

April 11, 2018

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on April 11, 2018 at 5:00 P.M.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon

Also Present: Paul Fernicola, 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.

It was moved by Commissioner Simhon, seconded by Mayor Cohen and carried that the minutes of the previous meeting held on March 9, 2018 be approved as recorded.

Ordinance #1162 to amend Chapter XXX, Development Regulations, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1162, seconded by Commissioner Simhon 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 NO. 1162

AN ORDINANCE AMENDING CHAPTER XXX DEVELOPMENT REGULATIONS OF THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Simhon moved to adopt Ordinance 1162, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1163 to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1163, seconded by Commissioner Simhon 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 1163

**CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Commissioner Simhon moved to adopt Ordinance 1163, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1164 to Release, Extinguish and Vacating the Right of Way and Easement Associated with a portion of Block 57, Lot 10.01, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1164, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

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ORDINANCE 1164

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHT OF WAY AND EASEMENT ASSOCIATED WITH THE A PORTION OF BLOCK 57, LOTS 10.01 IN THE BOROUGH OF DEAL.

Mayor Cohen moved to adopt Ordinance 1164, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1165 providing for the various improvements to the Deal Casino, Conover Pavilion and Municipal Beach, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1165, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners what the money was being spent on, Ms. Coffey was advised there is nothing at this point, but is having funds in place in the need to make repairs. Ms. Coffey also asked what happens to the cash at the end of the year, Ms. Coffey was advised the funds will stay with the ordinance for future expenses. There were no other comments from the public and the public session was closed by the same vote.

CAPITAL ORDINANCE NO. 1165

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO THE DEAL CASINO, CONOVER PAVILION AND MUNICIPAL BEACH AND APPROPRIATING \$150,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Cohen moved to adopt Ordinance 1165, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1166 providing for the purchase of and improvements to DPW Equipment, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1166, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

CAPITAL ORDINANCE NO. 1166

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO DPW EQUIPMENT AND APPROPRIATING \$100,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Cohen moved to adopt Ordinance 1166, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1167 providing for the various improvements to Municipal Buildings, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1167, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Isadora Chamlin, 5 Poplar Avenue, asked for what Municipal Buildings, Mrs. Chamlin was

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advised that this could be used for all Municipal Buildings owned by the Borough. There were no other comments from the public and the public session was closed by the same vote.

CAPITAL ORDINANCE NO. 1167

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO MUNICIPAL BUILDINGS AND APPROPRIATING \$20,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Cohen moved to adopt Ordinance 1167, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1168 providing for the various improvements to Streets and Drains, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1168, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Irwin Levine, 28 Richmond Avenue, asked if this included the repair to Richmond Avenue, Mr. Levine was advised that this ordinance will be used for the repairs to Richmond Avenue. There were no other comments from the public and the public session was closed by the same vote.

CAPITAL ORDINANCE NO. 1168

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS AND APPROPRIATING \$1,350,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND A STATE GRANT IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Cohen moved to adopt Ordinance 1168, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1169 providing for the purchase of and improvements to Sanitation Equipment, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1169, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

CAPITAL ORDINANCE NO. 1169

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO SANITATION EQUIPMENT AND APPROPRIATING \$500,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Cohen moved to adopt Ordinance 1169, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1170 providing for the purchase of and improvements to Fire Department Equipment, was introduced on March 9, 2018 and the public hearing is scheduled for today, April 11, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1170, seconded by

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Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

CAPITAL ORDINANCE NO. 1170

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO FIRE DEPARTMENT EQUIPMENT AND APPROPRIATING \$20,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Simhon moved to adopt Ordinance 1170, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Commissioner Ades arrived at the meeting at 5:16 P.M. and took his position with Mayor Cohen and Commissioner Simhon.

Ordinance 1171 amending Chapter VI, Beach Regulations, 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 May 9, 2018 at 9:00 A.M.

