

October 4, 2019

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on October 4, 2019 at 9:00 A.M.

Mayor Cohen lead the salute to the flag.

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.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon
Also Present: Paul Fernicola, Borough Attorney

It was moved by Commissioner Ades, seconded by Commissioner Simhon and carried that the minutes of the previous meeting held on September 11, 2019 be approved as recorded.

Ordinance 1196 to amend Chapter VI - Beach Regulation was introduced on September 11, 2019 and the public hearing is scheduled for today, October 4, 2019. Mayor Cohen moved to open the meeting to public comment on Ordinance #1196, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners what furniture was outlined in the ordinance. Mayor Cohen stated that any outside furniture would need to be approved. Ms. Coffey asked what the timetable was, Mayor Cohen stated that has not been determined yet. Ms. Coffey stated her cabana was increased \$150, and asked what she was receiving. Mayor Cohen stated due to State mandated minimum wage salaries, increased were needed. Ms. Coffey asked if a financial analysis was completed, Mayor Cohen stated he did not. Ms. Coffey asked if the Casino could remain open until 8pm, Mayor Cohen stated that we had tried that but had minimal attendance. Mary Anne Cronheim, 88 Monmouth Drive, stated that furniture was not defined and appeared very vague. Mayor Cohen stated members have expanded out into the walkways. Mrs. Cronheim stated that the reason is because they have overstep their boundaries. Mayor Cohen stated that people are bringing in forman grills and blowing the circuits. Mrs. Cronheim asked that she cannot bring in beach furniture. Mayor Cohen stated that this ordinance will regulate in the casino not on the beach. Paul Fernicola, Borough Attorney stated that this ordinance is for the Deal Casino property. Mrs. Cronheim asked the ordinance be more defined about where this pertains. Paul Fernicola stated that a minor change can be added to state "in a public area". Mrs. Cronheim stated furnishings should be defined. Paul Fernicola stated furniture is a common term that does not need to be defined and the time does not have to be defined. Mrs. Cronheim asked who would be monitoring, Mayor Cohen stated the Manager and Superintendent. Mrs. Cronheim asked if any members were notified, Mayor Cohen stated a letter was sent out and the ordinance was posted on the website. Mrs. Cronheim asked if there were any standards to the furniture like 23 inch or 24 inch. Mayor Cohen stated he will decide. Irwin Levine, 28 Richmond Avenue, asked if the premises of the Casino also include the beach, Mayor Cohen stated that the Casino only controls who comes in from the beach. Barbara Coffey asked if Mr. Fernicola could read the ordinance change again, which he did. Isadora Chamlin, 5 Poplar Avenue, asked who is managing these rules. Mrs. Chamlin state that Ted is a nice man but is not a manager. He is not the right man for the job. Mayor Cohen asked if he should not be hired back, Mrs. Chamlin stated yes, he is not the right man. Mary Anne Cronheim commented on the microwaves and stated it was never enforced. Commissioner Ades stated we want to enforce the rule. Mrs. Cronheim stated penalties should be outlined for violation of the rules. Barbara Coffey asked if Husband & Wife under the fee schedule can be

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changed to 2 Adults, Mayor Cohen agreed to the minor change. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE No. 1196

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

Mayor Cohen moved to amend Ordinance 1196, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Mayor Cohen moved to adopt Ordinance 1196 as amended, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1197 to authorize a drainage easement at 82 Brighton Avenue, Block 30, Lot 6 was introduced on September 11, 2019 and the public hearing is scheduled for today, October 4, 2019. Mayor Cohen moved to open the meeting to public comment on Ordinance #1197, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked how much the easement was for. Paul Fernicola stated \$1,500. Ms. Coffey stated flooding on Phillips Avenue was much worse, why wouldn't you start there, Mayor Cohen stated that there are no plans and the cost would be in the millions. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE #1197

AN ORDINANCE AUTHORIZING THE DRAINAGE EASMENT INTEREST
IN A PORTION OF THE REAL PROPERTY LOCATED AT
82 BRIGHTON AVENUE, KNOWN AS BLOCK 30, LOT 6

Commissioner Ades moved to adopt Ordinance 1197, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1198 to Chapter X – Traffic Ordinance was introduced by Commissioner Ades, seconded by Commissioner Simhon.

Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on November 6, 2019 at 9:00 A.M.

ORDINANCE #1198

AN ORDINANCE AMENDING CHAPTER X 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 X of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

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Section 2. Subsection 10-35B **Handicapped Parking on Streets for Private Residences** is amended to read as follows:

In accordance with the provisions of N.J.S.A. 39:4-197.6, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other Person shall be permitted in these spaces.

Street Number	Location	Residence
Campbell court (Repeal)	60 feet west of the 1 st Alleyway West of NJ Route 71 to a point 20 feet west therefrom.	11 Campbell Court
Wyckoff Street	60 feet west of Railroad Avenue to a point 20 feet west therefrom	24 Wyckoff Street

Section 3. This Ordinance shall take effect upon passage and publication according to law.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 19-146

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Borough of Deal entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on February 13, 2019 that provided \$125,000.00 for Harry Franco Park Phase II Improvements under Application No. 18-16 that required certain conditions be met by the Borough of Deal prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that all conditions of the on February 13, 2019 Grant Agreement have been satisfied by the Borough of Deal and that the project has been completed; and

BE IT FURTHER RESOLVED that the Borough of Deal made final payment to the suppliers MRC and RubbeRecycle and that payment was made per voucher [Attached] on April 16, 2019 under check no. 000573 and 000576, which are hereby attached and also on file in the Municipal Clerk's Office.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 19-147

WHEREAS, the Borough of Deal has received funding from the Open Space Grant Program from Monmouth County; and

WHEREAS, the Monmouth County Park System requires a Deed of Open Space Easement in perpetuity for the land outlined in the Deed; and

WHEREAS, a Deed has been authorized in the past for this same land in Phase I of the grant funding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Deed of Open Space Easement be granted and allow the Mayor and Borough Administrator to sign the easement on behalf of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-148

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposits, Cash Bonds, and accumulated interest; and

WHEREAS, the Borough of Deal has received deposits for Review, Inspection Fees and Cash Bonds; and

WHEREAS, it has been determined that the various applications and projects listed below have been withdrawn or received approval for release;

<u>Address</u>	<u>Owner</u>	<u>Balance</u>
24 Deal Esplanade	Joseph Cayre	\$1,350.00
41 Deal Esplanade	Isaac Kassin	\$375.00
13 Lady Bess Drive	Edward Gindi	\$1,640.00
78 Lehman Ave	Steve Sasson	\$1,070.00
10 Milan	Monmouth Custom	\$2,000.00
10 Milan	Maurice Setton	\$2,000.00
143 Monmouth Dr	Blue Creek Constr	\$1,077.50
238 Ocean Ave	Toufik Chakalo	\$740.00
129 Phillips Ave	Eli Douek	\$700.00
11 Runyan Ave	11 Runyan Ave, LLC	\$1,590.00
26 Runyan Ave	Interglobal	\$1,812.50
5 Seaview Lane	Harry Catton	\$1,740.00
24 Sydney Ave	AS Builders	\$937.50

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the above applicants be refunded the remaining escrow balances.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 19-149

WHEREAS, the State's CY 2019 / SFY 2020 Best Practices Inventory Questionnaire is required to receive the Municipality's final 5% of State funding; and

WHEREAS, the Borough Administrator and Chief Financial Officer have completed the Inventory and have provided the Board of Commissioners with a copy of said document; and

WHEREAS, a review of this Inventory has been discussed at the regular meeting of the Board of Commissioners on October 4, 2019.

NOW, THEREFORE BE IT RESOLVED BY THE Board of Commissioners that the Best Practice Inventory results were discussed and be filed as required with the State of New Jersey.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-150

WHEREAS, the Deal Police Department is in need of a Police Dispatcher; and

WHEREAS, Charles Zhao, has been a Class I Special Officer for the Deal Police Department, has applied for this position, has been interviewed and has been determined to be qualified for this position.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that Charles Zhao be offered a position as a Police Dispatcher, serving under the direction of the Chief of Police at the pay scale set for this position effective October 15, 2019.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-151

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of October; and

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending October 31, 2019 be approved in the amount not to exceed \$300,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$300,000.00 be paid at this time.

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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 September was received from Chief Ronen Neuman.

