

September 11, 2019

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on September 11, 2019 at 9:00 A.M.

Mayor Cohen lead the salute to the flag. Mayor Cohen asked for a moment of silence to remember the lives lost during the terrorist attacks on September 11, 2001.

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 Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on August 14, 2019 be approved as recorded.

Ordinance 1196 to amend Chapter VI – Beach Regulation 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 October 4, 2019 at 9:00 A.M.

ORDINANCE No. 1196

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

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:**

Section 1

Chapter 6-1 W. Stanley Conover Pavilion

6-1.4 Rates; Charges; Qualifications for Use.

a. Bathhouse – Season Rate

- | | |
|---------------------------------------|-------|
| 1. Two members of an immediate family | \$700 |
| 2. Senior Citizens (62 and older) | \$650 |

6:1-7 Hours

The Pavilion will be open Monday-Thursday from 10:00am until 7:00 pm. On Fridays, Saturdays, Sundays and Holidays the Pavilion will be open from 9:00am-7:00 pm.

The beach will be open and lifeguards on duty Monday-Thursday from 10:00 am until 6:00 pm. On Fridays, Saturday, Sundays and Holidays the beach will be open from 9:00 am until 6:00 pm.

The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations

September 11, 2019

6-1.8 GENERAL CODE OF CONDUCT

In addition to the rules, each member and their guests are expected to be respectful to all staff and all fellow members at all times. Therefore, any loud and/or offensive language and obscene or inappropriate behavior is forbidden at all times. Only the beach management is responsible for instructing as well as disciplining staff. Members and guest shall NOT criticize or denigrate staff in ANY WAY. Members are encouraged to report immediately to any beach employee any conditions or actions deemed hazardous to health and safety, complaints by a member regarding staff behavior and performance must only be made to management. To ensure that complaints are received and addressed appropriately, all complaints should be reduced to writing, signed by a member and left with the management.

Chapter 6-2 Deal Casino Beach Club

6-2.2, Club Rules and Regulations at the Deal Casino are amended to read as follows:

3. APPLICATION AND PAYMENT DEADLINE

A \$500 deposit to hold your bath house due on December 2. If deposits are NOT received by this date your bath house will be given away to someone on the waitlist. Payment in full is due by April 15.

If payment in full is not received by April 15 a \$250 late fee will be added to your total. If payment in full is not received by April 30 a \$350 late fee will be added to your total and the bath house must be paid for no later than April 1. If your payment is still not received by April 1, the bath house will be given away to the next person on the wait list and all deposits will be forfeited.

THESE DATES WILL BE STRICTLY FOLLOWED AND THERE WILL BE NO EXCEPTIONS MADE.

4. HOURS

The beach club will be open Monday-Thursday from 10:00am until 7:00 pm. On Fridays, Saturdays, Sundays and Holidays the beach club will be open from 9:00am-7:00 pm.

The beach will be open and lifeguards on duty Monday-Thursday from 10:00 am until 6:00 pm. On Fridays, Saturday, Sundays and Holidays the beach will be open from 9:00 am until 6:00 pm.

The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations.

6. GUESTS

All guest passes must be purchased by a member of the club and can be done so ahead of time online (www.dealborough.com) or at the casino office. Each bathhouse is limited to 40 peak passes for the season. Off-peak passes are unlimited.

Peak times are Fridays, Saturdays, Sundays and Holidays between the hours of 9am – 4pm. Off-peak times will be Monday – Thursday between the hours of 10am-8pm and Fridays, Saturdays, Sundays and Holidays after 4pm.

September 11, 2019

Guest passes purchased will not expire and may be used at any time. Upon cancellation of membership, the associated passes will no longer be valid. Absolutely no refunds or rainchecks will be issued for guest passes.

Sale and purchase of guest passes other than from the Borough of Deal is prohibited.

Any member found bringing a guest into the Beach Club without paying the guest fee will be subject to revocation of membership.

10. FURNITURE

Beach Club furniture may not be moved from pool deck, common areas, eating areas, or pool side cabanas. Furniture which is included with cabanas or beach houses is reserved for that specific unit only. Misplaced furniture will be removed. Reserving or rearranging pool deck furniture is prohibited. No Glass Tables will be allowed on beach club property. Refrigerator over 11 cubic feet will be assessed a \$200 surcharge. Refrigerators shall be placed in a deluxe cabana and plugged directly into the receptacle, use of extension cords is prohibited.