ORDINANCE #1171

**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. That Chapter VI, Beach Regulations, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 6-1 Conover (Phillips Avenue) Pavilion are amended to read as follows:

6-1.4 Rates; Charges; Qualifications for Use.

e. Weekday admission (Monday-Thursday) \$8

f. Friday, Saturday, Sunday and Holiday admission \$10

Section 3. Subsection 6-6 **Public Beach** is amended to read as follows:

6-6.4 Fees and Charges

In order to provide funds to improve, maintain and police the municipal beach and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged the person using said lands and bathing facilities for access to the beaches and bathing and recreational facilities during the normal bathing season:

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a. Daily admission to the beach:

1. No fee shall be charged of children under the age of twelve (12).
2. Eight Dollars (\$8.00) per day per person on all days with the exception of Fridays, Saturdays, Sundays and holidays.
3. Ten dollars (\$10.00) per day per person during Fridays, Saturdays, Sundays, and holidays

Section 4. 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 18-48

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Deal has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Deal that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,

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- b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Seconded by Mayor Cohen

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mr. Alvino, Borough Auditor, read the 2018 Introduced Budget by Title to the Board of Commissioners.

Mayor Cohen moved to open the meeting to public comment on the 2018 Municipal Budget, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked on Page 36c about the \$450,000 for the Deal Casino, Ms. Coffey was advised that this is the 3 year Capital Program, where it is anticipated that \$150,000 will be created in Capital Improvements over the three year period. Ms. Coffey stated that there was \$1,333,000 and stated there was no more debt, Ms. Coffey was advised that with the adoption of this budget there would be no more debt, that all debt would be paid off. Ms. Coffey asked why 1,600,000 for Deal Casino revenue. Paul Fernicola, Borough Attorney stated that the revenue for beaches is weather dependent and the municipality must be conservative when determining the amount of revenue it may receive. There were no other comments from the public and the public session was closed by the same vote.

Commissioner Simhon moved to adopt the 2018 Municipal Budget, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Commissioner Simhon offers the following Resolution:

Resolution 18-49

WHEREAS, due to the expiration of the current lease for the operation of the Kosher Snack Hut at the Deal Casino; and

WHEREAS, the Board of Commissioners wish to obtain bids for the 2018 summer season with options for 2019, 2020, 2021 and 2022.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bidding be obtained for the operation of the Deal Casino Kosher Snack Hut with bids due by May 2, 2018.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 18-50

WHEREAS, the Borough is in the need of a small 4wd utility vehicle for the Deal Police Department; and

WHEREAS, this multi-purpose vehicle will be used for patrol purposes along the beach front within the Borough of Deal; and

WHEREAS, a John Deere XUV 825i utility vehicles are offered by the Educational Services Commission of New Jersey at a cost of \$13,333.76.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that a John Deere XUV825i be purchased from Power Place, Inc, Whitehouse Station, NJ at a cost of \$13,333.76

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-51

RESOLUTION TO AUTHORIZE THE SALE OF MUNICIPAL PERSONAL PROPERTY THROUGH ON LINE AUCTION

WHEREAS, the Borough of Deal has determined that certain personal property as described on the below listed "Schedule A" is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder; and

WHEREAS, the Borough of Deal has selected Action Liquidation Services to conduct an on-line auction.

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

1. The below listed "Schedule A" of Borough Property is hereby declared surplus, and is no longer needed for public purposes; and
2. The On-Line Auction will commence on April 28, 2018, at 9:00 a.m. and close on May 2, 2018 at 7:00 p.m. on the website www.usgobid.com; and
3. Preview of items for sale will be on Monday, April 30, 2018 from 9:00 am to 4:00 p.m. This will be the ONLY date and time for preview and it will be held at the Borough of Deal Public Works Building, 80 Runyan Avenue, Deal, NJ; and
4. The Borough Clerk is hereby authorized to advertise a public sale of said property according to NJ.S.A.40A:11-36(3).

