

July 27, 2016

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on July 27, 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 Mayor Cohen and carried that the reading of the minutes of the previous meeting held on July 8, 2016 be dispensed with and the same be approved as recorded.

Ordinance #1133 was introduced on July 8, 2016 and the public hearing is scheduled for today, July 27, 2016. Mayor Cohen moved to open the meeting to public comment on Ordinance 1133, seconded by Commissioner Ades and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

#### **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**

Mayor Cohen moved to adopt Ordinance 1133, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance #1134 was introduced on June 29, 2016 and the public hearing is scheduled for today, July 27, 2016. Mayor Cohen made a motion to table Ordinance #1134 for further study, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

#### **ORDINANCE #1134**

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

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

#### **Resolution 16-96**

**RESOLUTION FOR RENEWAL OF MEMBERSHIP  
IN THE  
MONMOUTH MUNICIPAL JOINT INSURANCE FUND**

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WHEREAS, the Borough of Deal is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Borough of Deal agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 16-97**

WHEREAS, Teamsters Local Union 701 and the Borough of Deal entered into a Collective Bargaining Agreement effective January 1, 2013 through December 31, 2017; and,

WHEREAS, both parties would like to make a modification in the Collective Bargaining Agreement; and,

WHEREAS, both parties have made said agreement as outlined in the Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, enters into the Memorandum of Agreement and allows the Mayor and Borough Administrator to execute the said agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 16-98**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to cause an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year; and;

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WHEREAS, the audit for transition year ending December 31, 2015 was presented to the governing body on June 29, 2016; and

WHEREAS, in accordance with OMB Circular A-133, 98-07, and Local Finance Notice CFO 97-16, all government units must prepare and submit a Corrective Action Plan as part of the annual audit process; and

WHEREAS, the Corrective Action Plan shall cover all findings and recommendations, including state, federal, and general or financial statement findings in the audit report; and

WHEREAS, the Chief Financial Officer shall prepare said Corrective Action Plan with the assistance from other officials affected by the audit recommendations; and

WHEREAS, the Corrective Action Plan must be approved by the governing body of the local unit and is to be submitted to the Division of Local Government Services no later than sixty days from the receipt of the audit report.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Corrective Action Plan for transition year ended December 31, 2015 is hereby approved; and

BE IT FURTHERRESOLVED, that a copy of the Corrective Action Plan will be placed on file in the Office of the Borough Clerk.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 16-99**

WHEREAS, Underground Utility Corp., 711 Commerce Road Linden, NJ 07036 has been awarded a contract for the improvements to the Marine Place Drainage at a cost of \$673,298.00; and

WHEREAS, Underground Utility Corp. has requested a payment in the amount of \$135,095.74; 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 a payment of \$135,095.74 be made to Underground Utility Corp. for the improvements to the Marine Place Drainage.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

**Resolution 16-100**

WHEREAS, Carol Braha, 215 West Morgan Avenue Apartment 9, Ocean has made payment for Seasonal Walk-on membership at the W. Stanley Conover Pavilion Beach Club; and

WHEREAS, this member has requested a refund in the amount of \$150.00 for the 2016 season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$150.00 be issued to Carol Braha for her Seasonal Walk-on membership to the W. Stanley Conover Pavilion.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 16-101**

WHEREAS, Rachel Birzin, 36 Fernwood, Ocean is a member of the Deal Casino for the 2016 season; and

WHEREAS, one of the swim shirts were damaged from paint in the Deal Casino pool and has requested a reimbursement for a new shirt; and

WHEREAS, John Anastasia, Superintendent of Beaches, has retained the shirt and verified the damage.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a reimbursement of \$66.94 be issued to Rachel Birzin for the damaged swim shirt.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 16-102**

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A SHARED SERVICE AGREEMENT REGARDING LAW ENFORCEMENT AND MUNICIPAL COURT SERVICES**

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

WHEREAS, the Borough of Deal and the Borough of Interlaken have negotiated to amend the current Shared Service Agreement for police services to include the municipal court services; and

WHEREAS, the Borough of Deal and the Borough of Interlaken wish to enter into an agreement whereby the Borough of Deal will provide municipal court services to the Borough of Interlaken with an effective date upon the

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approval of the Administrative Office of the Courts and the Assignment Judge of Monmouth County through December 31, 2030; and

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Deal hereby agrees to the attached shared service agreement and all contractual provisions held within.
2. The agreement will be subject to the approval of the Administrative Office of the Courts and the Assignment Judge of Monmouth County.
3. The Mayor and Municipal Clerk are hereby authorized to execute said agreement.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 16-103**

WHEREAS, on June 7, 2016, two (2) sealed bids were received in response to the Request for Proposals for an AICP/PP Licensed Professional Planner or Professional Consultancy Firm with Duly Licensed Professionals on Staff to Prepare a Master Plan Reexamination Report and Geographic Information System (GIS) for the Borough of Deal; and

WHEREAS, the bid amounts ranged from the high bid of \$99,750 to the low bid of \$92,360.00; and

WHEREAS, the lowest bid was received from Heyer, Gruel & Associates and the Board of Commissioners considers them to be the most qualified bidder; and

WHEREAS, funds are being sought from the State of New Jersey Department of Community Affairs.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that it does hereby accept the bid of Heyer, Gruel & Associates, Inc., 236 Broad Street, Red Bank, NJ 07701, in the amount of \$92,360.00 for the preparation of the Master Plan Reexamination Report and Geographic Information System (GIS) for the Borough; and

BE IT FURTHER RESOLVED that the contract be awarded subject to the review and approval of bid documents by the Borough Attorney and funding from the State of New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the contract documents upon approval and funding; and

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

A report of the Tax Sale Notice on outstanding taxes for 2015 was received from Theresa Davis.

