

September 23, 2016

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on September 23, 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 September 9, 2016 be dispensed with and the same be approved as recorded.

Peter Avakian, Borough Engineer, addressed the Board of Commissioners and provided an update/status on all construction projects within the Borough of Deal. The projects included Marine Place Drainage, Atlantic Avenue Road Improvements, Roosevelt Ave Revetment Wall and Brighton Avenue Drainage.

Ordinance #1135 was introduced on September 9, 2016 and the public hearing is scheduled for today, September 23, 2016. Mayor Cohen moved to open the meeting to public comment on Ordinance 1135, 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.

ORDINANCE 1135

AN ORDINANCE AMENDING CHAPTER IV OF "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982", POLICE DEPARTMENT

Commissioner Simhon moved to adopt Ordinance 1135, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 16-111

WHEREAS, Jeffrey Kless, 283 Spring Street Apt. C, Red Bank, NJ 07701 has applied for the position of Probationary Patrolman with the Deal Police Department; and

WHEREAS, Jeffrey Kless has successfully completed training as a Special Class II Police Officer graduating from the Monmouth County Police Academy in May, 2014; and

WHEREAS, Jeffrey Kless has successfully completed his Bachelor's Degree from Rider University.

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NOW THEREFORE BE IT RESOLVED, that Jeffrey Kless be hereby appointed as a Probationary Patrolman in the Police Department of the Borough of Deal, New Jersey, effective October 1, 2016 at an annual base salary of \$44,929.00 paid semi-monthly be approved; and

BE IT FURTHER RESOLVED, that this approval is granted subject to the provisions of the statutes of New Jersey and the Ordinance establishing the police department in the Borough of Deal and the rules and regulations governing the Police Department.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

After adoption of Resolution 16-111, Mayor Cohen presented the Oath of Office to Officer Jeffrey Kless. Officer Kless recited the Oath, in addition thereto, subscribed to the Oath of Office.

Commissioner Ades offers the following Resolution:

Resolution 16-112

WHEREAS, Miguel A. Medina III, 9 Crater Lake Road, Howell, NJ 07731 has applied for the position of Probationary Patrolman with the Deal Police Department; and

WHEREAS, Miguel A. Medina III has successfully completed training as a Special Class II Police Officer graduating from the Atlantic County Police Academy in June, 2016; and

WHEREAS, Miguel A. Medina III has successfully completed his Bachelor's Degree from Rutgers University.

NOW THEREFORE BE IT RESOLVED, that Miguel A. Medina III be hereby appointed as a Probationary Patrolman in the Police Department of the Borough of Deal, New Jersey, effective October 1, 2016 at an annual base salary of \$44,929.00 paid semi-monthly be approved; and

BE IT FURTHER RESOLVED, that this approval is granted subject to the provisions of the statutes of New Jersey and the Ordinance establishing the police department in the Borough of Deal and the rules and regulations governing the Police Department.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

After adoption of Resolution 16-112, Mayor Cohen presented the Oath of Office to Officer Miguel Medina. Officer Medina recited the Oath, in addition thereto, subscribed to the Oath of Office.

Commissioner Ades offers the following Resolution:

Resolution 16-113

WHEREAS, Chapter IV Police Department of the Revised General Ordinances of the Borough of Deal provides for Rules and Regulations for the Police Department in Section 5; and

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WHEREAS, Section 5 specifies that such Rules and Regulations may be amended from time to time as approved by Resolution by the Board of Commissioners; and

WHEREAS, revisions to the Rules and Regulations have been developed by the Chief of Police and reviewed and approved by legal and police professionals.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the revised Rules and Regulations of the Deal Police Department of the Borough of Deal recorded on this date be approved for use by the Police Department.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 16-114

WHEREAS due to the damage to the storm water outfall pipe at the easterly terminus of Neptune Avenue, this pipe is in need of repair; and

WHEREAS, proposals were solicited from the Borough Engineer who solicited three proposals receiving two proposals from vendors that include the replacement of 60-80 feet of pipe and reinstall the revetment wall around the new pipe; and

WHEREAS proposals were received ranging in cost from a high of \$29,070.00 from Fernandez Construction Inc, South River, NJ, and a low bid of \$22,700.00 from T.R. Weniger, Piscataway, NJ;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners award the project of replacing the storm water outfall pipe at the easterly terminus of Neptune Avenue to T.R. Weniger, Piscataway, NJ at a cost of \$22,700.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-116

WHEREAS, payment was received for off duty police officer to work an event on August 28, 2016 at the DSN Basketball Courts; and

WHEREAS, the event was cancelled and a request for reimbursement of the escrow payment was received from Meyer Ashear of Lev Aharon.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that a refund of the escrow payment be given to American Friends of Lev Aharon in the amount of \$640 due to their event being cancelled.