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SCHEDULE "A"

MAKE	MODEL	YEAR	COLOR	VIN#
International	4900 cy Garbage Packer	1996	Green/Gray	1HTSPAAR7VH447520
Cushman	Haulster	1998	White	1CHMH6607WL000457
Cushman	Haulster	2001	White	1CHMH66671L000374
Cushman	Haulster	2000	White	1CHMH6606YL001084
Chevrolet	Caprice	2012	White	6G1MK5025DL800040
Ford	Crown Victoria	2011	White	2FABP7BV8BX158098
Ford	Expedition	2005	White	1FMPU16596LA13229
Ford	F250 4x4 with plow	1997	Green	1FTHF26H1VEC04553
Ford	CD1PW2	1994	Yellow	A427767
International	Tractor with Plow			20200010011571
Meyer Plow	C-8			
Western Pow	8 foot			
Pavers	4x8 and 8x8		Gray	Approx. 12,000 sq ft

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-52

WHEREAS, the Borough maintains the grounds at the Deal Casino and is desirous of maintaining these grounds with an irrigation system; and

WHEREAS, quotes were solicited from vendors with two (2) vendors responding; and

WHEREAS, proposals were received ranging in cost from a high of \$14,427.00 from High Tech Landscapes, Branchburg, NJ, and a low bid of \$14,350.00 from Wohlert Landscaping, Oakhurst, NJ;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the irrigation system be installed at the Deal Casino by Wohlert Landscape in the amount of \$14,350.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-53

WHEREAS, the Borough would like to maintain the Deal Casino with an irrigation system; and

WHEREAS, it is desirous to provide water to these systems without the expense of utilizing the Borough's water source but utilize a well system; and

WHEREAS, the sole proposal received was at a cost of \$9,500.00 from PickWick Well Drilling, Farmingdale, NJ.

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NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the well and pumping system be installed at the Deal Casino by PickWick Well Drilling in the amount of \$9,500.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-54

WHEREAS, the Borough of Deal has a current list of Tow Companies providing Tow Service for the Deal Police Department; and

WHEREAS, the Borough is working on a bid specification for the tow services to the Borough; and

WHEREAS; work is required for the bids and requires additional time to meet the statutory requirements

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the current Tow List be extended until December 31, 2018.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-55

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

WHEREAS, Donald Moliver has been recommended to be the Appraiser for property located at the Neptune Avenue Right of Way and Block 14 Lot 17 at a cost of \$7,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Donald Moliver be appointed as the Appraiser for property interests located at the Neptune Avenue Right of Way and Block 14 Lot 17 at a cost of \$7,000.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-56

WHEREAS, the Borough is in the need to replace a riding lawnmower due to age and wear on the current machine; and

WHEREAS, three (3) quotes were received for the purchase of a 61" Ferris Mower; and

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WHEREAS, proposals were received ranging in cost from a high of \$12,975.00 from Moose Repairs LLC, Budd Lake, NJ, and a low bid of \$10,799.00 from John Guire Co., Long Branch, NJ;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the 61" Ferris mower be purchased for the Department of Public Works from John Guire Co in the amount of \$10,799.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-57

WHEREAS, James Aldarelli, W. Allenhurst, NJ has made a payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested for their membership due to medical reasons; and

WHEREAS, Carey Schwarz, Shrewsbury, NJ has made a payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested for their membership due to personal reasons; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$500.00 be issued to James Aldarelli and \$2,050.00 be issued to Carey Schwarz 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 18-58

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Christopher Conti as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Christopher Conti will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Christopher Conti, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one-year, effective May 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Christopher Conti is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-59

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Robert Graziano as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Robert Graziano will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Robert Graziano, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one-year, effective May 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Robert Graziano is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-60

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Thomas Nitti as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Thomas Nitti will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Thomas Nitti, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one-year, effective May 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Thomas Nitti is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 18-61