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

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

A letter was received from the Tears Foundation, in honor of pregnancy and infant loss awareness month.

A letter was received from the Municipal Excess Liability Joint Insurance Fund providing their latest brochure.

A letter was received from the NJ Clean Communities and NJ Food Council about their campaign to tackle the issue of single use disposal bags and encourage consumers to bring their own reusable bags.

The August 2019 issue of the Legislative Bulletin was received from the NJ League of Municipalities.

A letter was received from the Monmouth County Division of Planning advising of the applications for the Home Housing Production Program.

A raffle application was received from East Coast Research and Discovery Association for an event on November 17, 2019 at the W. Stanley Conover Pavilion. The Board of Commissioners approved the raffle license.

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 19-10 of the Warrant Register in the amount of \$2,694,523.62.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen moved to open the floor to public comments, seconded by Commissioner Simhon and approved.

Marty Martino, Ocean Township, addressed the Board of Commissioners about the Deal Lake Commission. Mr. Martino asked the Board of Commissioners to adopt a resolution requesting the Deal Lake Commission audio and videotape their meetings. The Mayor stated they would look into it. Mr. Martino resolutions from Asbury Park and Ocean Township and stated it would only cost \$75 per meeting or utilize Asbury Park or Ocean Township council chambers. Paul Fernicola explained to the Commissioners the purpose of the Deal Lake Commission and what they provide to each municipality. Barbara Coffey, 85 Norwood Avenue, recommended Victoria Boyt as the Deal Lake Commission representative for the Borough of Deal.

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Mary Anne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that signs should be placed behind the beach cabanas stating no ball playing allowed. Mrs. Cronheim stated that there kids that are not being supervised.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that she agrees with Mrs. Cronheim about the ball playing behind the cabanas. Mrs. Chamlin also stated that the ladies room has 5 stalls which need the locks and doors fixed. Mr. Chamlin also stated the bathrooms are dirty. Mrs. Chamlin asked the Board to consider keeping the club open after Labor Day. Commissioner Simhon stated that the club is open an additional week on the weekends and cannot be open during the week because all the staff are back in school.

Irwin Levine, 28 Richmond Avenue, asked the Board of Commissioners to reinstitute a dress code. Mr. Levine stated that members would need to enter the Casino in a shirt and tie. Mayor Cohen stated that it is not practical. Mr. Levine asked to restore towel service, Mayor Cohen stated he is meeting with a company that will be able to provide that service for an additional fee. Commissioners Simhon mentioned that there are even vending machines that provide a towel service.

Barbara Coffey, 85 Norwood Avenue, stated to the Board of Commissioners that the DSN is using public parking for their equipment in the Conover Lot. Mayor Cohen stated that no one utilizes the parking lot in the winter time. Ms. Coffey asked for the scheme for the Conover Parking lot to provide to the public for comments. Mayor Cohen stated he was not interested in doing that. Ms. Coffey asked about the bids for the architect for new beach houses, why it was needed when the plans for the current beach houses could be used. Mayor Cohen stated that these new cabanas will be larger and cost more to rent. Ms. Coffey asked how many members were in the casino and how many parking spots exist. Mayor Cohen stated that these cabanas would utilize parking in the overflow lot and not take away from the current spots. Ms. Coffey stated that she had requested records for winter leases under OPRA and had the names redacted. Paul Fernicola stated that he advised to have that information redacted. Ms. Coffey asked how she can get a count of renters in a house. Mayor Cohen stated that the building official checks to make sure that the number of renters conforms. Ms. Coffey stated that she wants to verify this because they can make mistakes. Ms. Coffey asked if any of the Commissioners would be attending the beach clean-up or Firemen's race. None of the Commissioners stated they would be at this time. Ms. Coffey asked how much was being spent on legal issues for the Neptune Avenue vacation. Mayor Cohen stated that the person buying the property will pay the Borough's legal fees.

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 19-152

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

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WHEREAS, the Governing Body wishes to discuss an active and potential litigation.

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 an active and potential litigation at 10:16 A.M.

The Commissioners returned to open session at 10:45 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, November 6, 2019 at 9:00 A.M.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Simhon that the meeting be adjourned at 10:45 A.M.

SC _____

MA _____

DS _____

Clerk