

June 10, 2016

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on June 10, 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 May 27, 2016 be dispensed with and the same be approved as recorded.

Ordinance 1131 Amending Chapter XXX Development Regulations was introduced by Commissioner Ades, seconded by Commissioner Simhon. The Roll Call: Ayes 3; Ades, Cohen & Wiener.

Public Hearing for this ordinance will be given on June 29, 2016 at 5:00 P.M.

ORDINANCE NO. 1131

AN ORDINANCE AMENDING CHAPTER XXX DEVELOPMENT REGULATIONS, SPECIFICALLY SECTION 30-41 ADDITIONAL REGULATIONS CONCERNING FENCES, HEDGES, SHRUBBERY AND WALLS, OF THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth and State of New Jersey, not less than two thirds of all members thereof affirmatively concurring, and the Board of Commissioners having referred the within ordinance to the Borough of Deal Planning Board pursuant to NJ.S.A. 40:55D-64 and NJ.S.A. 40:55D-26, and the Borough of Deal Planning Board having reviewed the ordinance on June 8, 2016 and reported to the Board of Commissioners its recommendations, and the Board of Commissioners having reviewed the recommendations of the Planning Board, as follows:

Section 1. Chapter XXX, Section 30-41 of the Ordinances of the Borough of Deal are hereby amended by the following:

CHAPTER XXX

DEVELOPMENT REGULATION

30-41 FENCES, HEDGES, SHRUBBERY AND WALLS.

a. Maintenance.

Every fence or wall shall be maintained in a safe, sound upright condition. If the Borough, upon inspection, determines that any fence or wall or portion of any fence or wall is not being maintained in a safe, sound, upright condition, the Borough shall notify the owner of such fence in writing of its findings and state briefly the reasons for such findings and order such fence or wall or portion of such fence or wall

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repaired or removed within fifteen (15) days of the date of the written notice.

b. Prohibited Fences.

The following fences and fencing material are specifically prohibited: barbed wire, razor wire, sharp pointed fences, canvas, cloth, electrically charged fences.

c. Location

All fences, walls and hedgerows must be erected or installed within the property lines, and no fences, walls and hedgerows shall be erected so as to encroach upon a public right-of-way. All supporting members of a fence shall be located on the inside of the fence, and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion of the tract of land of the property upon which the fence is erected. Back-to-back fences are permitted at the property line. Hedgerows shall be located so that foliage, at full maturity, shall not extend into the public right-of-way.

d. Sight Triangle

No hedge, ornamental bush, shrubbery, fence or wall shall be permitted to grow or be constructed to a height in excess of three (3) feet on any lands located within a radius of thirty (30) feet from the corner formed by the intersection of two (2) roadways, nor shall any limbs or foliage on any tree situated upon lands within such radius be permitted to overhang and grow nearer to the ground than ten (10) feet, the purpose being to provide a clear view to the driver of a vehicle passing along any street, avenue or highway of another vehicle approaching on his right at an intersecting street, avenue or highway

e. Height

All fences or walls may be erected, altered or reconstructed to a height not exceeding three feet above ground level when located in any front yard and/or along the property line of any premises bordering the streets, avenues and highways of the Borough of Deal.

Fences and walls located in the side and rear yards shall not exceed five feet in height above ground level.

Hedges in the side or rear yards are not limited in height.

Unnatural and/or structural alterations to the topography of a property to achieve a greater height elevation of a fence shall not be permitted.

f. Violation

Any owner or tenant of property within the Borough of Deal who shall, for more than a period of ten (10) days after having been notified by the Borough Clerk, permit this condition to remain unchanged shall be in violation of this section.

This section shall not apply to fences around tennis courts which are governed by Chapter XXIV, subsection 24-2.7 of the Revised General Ordinances.

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Ordinance 1132 Amending Chapter V General Police Regulations was introduced by Commissioner Ades, seconded by Commissioner Simhon. The Roll Call: Ayes 3; Ades, Cohen & Wiener.

Public Hearing for this ordinance will be given on June 29, 2016 at 5:00 P.M.

ORDINANCE No. 1132

AN ORDINANCE AMENDING CHAPTER V GENERAL POLICE REGULATIONS 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 V of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following:

5-21 Planting and Growing of Running Bamboo

5-21.1 PURPOSE AND INTENT

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo, and maintain the general welfare of the residents of the Borough of Deal.

5-21.2 DEFINITIONS

- a. Bamboo - Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.
- b. Bamboo Owner - Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property.
- c. Buffer Zone - A distance of at least 10 feet from any lane, street or road, whether public or private, or from any neighboring property, whichever is more restrictive for the Running Bamboo Owner.

5-21.3 Applicability

For purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

5-21.4 NO PLANTING OF RUNNING BAMBOO.

- a. The planting of Bamboo is prohibited in the Borough of Deal.
- b. Any existing Bamboo may not be replanted or replaced after any such existing Bamboo has died or been removed.

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- c. Any person who plants or replants Bamboo within the Borough limits after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth.

5-21.5 REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.

- a. Any Bamboo already in existence on any property within the Borough limits as of the effective date of this Ordinance, may remain on such property, subject to the following regulation: Running Bamboo shall not be permitted to exist within any Buffer Zone.
- b. Bamboo Owner(s) shall take all necessary measures to ensure that any Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down Bamboo existing in the Buffer Zone and physically removing or poisoning the rhizomes or spraying any regrowth for several years until the Bamboo is dead and, if Bamboo is permitted to remain outside the Buffer Zone, installing sheathing comprised of metal or other impenetrable material and placed no less than 10 feet from the property line at a sufficient depth to prevent any growth of Bamboo within any Buffer Zone.
- c. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Bamboo on their own property from another property owner from whose property the Bamboo has spread.