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Jenifer Velasquez as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Jenifer Velasquez will be attending his course of instruction at the Monmouth County Vocational School.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Jenifer Velasquez, after having successfully completed her course of instruction, will be appointed a special police officer for a term of (1) one-year, effective June 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Jenifer Velasquez is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-62

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Emily Walsh as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Emily Walsh will be attending his course of instruction at the Monmouth County Vocational School.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Emily Walsh, after having successfully completed her course of instruction, will be appointed a special police officer for a term of (1) one-year, effective June 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Emily Walsh is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-63

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

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WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Charles Zhao as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Charles Zhao will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Charles Zhao, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one-year, effective May 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Charles Zhao is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-64

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Matthew Zweighaft as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Matthew Zweighaft attended his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Matthew Zweighaft, be appointed a special police officer for a term of (1) one-year, effective May 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Matthew Zweighaft is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-65

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Joseph Calao as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Joseph Calao attended his course of instruction at the Monmouth County Police Academy.

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NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Joseph Calao, be appointed a special police officer for a term of (1) one-year, effective May 15, 2018, unless removed from office by the Chief of Police before the end of the one-year term. Special Joseph Calao is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-66

WHEREAS, the Borough would like to add an additional beach cabana at the Deal Casino; and

WHEREAS, two (2) quotes were received for the construction of a new beach cabana; and

WHEREAS, proposals were received ranging in cost from a high of \$16,174.00 from GTN Construction Inc., Howell, NJ, and a low bid of \$13,620.00 from Simmen Building Contractors, Inc., Wanamassa, NJ;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the beach cabana be purchased from Simmen Building Contractors, Inc. in the amount of \$13,620.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-67

WHEREAS, the Borough of Deal owns the property located at 111 Poplar Avenue, Block 17 Lot 8, on which the cell tower smoke stack is currently located

WHEREAS, New Cingular Wireless PCS, LLC., has inquired about placing their telecommunication equipment on the current cell tower smoke stack; and

WHEREAS, Municipal Attorney reviewed the proposed lease agreement and found to be in order; and

WHEREAS, the Municipal Engineer has reviewed the structural analysis and found the documents to be in order; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the agreement with New Cingular Wireless PCS, LLC for the lease space on and adjacent to the cell tower stack for the installation, operation, and maintenance of telecommunication antennas and associated equipment be approved.

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BE IT FURTHER RESOLVED, the Mayor and Borough Clerk are hereby authorized and directed to execute the attached lease agreement with New Cingular Wireless PCS, LLC.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-68

WHEREAS, bids were received for the repair to several roadways within the Borough of Deal; and

WHEREAS, the Borough solicited proposals and received bids from nine (9) vendors that includes the milling, repaving and minor curb work; and

WHEREAS, proposals were received ranging in cost from a high of \$929,000.60 from Mixalia Enterprises, LLC, Shrewsbury, NJ, and a low bid of \$413,713.82 from Fiore Paving Company, Inc, Oceanport, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the mill, paving and curb work for Richmond Avenue, Roseld Avenue and Pleasant Place as outlined in the specifications to Fiore Paving Company, Inc, Oceanport, NJ in the amount of \$413,713.82.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-69

WHEREAS, the Tax Court of New Jersey has ordered a judgment in favor of Candace Chehebar Trust, owner of property located at 217 Ocean Ave, Block 29.01 Lot 6, within the Borough of Deal requiring an adjustment of their 2017 tax year; and

WHEREAS, the property owner at 217 Ocean Ave is requesting a credit to be issued on their 2018 taxes in the amount of \$1,947.42; and

WHEREAS, the Tax Court of New Jersey has ordered a judgment in favor of Joseph Nakash, owner of property located at 4 Morgan Ave, Block 13.01 Lot 8, within the Borough of Deal requiring an adjustment of their 2017 tax year; and

WHEREAS, the Joseph Nakash is requesting a refund of that same adjusted amount made payable to "Michael I. Schneck Trustee for Nakash, Joseph" located at 301 South Livingston Ave, Livingston NJ 07039, in the amount of \$1,647.71.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the credit and refund ordered by the Tax Court of New Jersey have been issued in 2018 for the following property owners be approved as issued.