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Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 16-117

WHEREAS, Deal Casino passes were purchased by Michael Haddad, head of locker SC4; and

WHEREAS, another family member purchased an additional book of passes several days later and was unaware by information received by casino staff.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that a refund to Michael Haddad, 141 5th Avenue, 2nd Floor New York, NY 10010 in the amount of \$232.00 for one book of peak passes.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 16-118

Whereas, the Borough of Deal desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$73,492.39 to carry out a project for the Non-Federal Cost Share Program to assist the Borough of Deal to provide funding for the FEMA Public Assistance required 10% non-Federal match for Category A (Debris Removal) and Category B (Emergency Protective Measures).

Be it therefore RESOLVED,

- 1) That the Borough of Deal does hereby authorize the application for such a grant; and,
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Deal and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the Mayor and Borough Administrator are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 16-119

WHEREAS, due to the unfortunate loss of trees throughout the Borough along the Borough of Deal's right of way; and

WHEREAS, the Board of Commissioners are of the opinion to maintain and beautify the Borough these trees should be replaced; and

WHEREAS proposals were received and was determined that Roger Coffey & Sons Nursery was the best proposal;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners award the purchase of 200 Sycamore Trees to Roger Coffey & Sons Nursery, North Carolina at a cost of \$20,000.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 16-120

WHEREAS, due to the settlement of pavers within the aisles of the Deal Casino has created a hazardous conditions; and

WHEREAS, it has been determined that placing stamped concrete to replace the pavers would be preferred.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bidding be obtained for the placement of stamped concrete in the north aisles of the Deal Casino with bids due by October 20, 2016.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

A letter was received from the Monmouth County SPCA, thanking the Board of Commissioners for the donation of the surplus police vehicle.

A letter was received from Crohn's & Colitis Foundation of America for the \$250 donation. It was explained that this donation is deducted from the Edmunds yearly software maintenance.

A resolution was received from the Township of Howell supporting Revenue Sharing between NJ Casinos, Monmouth Park and the NJ Horseracing Industry.

A resolution was received from the Borough of Oceanport opposing Revenue Sharing between NJ Casinos, Monmouth Park and the NJ Horseracing Industry.

A letter was received from the Tears Foundation advising October as National Pregnancy and Infant Loss Awareness month. They also advised of an information session at the Center on September 26, 2016.

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A letter was received from Gail Gnesin, Conover Pavilion member, asking for rule changes for next season to include restricting smoking on the Beach and no loud music on the beach.

A letter was received from Clean Ocean Action advising of the annual Fall Beach Sweep set for October 22, 2016.

A letter was received from the DSN requesting August 20, 2017 for a Summer Games basketball tournament. The request was for no other events to be held in the area to reduce traffic.

A letter was received from Monmouth Custom Builders asking permission to demolish a single family dwelling at 242 Norwood Avenue. The Board of Commissioners approved the demolition.

An email was received from Gianna Verdoni, Merri-Makers Caterers, requesting use of the Deal Casino Beach for an event on September 8th or 9th, 2017. The event would be after the beach closes. A separate meeting will be conducting to work out the particulars of the event. The Board of Commissioners approved the concept of having an event at the beach.

Commissioner Ades offers the following Resolution:

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 16-09 of the Warrant Register in the amount of \$221,026.67.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners to place gym equipment or even chess boards on the property. Ms. Coffey also inquired if the remaining portions of the Deal Casino lockers would be electrified. The Board of Commissioners stated that they remaining aisles would be electrified.

Isadora Chamlin, 5 Poplar Avenue, stated to the Commissioners that construction has been starting at 7:30 am in violation of Borough Ordinance which is 8:00 am. The police department will look into the construction sites and enforce the ordinance. Mrs. Chamlin asked if residents during the winter months can leave lights on outside their residents. Mayor Cohen stated that the Borough may send a letter next summer to residents asking to leave lights on outside the house during the winter months.

Jim Markey, Jersey Central Power & Light, addressed the Commissioners about a public service announcement. Mr. Markey advised that he has been seeing very serious storms and asked residents to be cautious. Mr. Markey also advised they will be conducting a lineman class at Brookdale to increase staff.

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Isadora Chamlin, 5 Poplar Avenue, stated to the Commissioners that she constantly hears music at Phillips Avenue and the Deal Casino. Mayor Cohen advised Mrs. Chamlin to contact the police with noise complaints. Mrs. Chamlin also asked if the pier at Phillips Avenue would be rebuilt, Mayor Cohen stated Senator Beck is looking into funding options for the Borough.

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, October 14, 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 9:45 A.M.

SC _____

MA _____

DS _____

Clerk