5-21.6 REMOVAL OF RUNNING BAMBOO.

If Running Bamboo on any property grows in or into any Buffer Zone, the Borough shall give Notice to the Running Bamboo Owner(s), as required by this Ordinance, that the said Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 16-79

WHEREAS, N.J.S. 40:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and,

WHEREAS, the Village of Loch Arbour and the Borough of Deal have negotiated and wish to enter into an agreement whereby the Borough of Deal will provide beach cleaning services to the Village of Loch Arbour for the 2016 Summer Season; and,

WHEREAS, the Board of Commissioners has duly considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Mayor and Borough Clerk / Administrator of the Borough of Deal be the same are hereby authorized to execute and deliver an agreement with the Borough of Deal for the provision of beach cleaning for the 2016 Summer Season, which agreement is on file in the office of the Borough Clerk / Administrator at the Borough of Deal Municipal Building and available for public inspection during regular business hours.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 16-80

WHEREAS, Lisa Angeles, 1804 Fanwood Street, Oakhurst, NJ has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due to the inability to attend the Deal Casino for the 2016 season; and

WHEREAS, Irwin Gerechoff, PO Box 409, Deal, NJ has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due to the inability to attend the Deal Casino for the 2016 season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$750.00 be issued to Lisa Angeles and a refund of \$750 be issued to Irwin Gerechoff for their membership to the Deal Casino.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 16-81 **Tabled

WHEREAS, the Borough of Deal has a need to acquire the services of an Appraiser for property within the Borough; and

WHEREAS, Robert Gagliano has been recommended to be the Appraiser for property located at Block 14 Lot 10 and Block 14 Lot 17 at a cost of \$4,200.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Robert Gagliano be appointed as the Appraiser for property interests located at Block 14 Lot 10 and Block 14 Lot 17 at a cost of \$4,200.

Seconded by Commissioner Ades

A motion was offered by Mayor Cohen, seconded by Commissioner Ades to table Resolution 16-81 by the following vote.

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 16-82

WHEREAS, the license application for The Bar Room, L.L.C. has applied for a Plenary Retail Consumption License state assigned license number 1310-33-004-007 located at 100 ½ Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2000.00; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE BE IT RESOLVED, that the application of The Bar Room, L.L.C. trading as The Bar Room state assigned license No. 1310-33-004-007 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-83

WHEREAS, the license application for Deal Food & Liquor Store, Inc. trading as Deal Food & Liquor has applied for a Plenary Retail Liquor License state assigned license number 1310-44-002-004 located at 112 Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$1,036.00; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE BE IT RESOLVED, that the application of Deal Food & Liquor Store, trading as Deal Food & Liquor Sore, state assigned license No. 1310-44-002-004 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-84

WHEREAS, The Deal Golf and Country Club has applied for a Club License on the premises south of Roseld Avenue. The State assigned license No. is 1310-31-006-001. The application has forwarded their municipal fee of \$150.00 to the Borough of Deal.

WHEREAS, the officers and directors of the Club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

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WHEREAS, the Club maintains all records required by N.J.A.C. 13:208.8,

NOW THEREFORE BE IT RESOLVED that the application of the Deal Golf and Country Club, state assigned license #1310-31-006-001 located at the south of Roseld Avenue also known as 1 & 2 Golf Lane be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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

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

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

A letter was received from the Monmouth County Department of Human Services advising that May was "Older Americans Month". They advised of local food pantries and soup kitchens.

The 2015 Annual Report was received from the Monmouth County Parks System.

A letter was received from the New Jersey State League of Municipalities advising of the 101st Annual Conference for November 15, 16 and 17th in Atlantic City.

An application was received from the Monmouth County Division of Planning for the Home Housing Production Program for FY2017.

A letter was received from the Monmouth Excess Liability Joint Insurance Fund providing the Management of Special Events Program.

A Notice of Hearing was received from Jennifer Krimko, Esq., for an planning board application for 219 Cedar Avenue, Allenhurst.

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 \$537,787.71.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

Isadora Chamlin, 5 Poplar Avenue, advised the Commissioners of the garbage being left on the beach. Mrs. Chamlin stated that we should teach the beachgoers to remove their trash. Mrs. Chamlin also mentioned the property on Poplar Avenue was run down. The Borough would advise the homeowner to clean their property.

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Teddy Braha, 97 Ocean Avenue, stated to the Commissioners that he is not interested in living next to an Amusement Park, he would like to live comfortably. He does not approve of the construction and lease of the property at the Deal Casino to the DSN. Mr. Braha stated that he will be doing something about it. Mr. Braha asked how the DSN got the ok. Mr. Braha was advised that the property was leased to the DSN.

Barbara Coffey, 85 Norwood Avenue, asked about the status of the washed out access point to the south of the Deal Casino. Ms. Coffey was advised that the Army Corp of Engineers is looking into how this will be repaired. Ms. Coffey also asked if a breakdown can be placed on the sewer tax bills when they are sent out. Ms. Coffey also asked if the Borough property on Roosevelt Avenue can be delineated with a fence or shrubbery.

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

Commissioner Ades offers the following Resolution:

Resolution 16-85

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 Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss contractual matters at 9:30 A.M.

The Commissioners returned to open session at 10:11 A.M.

It was announced that the next meeting of the Board of Commissioners will be on Friday, June 29, 2016 at 5:00 P.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 10:11 A.M.

SC _____

MA _____

DS _____

Clerk