No outside furniture, rugs or other furnishings may be permitted onto the Deal Casino premises unless expressly approved by Deal Casino Management in writing. Any outside furniture that is brought onto the premises without written permission may be removed and discarded without notice.

11. GLASSWARE AND FOOD

There is no eating anywhere on pool deck. Additionally, no glass of any kind is allowed on pool deck. Absolutely No Exceptions. Food is permitted at designated eating areas and the Beach houses and Cabanas. The use of cooking appliances is prohibited at the beach club. Appliances other than refrigerator are also prohibited. The use of extension cords is prohibited, one 15 amp power strip with a 2 foot cord is permissible.

12. USE OF BEACHES

Bathers are forbidden to bathe outside the designated areas and unprotected areas, or at such times, when in the opinion of the Management or Lifeguards, ocean bathing is unsafe. Operation and use of Jet Skis are prohibited on Deal beaches except for use by emergency personnel and lifeguards. The use of surf boards on the beaches of the Conover Pavilion and the Deal Casino are prohibited during the hours the clubs are open. Any person using diving apparatus or other equipment whether or not belonging to the Deal Casino, does so at his or her own risk.

15. SKATE BOARDS

The use of roller blades, roller skates, skate boards or in-line skates are prohibited on Deal Casino property. Wheeled vehicles shall not be permitted inside the Casino, which include but not limited to scooters and bicycles not owned by the Borough of Deal.

16. POOL CONDUCT

Ball playing, floating objects, swim boards, tubes, etc. will only be allowed at the discretion of the lifeguards when it is deemed safe in either the main or baby pools. Children using swimmies are permitted if accompanied in the pool by an adult. **Children in**

September 11, 2019

diapers are not allowed in either pool per the New Jersey Sanitary Code.

17. BABY STROLLERS

Baby strollers are permitted around the pool deck area. For safety purposes, play pens are prohibited at pool side deck area.

25. SMOKING

Smoking is prohibited inside the Deal Casino and on the Beach.

2020 Membership Fees

(1) SMALL BATHHOUSE	
a. Husband & Wife	\$1,950.00
(3) DELUXE BATHHOUSE w/electricity	
a. Husband & Wife	\$2,500.00
(4) CABANAS SOUTH TERRACE	
a. Husband & Wife	\$3,500.00
(5) CABANAS NORTH POOL	
a. Husband & Wife	\$3,500.00
(6) CABANAS SOUTH POOL	
a. Husband & Wife	\$3,400.00
(7) CABANAS NORTH AISLE A	
a. Husband & Wife	\$3,400.00
(8) BEACH CABANAS	
a. Husband & Wife	\$3,700.00
(9) Resident and Borough Employee Discount	\$350.00
(13) Refrigerator Fee (over 11 Cubic feet)	\$200.00

6-4 Bathing in Unprotected Waters

6-4.2 Definitions

D. Bathing shall mean to enter the water to the extent that the water, or action of the waves, causes the person's waistline to be below the surface of the water, for any length of time.

E. Swimming shall mean the act of propelling oneself through the water by natural means, such as the movement of limbs or to float on or at the surface of the water.

F. Bathing and Swimming in unprotected water shall be permitted only when the person is in possession of, and physically tethered to a: surfboard, body or boogie board capable of maintaining the weight of the person, paddleboard, or any Type I, II or III U.S. Coast Guard approved personal flotation device.

SECTION 2

Charges to be reviewed annually and dates adjusted to accommodate the operations calendar. The user charges set by this ordinance shall be

September 11, 2019

reviewed annually and revised periodically by resolution of the Board of Commissioners to reflect actual costs associated with the operation of the Deal Casino and the Conover pavilion.

SECTION 3

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

Ordinance 1197 to authorize a drainage easement at 82 Brighton Avenue, Block 30, Lot 6 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 October 4, 2019 at 9:00 A.M.

