark of the law firm GluckWalrath LLP is hereby retained for the provision of bond counsel services for the balance of the one-year term ending December 31, 2016, pursuant to an agreement that shall include the same terms, fees and conditions of the agreement previously authorized on May 27, 2016 for calendar year 2016.
2. The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the execution of said agreement with Meghan Bennett Clark of the law firm of GluckWalrath.
3. This resolution shall take effect September 1, 2016.
4. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer and to Meghan Bennett Clark.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-93

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Dale E. Wong, 401 Buttermere Avenue, Interlaken, NJ 07712 as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Officer Wong has successfully completed his course of instruction at the Monmouth County Police academy.

NOW THEREFORE BE IT RESOLVED, that Class II Special Police Officer, Dale E. Wong, having completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective June 15, 2016, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Wong is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 16-94

WHEREAS, the Borough of Deal is in the need of renewing an agreement to dispose of recycling materials; and

WHEREAS, a proposal was received from WM Recycle America, LLC providing the ability to dispose of collected recyclable materials; and

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WHEREAS, these materials will be disposed of at 3230 Shafto Road, Tinton Falls NJ.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that the agreement be executed between the Borough of Deal and WM Recycle America, LLC for the disposal of recyclable materials.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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

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

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

The General Tax Rate Certificate was received from the Monmouth County Board of Taxation. The new tax rate per \$100 for 2016 is .699.

A letter was received from the State of New Jersey Department of Transportation, advising that Governor Christie has issued Executive Order No. 210 declaring a State of Emergency which planned an immediate shutdown of all ongoing work funded by the Transportation Trust Fund.

A letter was received from the Township of Woodbridge advising of their hosting of the Senior Special Olympics on September 9-11, 2016.

A health update was received from the Ocean Monmouth Health Alliance advising about skin cancer.

The June 2016 issue of the Legislative Bulletin was received from the NJ State League of Municipalities.

A letter was received from the Center in Asbury Park requesting permission for a one day fundraising bike ride on Saturday, September 17, 2016. The Commissioners would approve with an approved traffic plan.

The following Resolution was offered by Commissioner Ades:

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 16-06 of the Warrant Register in the amount of \$576,013.94.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

Barbara Coffey, 85 Norwood Avenue, asked about the adverse effects on the audit and what will need to be done. Ms. Coffey was advised that a corrective action plan will be introduced at the next Commissioners meeting outlining the recommendations. Ms. Coffey stated that the stadium seating at

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the DSN is not approved. The Commissioners stated that she should bring that up with the planning board.

Mary Ann Cronheim, 88 Monmouth Drive, asked the Board of Commissioners how many other adverse effects were in the past year. Mrs. Cronheim was advised that each year there are several recommendations. This year was one recommendation to eliminate interfund transfers. Mrs. Cronheim asked about the parking of vehicles west of the basketball courts. Mrs. Cronheim asked about the signs placed at the DSN basketball courts and how they do not conform to the ordinance. Mayor Cohen stated that the signs will be removed.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that cones have been placed on Hathaway Avenue at the end of the street by the beach, blocking access and feels that this is unfair. Mrs. Chamlin was advised that this is a no stopping or standing area and the cones are there to keep this street clear of vehicular traffic. Mrs. Chamlin also asked who is paying for the running water by the basketball courts. Mrs. Chamlin was advised that all water bills are paid by the DSN.

Mayor Cohen stated that the Commissioners are looking to table the parking ordinance for further study.

Patty Verrochi, 246 Jerome Ave, Ocean Twp., stated to the Board of Commissioners that she is glad the ordinance will be tabled. Mrs. Verrochi also asked that the parking at the CVS by the DSN is poor and if they are busing people to the basketball courts. The Commissioners stated that they are not busing from the CVS. Mrs. Verrochi also asked if there were any empty lots and an idea would be to shuttle people in.

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

Commissioner Simhon offers the following Resolution:

Resolution 16-95

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 Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss contractual matters at 9:25 A.M.

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The Commissioners returned to open session at 10:12 A.M.

It was announced that the next meeting of the Board of Commissioners will be on Friday, July 27, 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 10:12 A.M.

SC _____

MA _____

DS _____

Clerk