

November 13, 2015

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on November 13, 2015 at 9:00 A.M.

Present: Mayor Ades and Commissioner Wiener

Absent: Commissioner Cohen

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 Mayor Ades, seconded by Commissioner Wiener and carried that the reading of the minutes of the previous meeting held on October 16, 2015 be dispensed with and the same be approved as recorded.

Ordinance #1125 was introduced on October 16, 2015 and the public hearing is scheduled for today, November 13, 2015. Mayor Ades moved to open the meeting to public comment on Ordinance 1125, seconded by Commissioner Wiener and approved. The Mayor invited public comment. Mary Ann Cronheim, 88 Monmouth Drive, addressed the Board about the Share fee. Mrs. Cronheim was explained the concept of the share fee and how it will work. Mrs. Cronheim also questioned the potential of overcrowding in the club, the overcrowding for parking and also the bathroom facilities. Mrs. Cronheim also discussed the cleaning of the Deal Casino. Mrs. Cronheim asked how many have utilized the locker share last year and she was advised that we did not have those numbers. Mayor Ades explained the low numbers of membership in years past and that the success of the Deal Casino would also reduce the tax burden for the residents. Mrs. Cronheim then asked that why the Borough would lease the Tennis Courts at a lower market value. Mayor Ades stated that no one wanted to lease the tennis courts and that was the only bid received which was similar to prior years contracts. Mr. Cronheim stated that she is against increasing the membership by sharing lockers. Mrs. Cronheim also inquired when electricity was added. Mayor Ades stated that we added it 4 years ago. Mrs. Cronheim asked who we is. Mayor Ades stated the Board, we are elected to serve the people. Mrs. Cronheim asked if there was an option to not hookup electricity. Mayor Ades stated that you can be moved to a cabana without electricity and that the majority of members want it. Mrs. Cronheim asked if the beach houses have been connected with electricity. Mayor Ades stated no. Mayor Ades did mention that he would be making a motion to adopt the Ordinance as is and will consider not placing electricity in a beach house and reducing the fee by \$200.

Barbara Coffey, 85 Norwood, address the Board and asked about the share fee and if the additional member now add, which she was advised that there is only one share fee per locker. Ms. Coffey asked if this can be limited to Deal Residents lockers only. Mayor Ades stated that we can look at it in the future. Ms. Coffey then asked the reason for the increasing price on the beach houses. Mayor Ades stated that the beach houses are brand new and electricity will be added to the beach houses. Ms. Coffey asked if the current owners of the beach houses asked for new ones. Mayor Ades stated no. Ms. Coffey then stated that she does not want the electricity and that she objects to the increasing of membership with the share fee.

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Isadora Chamlin, 5 Poplar Avenue, addressed the Board that she does not want a new cabana and does not want electricity. Mrs. Chamlin stated that the bathrooms need to be enlarged and the amount of garbage that she sees. Mayor Ades stated that we have upgraded the Casino tremendously. Mrs. Chamlin also stated that the restaurant should be cleaned.

There were no further comments from the public and the public session was closed by the same vote.

**ORDINANCE No. 1125**

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

Commissioner Wiener moved to adopt Ordinance 1125, seconded by Mayor Ades. Roll Call: Ayes 2; Ades & Wiener. Absent 1; Cohen.

The following Resolutions were discussed and enacted:

Commissioner Wiener offers the following resolution.

**Resolution 15-139**

WHEREAS, All Surface Asphalt Paving, Inc., 528 Hardenberg Avenue, Point Pleasant, NJ 08742 has been awarded a contract for improvements to the Harry Franco Park at Roseld Avenue at a cost of \$310,780.00; and

WHEREAS, All Surface Asphalt Paving, Inc. has requested a final payment in the amount of \$23,958.50; and

WHEREAS, the Borough Engineer has verified that the work to date has justified this payment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the final payment of \$23,958.50 be made to All Surface Asphalt Paving, Inc. for the improvements to the Harry Franco Park at Roseld Avenue.