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

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) "any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;" and

WHEREAS, there is a need to improve the stormwater facilities servicing the Brighton Avenue Brook; and

WHEREAS, through consultation with the Borough's Engineer, Leon S. Avakian Inc., the Borough has determined that an improved stormwater management system would be facilitated by replacing the stormwater drainage system from the rear of 82 Brighton, Block 30 Lot 6, out to Brighton Avenue Right of Way and then east to Ocean Avenue; and

WHEREAS, Leon S. Avakian Engineering, Inc., has designed a proposed upgrade and revisions to the drainage system to improve capacity, which improvements will require the Borough to acquire a drainage and construction easement over a portion of property located at 82 Brighton Avenue, also known as Block 30, Lot 6, as identified in the attached parcel description by metes and bounds, in the Borough of Deal; and

WHEREAS, based upon the goal of mitigating the impact of stormwater in the area and mitigating the risk of flooding due to the presence of stormwater in the area and in consultation with the Borough's Engineer, the Borough has identified the property located at 82 Brighton Avenue as a necessary location on which to locate certain improvements related to the proposed flood mitigation project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal:

1. The attached Drainage Easement be approved for the Permanent Utility Easement and Temporary Construction Easement.

September 11, 2019

2. The Mayor and Borough Administrator is authorized to execute the attached Drainage Easment.
3. This ordinance shall take effect after final passage and publication as provided by law.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 19-140

WHEREAS, NJ Department of Environmental Protection is requesting an Individual Permit to legalize existing structures at the Conover Pavilion and 10 new beach houses at the Deal Casino; and

WHEREAS, the Borough Engineer has completed the initial application on behalf of the Borough; and

WHEREAS, the Borough is required to sign as the applicant for this application; and

WHEREAS, the cost of the Individual Permit is \$6,000.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Individual Permit be approved for the structures at the Deal Casino and the ten (10) new beach houses at the Deal Casino at a cost of \$6,000.

BE IT FURTHER RESOLVED, that the Borough Administrator is authorized to sign the application and submit to the NJ Department of Environmental Protection.

Seconded by Mayor Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-141

WHEREAS, Alan Roussel, has applied for the position of Fire Driver with the Deal Fire Department; and

WHEREAS, Alan Roussel is certified as a Firefighter 1 and Pump Operator through the Fire Services; and

WHEREAS, Alan Roussel has been interviewed and is qualified to serve as a Fire Driver for the Borough of Deal.

NOW THEREFORE BE IT RESOLVED, that Alan Roussel be hereby appointed as a Fire Driver in the Fire Department of the Borough of Deal, New Jersey, effective October 1, 2019 at an annual base salary of \$50,000.00 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 fire department in the Borough of Deal and the rules and regulations governing the Fire Department.

Seconded by Commissioner Simhon

September 11, 2019

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-142

WHEREAS, the Borough of Deal is interested in constructing additional beach houses for the Deal Casino; and

WHEREAS, the services of an architect is needed to supply construction drawings for bids to be received; and

WHEREAS, the Borough has solicited four (4) quotes to obtain construction drawings of the new beach houses; and

WHEREAS, two (2) quotes ranged in a high cost of \$2,500.00 from Jeremiah J. Regan Architect, Long Branch, NJ to a low cost of \$2,400.00 from Ovadia Design Group, New York.

NOW THEREFORE BE IT RESOLVED, that architect services to create construction drawings for new beach houses be awarded to Ovadia Design Group, New York at a cost of \$2,400.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-143

WHEREAS, the Borough provides insurance coverage to its employees through the State Health Benefits Program and Delta Dental; and

WHEREAS, the Borough can have one (1) broker of record to manage these plans through the State of NJ; and

WHEREAS, Altomare Financial Group can administer the plan at 2% of the current coverage, a reduction of 50%; and

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal appoint Altomare Financial Group, Wayne, NJ, as the broker of record for the State Health Benefits Program and Delta Dental; and

BE IT FURTHER RESOLVED, that the Borough Administrator is authorized to sign letters of change with each of the programs offered to employees for the Borough.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-144

WHEREAS, the Borough of Deal seeks to promote the efficient and expeditious transfer of excess Department of Defense personal property; and

September 11, 2019

WHEREAS, said property is required in the furtherance of the Borough of Deal Police Department's law enforcement program and will be used in connection with law enforcement; and