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A letter was received from the New Jersey Department of Agriculture requesting permission for a gypsy moth ground survey due to data received from their aerial survey. The Board of Commissioners approved the survey at no cost to the Borough.

A letter was received from Andrew Chambarry in response to Ordinance 1134 opposing the ordinance.

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

A letter was received from the Monmouth County Improvement Authority soliciting interest for its annual Pooled Government Loan Program.

A resolution was received from the Monmouth County Board of Chosen Freeholders opposing the Jersey Central Power & Light Company reliability project.

A letter was received from Jersey Central Power & Light Company detailing the Monmouth County Reliability Project.

Three applications for a raffle were received from the Deal Fire Company for a raffle at the Deal Casino on August 13, 2016.

A notice of public hearing was received from Jersey Central Power & Light Company for their annual Universal Service Fund to provide funds to assist qualifying low-income individuals in paying their energy bills.

A letter was received from the Special Childrens Center requesting use of the Deal Casino and Conover Pavilion for their electric run and concert event. The event date requested was August 18<sup>th</sup>, but due to a prior approval, the date is unavailable. The event would be a run/walk through the Deal Casino to the beach and over to the Conover Pavilion where they would like to hold a concert and fireworks display. The Board of Commissioners held their vote for the event until after public comment due to several questions.

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 \$2,062,768.35.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

Mary Ann Cronheim, 88 Monmouth Drive, asked the Board of Commissioners about the letter from the Special Childrens Center event at the Deal Casino / Conover Pavilion. Mrs. Cronheim asked how many people, what are the security plans and where has the event been held in the past. Mrs. Cronheim stated that this is not a permitted use and strongly objects to this event. Mrs. Cronheim was advised that there were approximately 1,500 people attending. Commissioner Ades stated the Borough has received \$1,800 in the past for use of the facility plus the cost of personnel. Chief Neuman stated that he would have all off duty personnel with Special Officers at the event.

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Barbara Coffey, 85 Norwood Avenue, stated to the Commissioners that she did not want to start a precedence. Commissioner Ades asked assuming this is a non-permitted use, can this be permitted. Marty Barger stated the Borough can grant any use on Borough property. Ms. Coffey asked why come here, can't they find another location.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that you cannot contain 1,000 people, they will urinate and go into the lockers. Mrs. Chamlin stated the noise is overcoming, this is my backyard. Mrs. Chamlin stated that they should go to Convention Hall, which is the venue, this is not a venue for Jazz or Rock and Roll.

Commissioner Ades asked how many people are in the Casino and Conover Pavilion on a Sunday. He was advised there could be a couple thousand people. Commissioner Ades stated that we have the accommodations for the 1,500 anticipated people.

Patty Verrochi, 246 Jerome Ave, Ocean Twp., thanked the Board of Commissioners for tabling the ordinance and asked if that would be indefinitely. Commissioner Simhon stated for a study. Mrs. Verrochi stated that on Thursday's the JCC holds events and can hear the music and stated it is an inconvenience. Mrs. Verrochi stated that she goes to the beach access at Roosevelt and sees wheelbarrows and trailers.

MaryAnn Cronheim addressed the Board of Commissioners suggesting that a bond be posted for the event. Mrs. Cronheim also stated that she believes you cannot shut down beach access as well as the garbage that this event would create. Mrs. Cronheim stated this event was at Monmouth University last year and believes there may have been issues. Mrs. Cronheim asked the Board of Commissioners about changing the time of the meetings. Mrs. Cronheim advised on other municipalities and the times of their meetings and stated that 40% of the meetings are changed and is not acceptable. Mayor Cohen stated that he is considering changing the time of the meetings and will make a decision within one month.

Mayor Cohen stated that he would like to ascertain further information from the Special Childrens Center. Commissioner Simhon stated that he will look into it and obtain the information on the event. Mayor Cohen stated that the event will not be approved at this time and stated that if need be a special meeting will be held to discuss the further information.

Teddy Braha, 97 Ocean Ave, stated to the Board of Commissioners that he is worried about the expanding of the DSN at the basketball courts. Mr. Braha stated that he is fine so far.

Bill Rosenblatt, West Allenhurst, thanked the Board of Commissioners for tabling the ordinance. Mr. Rosenblatt recommended to work with different groups for a solution, Mayor Cohen state that he will reach out for a meeting.

James Kraus, Recreational Fishing Alliance, stated to the Board of Commissioners that he would like to be at the table for the meeting.

Andrew Sacklas, Wanamassa, thanked the Board of Commissioners for tabling the ordinance. Mr. Sacklas stated that we all have the same goals which is to keep the area pristine.

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Barbara Coffey provided a page from the 2015 Audit that listed several departures from Generally Accepted Accounting Principles (GAAP) and asked that the Borough eliminate the differences. Ms. Coffey brought up about the stadium seating at the basketball courts at the Deal Casino. Commissioner Ades stated that is a recreational area,

Isadora Chamlin stated that the pier no longer exists at Phillips Avenue and the streets are closed off. Mrs. Chamlin stated she likes to sit at the end of the streets to watch the surfers. Mrs. Chamlin suggested placing elevated benches to be able to look at the Ocean.

MaryAnn Cronheim stated that she received information about the Special Childrens Center event held at Monmouth University last year. Mrs. Cronheim stated that the event was projected to have 800 people but had 3,000 people attend. Mrs. Cronheim stated that there was a lot of debris which included glow sticks.

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

It was announced that the next meeting of the Board of Commissioners will be on Friday, August 12, 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 9:50 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

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Clerk