Seconded by Mayor Ades

Roll Call: Ayes 2; Ades, Wiener  
Absent 1; Cohen

Commissioner Wiener offers the following Resolution:

**Resolution 15-140**

WHEREAS, the Borough of Deal has received funding for the improvements to Atlantic Avenue; and

WHEREAS, the Borough Engineer solicited proposals and received bids from six (6) vendors that includes the storm water drainage, milling and repaving of Atlantic Avenue; and

WHEREAS, proposals were received ranging in cost from a high of \$668,605.00 from Mecco, Inc., Clarksburg, NJ, and a low bid of \$418,099.00 from 3G Construction, South River, NJ.

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NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby award the work for the improvements to Atlantic Avenue to 3G Construction, South River, NJ in the amount of \$418,099.00.

Seconded by Mayor Ades

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

Commissioner Wiener offers the following Resolution:

**Resolution 15-141**

WHEREAS, the Borough of Deal is in need of constructing shoreline protection at the Roosevelt Avenue Pump Station; and

WHEREAS, the Borough of Deal has received funding for this work at the easterly terminus of Roosevelt Avenue; and

WHEREAS, the Borough Engineer solicited proposals and received bids from five (5) vendors that includes the construction of a stone revetment wall, additional raised stone revetment and backfill; and

WHEREAS, proposals were received ranging in cost from a high of \$790,000.00 from Cypreco Industries, Inc., Neptune, NJ, and a low bid of \$392,500.00 from T.R. Weniger, Inc., Piscataway, NJ.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby award the work for the Deal Pump Station Shoreline Protection to T.R. Weniger, Inc., Piscataway, NJ in the amount of \$392,500.00.

Seconded by Mayor Ades

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

Commissioner Wiener offers the following Resolution

**Resolution 15-142**

WHEREAS, the Borough of Deal wishes to purchase two (2) 2016 Chevy Tahoes; and

WHEREAS, the Board of Commissioners had approved bids to be received on purchasing two (2) 2016 Chevy Tahoe's; and

WHEREAS, the Borough has received one proposal for two 2016 Chevy Tahoe's at a cost of \$37,300.00 each 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) 2016 Chevy Tahoe's from SeaCoast Chevrolet in the amount of \$37,300.00 each.

Seconded by Mayor Ades

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

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Commissioner Wiener offers the following Resolution

**Resolution 15-143**

WHEREAS, the playground equipment at the Deal Casino is in need of repair and has been recommended for replacement; and

WHEREAS, the Borough has received a quote from MRC, Spring Lake, NJ under NJ State Contract in the amount of \$23,690.43.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the purchase of playground equipment from MRC in the amount of \$23,690.43.

Seconded by Mayor Ades

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

Commissioner Wiener offers the following Resolution

**Resolution 15-144**

WHEREAS, an incident regarding an employee of the Borough of Deal requires a hearing to be held by an impartial Hearing Officer; and

WHEREAS, it has been determined that Lawrence M. Lawson, former Assignment Judge of the County of Monmouth would be available to serve as the Hearing Officer; and

WHEREAS, Lawrence M. Lawson is well qualified to serve in that capacity,

NOW, THEREFORE, BE IT RESOLVED, that Lawrence Lawson is hereby retained by the Borough of Deal as Hearing Officer to conduct the proceeding involving an employee of the Borough.

Seconded by Mayor Ades

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

Commissioner Wiener offers the following Resolution

**Resolution 15-145**

WHEREAS, Local budget Law provides that between November 1st and December 31<sup>st</sup> of each year, transfers may be made from one budget appropriation to another by resolution; and

WHEREAS, it has become necessary to expend more for some purposes than provided for in the 2014 budget, as adopted.