WHEREAS, the Police Department respectfully requests that the Borough of Deal enter into an Agreement with the State of New Jersey for its 1033 Law Enforcement Support Office Program (LESO); and

WHEREAS, the Borough authorizes the LEA to obtain controlled and non-controlled equipment and authorizes the LEA to obtain equipment deemed necessary by the Chief Executive.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorizes the Deal Police Department to enter into an Agreement with the State of New Jersey for its 1033 Law Enforcement Support Office Program (LESO) for excess Department of Defense personal property.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorize the LEA to obtain controlled and non-controlled equipment that may become available through the 1033 LESO program and also authorizes the LEA obtain equipment deemed necessary by the Chief Executive.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-145

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of September; 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 September 30, 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.

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 August was received from Chief Ronen Neuman.

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

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

September 11, 2019

A notice of public hearing was received from NJ Natural Gas for to request for deferred accounting authority for costs related to New Information Technology Systems and for approval of an increase in gas base rate.

A notice of public hearing was received from JCP&L for provisions of Basic Generation Services.

A notice of public hearing was received from the Monmouth County Board of Chosen Freeholders for the sale of property in the Borough of Englishtown.

A letter was received from the Monmouth County Planning Board advising they are accepting applications for the Planning Merit Award Program 2019.

A letter was received from Blue Creek Construction for the demolition of the home at 236 Norwood Avenue. The Board of Commissioners approved the demolition.

A raffle application was received from Georgian Court University for an event on May 4, 2020 at the Deal Golf & Country Club. 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 19-09 of the Warrant Register in the amount of \$558,513.96.

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.

Tom Rogers, Chief, Deal Fire Company, thanked the Board of Commissioners for hiring Alan Roussell and also asked if the Commissioners who consider hiring the third person. Mayor Cohen stated that he was actively considering the additional hire.

Isadora Chamlin, 5 Poplar Avenue, asked the Board of Commissioners what the Deal Casino Beach House Architect was about, Mayor Cohen stated that they were considering adding beach houses. Mrs. Chamlin stated that the Casino is in need of repair. Mayor Cohen stated they have hired an architect to look repairing the Casino. Mrs. Chamlin stated that we needed to hire a General to run the Casino, Mrs. Chamlin stated that Ted is a nice guy but is not doing a good job, she stated people are constantly eating around the pool deck, the restaurant is a mess and needs cleaning and the grass around the cabanas are high. Mrs. Chamlin stated that Maria is doing a great job keeping the Casino clean. Mrs. Chamlin spoke about vehicles turning on Norwood Avenue from the wrong lane. Mrs. Chamlin was advised that NJDOT was asked to put lane markings between the islands but would not approve them.

September 11, 2019

Mary Anne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that she agrees about Maria at the Casino and works very hard. Mrs. Cronheim stated there is a lot of encroachment on the center of the aisles from furniture. Mayor Cohen stated that he was going to change the rules for that. Mrs. Cronheim stated that there were traffic issues where people were walking in the center of the roadway and bicyclists not following the laws. Mrs. Cronheim asked the reason for the architect at the Deal Casino Mayor Cohen stated that they are looking to design deluxe beach houses on the southside of the property in front of Kaudory's lot for residents only. Mayor Cohen also stated that he was seeking a towel service again for the Casino. Mrs. Cronheim asked who was the committee to work on the design for the beach houses, Mayor Cohen stated the Commissioners would be the committee.

Irwin Levine, 28 Richmond Avenue, asked if there would be landscape features, Mayor Cohen stated that there will not be any landscape features but would provide parking for each beach house.

Mary Anne Cronheim, asked if the new beach houses would be offered to current members first, Mayor Cohen stated they would be offered to Deal Residents only. Mrs. Cronheim stated that they cannot take away from parking for current members. Mayor Cohen stated that the parking spots will be by the beach houses in the overflow parking lot. Mrs. Cronheim stated she would like preferred parking. Commissioner Ades stated we will provide parking for members that pay extra for it. Mrs. Cronheim asked about the relocation list. Mrs. Cronheim was advised when and how the list is created and how the members are relocated.

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, which will be on Friday, October 11, 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 9:39 A.M.

SC _____

MA _____

DS _____

Clerk