NOW, THEREFORE BE IT RESOLVED that the following transfers be made between appropriations in the 2014 budget for the Borough of Deal,

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Transfer To:  
Public Works, Vehicle Maintenance, OE \$7,000.00

Transfer From:  
Public Works, Sanitation, S&W \$7,000.00

Transfer To:  
Utility Expenses & Bulk Purchase, Electricity, OE \$9,000.00

Transfer From:  
Utility Expenses & Bulk Purchase, Street Lighting, OE \$9,000.00

Transfer To:  
Park & Recreation, Beach Front Facilities, OE \$10,600.00

Transfer From:  
Park & Recreation, Beach Front Facilities, S&W \$10,600.00

Seconded by Mayor Ades

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

Commissioner Wiener offers the following Resolution

**Resolution 15-146**

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Sean P. Williams, 192 Bath Avenue, Long Branch, NJ 07740 has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Sean P. Williams will be appointed a Laborer effective November 16, 2015 at an annual base salary of \$30,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Sean P. Williams is to be assigned his duties by the Superintendent of Public Works consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Mayor Ades

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

Commissioner Wiener offers the following Resolution

**Resolution 15-147**

WHEREAS, due to the fact it may not be possible to hold the scheduled regular meeting on Friday, November 27, 2015; and

WHEREAS, payroll and miscellaneous expenses must be approved for payment.

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NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending November 30, 2015 be approved in the amount not to exceed \$200,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$52,575.00 be paid at this time.

Seconded by Mayor Ades

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

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

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

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

A report of the monthly cash position as of October 2015 was received from Theresa Davis.

A letter was received from the NJ Chapter Community Associations Institute advising the Borough may adopt an ordinance to require foreclosing mortgages to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned land.

A public hearing notice was received from the Monmouth Municipal Joint Insurance Fund advising of the hearing for the 2016 budget.

A resolution was received from the Borough of Wanaque requesting the State Legislature to form a Commission to explore the elimination or reduction of County government in the State of New Jersey. The Board of Commissioners did not wish to pursue this resolution.

A letter was received from Martin Barger, Borough Attorney, advising of the County Prosecutor is pushing a statewide movement to enact a more uniformed pawn ordinance. The Board of Commissioners would not be adopting an ordinance due to no pawn shops within the Borough.

A resolution was received from the City of Union City urging NJ Mayors to provide leadership in ending human trafficking at the local level.

A resolution was received from Marlboro Township calling for the Monmouth County Tax Board to suspend the mandatory Assessment Demonstration Pilot Program.

A resolution was received from the Borough of Seaside Park urging the Department of Community Affairs to rescind recently adopted "Coastal A Zones" requirements. Peter Avakian, Borough Engineer, stated the Borough does not have an "A" zones.

The September 2015 edition of the Legislative Bulletin was received and provided to the Mayor and Commissioners.

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An email was received from the Monmouth JIF advising that they will be requesting bids under the NJSEM program for natural gas. The JIF requested an "Opt Out" form to be completed if the Borough did not wish to utilize the NJSEM. The Board of Commissioners agreed to stay with the NJSEM.

A letter was received from the Deal Fire Company requesting the use of the Deal Casino for their annual Fireman's Ball on August 13, 2016 with a rain date of August 20, 2016. The Board of Commissioners approved the request.

A letter was received from the Jersey Shore Running Club requesting permission to run the RunAPalooza road race to Benefit Special Olympics on Saturday, April 16, 2016. The Board of Commissioners approved the race subject to the approval of the Police Department.

A letter was received from Life Time Media requesting permission for the NJ Marathon and Half Marathon on Sunday, May 1, 2016. The Board of Commissioners approved the race subject to the approval of the Police Department.

The following Resolution was offered by Commissioner Wiener:

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 15-10 of the Warrant Register in the amount of \$589,561.73.

Seconded by Mayor Ades

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

Mayor Ades requested comments from the floor.

Patty Verrochi, 246 Jerome Ave, Ocean Twp, addressed the Board of Commissioners about the Beach Access on Roosevelt Avenue on the north side of the Pump Station. Mrs. Verrochi was advised that the NJ Fish and Wildlife are repairing the access at this time. Mr. Verrochi then asked what the box culvert will be at the Poplar Brook. Peter Avakian advised about the Army Corp project and how they will be installing a twin 96 inch culvert from the Borough's existing culvert to the Ocean to take the flow of the Poplar Brook. She asked if there were plans, which Peter Avakian would provide to Mrs. Verrochi.

Richard Lee, addressed the Board if the stones from the groins in Deal would be utilized in Sea Bright. Peter Avakian advised that he did not know but the stones would be utilized in Deal at the Deal Casino and revetment wall at the Roosevelt Avenue Pump Station. Mr. Lee stated that he knows the parking ordinance has been tabled and asked if Cindy Randazzo has contacted the Borough. Mayor Ades stated that he wants to wait and see when all beaches are open before introducing any ordinance.

Barbara Coffey, 85 Norwood Avenue, asked the Borough if we could set up an email for anyone interested in sending in their suggestions. Mayor Ades stated that we can put something on the website. Ms. Coffey asked about patrons at the Conover Pavilion to be issued wristbands so that we know who are patrons of the Conover Pavilion, Mayor Ades stated that he liked that idea and will bring it up for next summer. Ms. Coffey then asked how the Borough can give property to a private group. Martin Barger, Borough Attorney stated that the DSN was the only ones who made a bid and

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that they modified the specification. Ms. Coffey also stated that the Mayor's son is on the Board. Mayor Ades stated that he is a volunteer. Martin Barger stated that he discussed that with the Mayor, he is a volunteer and Mr. Barger is comfortable with that. Mr. Barger mentioned that he is not qualified to make a determination and Ms. Coffey can go to the State Ethics Board.

Renee Levine, 28 Richmond Avenue, stated that the DSN has a very strict application, and the Borough is in violation. Mrs. Levine asked what the parameters are with public property if they are a private group.

Irwin Levine, 28 Richmond Avenue, asked if the Borough if anything could be done with the smell from the Township of Ocean Sewerage Authority and if a study can be done. Mayor Ades stated that he would have to address that with the Sewerage Authority. Mr. Levine asked if the Borough can run their own sewerage treatment facility. Mayor Ades stated that cost would be significant and when we were asked to consolidate, we jumped on it. Mr. Levine asked if a survey could be done on inoperative lights in the Borough, Jim Markey, JCP&L attended the meeting and stated for him to provide specifics on which lights. Mr. Levine was advised that the Police Department calls in street light outages to JCP&L. Mr. Levine that asked about the lease of the Tennis Courts and they were not opened last year.

Barbara Coffey, 85 Norwood Avenue, addressed the Commissioners about correcting the meeting minutes from the previous meeting. Ms. Coffey stated that the Mayor said the beach houses will not be moved. Mayor Ades stated that he never stated that, he said we watched the storm develop and would move them if they needed to be. Ms. Coffey stated she has been given grief about the wood lounges on the beach houses. Mayor Ades would speak with John Anastasia, Beach Superintendent, about the lounges. Ms. Coffey also asked what purpose would that serve to limit furniture at the Deal Casino. Mayor Ades stated that furniture is being taken from the pool deck and wants to stop the removing of furniture.

Renee Levine, 28 Richmond Avenue, asked the Commissioners to have a comprehensive discussion on the lease. Mrs. Levine also stated that she wants to have a discussion at the next meeting about the sewer tax and where the money goes.

Isadora Chamlin, 5 Poplar Avenue, addressed the Board of Commissioners about the how she went to the DSN and they asked what synagogue she belonged to. Mayor Ades stated that he does not know anything about the DSN.

Mary Ann Cronheim, 88 Monmouth Drive, stated to Mayor Ades that you don't know anything about the DSN but you have donated to them for years. Mayor Ades stated yes. Mrs. Cronheim asked about the trailer approved by the Board of Commissioners at the Deal School. Mrs. Cronheim was advised that the DSN was looking to rent the fields at the Deal School over the summer, but the Board of Education would not allow them to have access to the school for bathrooms. The Board of Commissioners approved the trailer to be located in the rear of the Deal School.

Mayor Ades closed the floor to public comments.

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Commissioner Wiener offers the following Resolution:

**Resolution 15-148**

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 personnel 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 2; Ades & Wiener  
Absent 1; Cohen

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

The Commissioners returned to open session at 11:43 A.M.

It was announced that the next meeting of the Board of Commissioners will be on Friday, December 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 11:43 A.M.

MA \_\_\_\_\_

SMC ABSENT \_\_\_\_\_

VSW \_\_\_\_\_

\_\_\_\_\_  
Clerk