April 11, 2018

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-70

WHEREAS, the Borough is in the need to install bins at the Deal Department of Public Works yard for storage of material; and

WHEREAS, three (3) quotes were received for the purchase of 2'x2'x6' concrete block to build the bins; and

WHEREAS, proposals were received ranging in cost from a high of \$11,600.00 from Silvia Concrete, Brick, NJ, and a low bid of \$10,900.00 from Clayton Concrete, Tinton Falls, NJ;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the concrete block be purchased for the Department of Public Works from Clayton Concrete in the amount of \$10,900.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-71

WHEREAS, the Borough is in the need to install a new phone system within the municipal building for Administration, the Police Department and the Court; and

WHEREAS, a proposal was received from TELX, Farmingdale, NJ under NJ State Contract; and

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the new phone system be purchased and installed by TELX, Farmingdale, NJ in the amount of \$10,431.45.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-72

WHEREAS, payment was received from Congregation Beit Yosef of Deal, Inc., for engineering escrow related to work performed on the property located at 108 Norwood Avenue; and

WHEREAS, all inspections have been completed and invoices have been submitted for payment from the Borough Engineer.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the reimbursement of the escrow for Congregation Beit Yosef of Deal, Inc., be issued in the amount of \$7,961.25.

April 11, 2018

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-73

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of April; 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 April 30, 2018 be approved in the amount not to exceed \$200,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$1,879,000.00 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 March was received from Chief Ronen Neuman.

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

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

An email was received from Mary Anne Cronheim stating she could not attend the Board of Commissioners meeting. Mrs. Cronheim also requested the meeting times to be change from 9:00 am and 5:00 pm.

The Board of Commissioners were advised that a phone call was received from Bobbi Safdie, 126 Phillips Avenue, complaining about all the trees that were planted on Phillips Avenue, west of Norwood Avenue.

A letter was received from the Monmouth County Division of Planning, Office of Community Development, providing the FY2019 Community Development Block Grant application.

A letter was received from the NJ Conference of Mayors advising of the 55th Annual Spring Conference April 25-27, 2018.

A letter was received from the Monmouth County Mosquito Control Division with pertinent information regarding their treatment operations to control adult mosquitos.

A notice of public hearing was received from Jersey Central Power & Light proposing an increase in the Company's Rider RAC – Remediation Adjustment Clause to recover costs incurred for environmental remediation of manufactured gas plant sites.

April 11, 2018

A notice of public hearing was received from the Township of Ocean for a planning board application at the Deal Golf & Country Club for the construction of a new pump house.

A letter was received from Wildwood Crest to personally invite the Borough officials and employees to their upcoming running event on Oct 6-7, 2018.

A letter was received from Congregation Torat El requesting permission to use the Conover Pavilion on June 22nd and July 27th for services. The Board of Commissioners approved their request.

An email was received from Sydney Seperis who was looking to utilize the beach for several yoga workshops.

A letter was received from Lee Cohen, 94 Roosevelt, requesting permission to demolish the existing home to construct a new single family home. The Board of Commissioners approved the demolition.

The Deal Fire Department provided the Active Firemen's Membership Report for the year 2017.

A raffle application was received from Monmouth University at the Deal Golf & Country Club on June 18th. The Board of Commissioners approved the raffle.

A raffle application was received from the Girl Scouts of the Jersey Shore at the Deal Golf & Country Club on June 11th. The Board of Commissioners approved the raffle.

Two raffle applications were received from the James F. Ackerman Federation at the Deal Golf & Country Club on May 4th. The Board of Commissioners approved the raffle.

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 18-04 of the Warrant Register in the amount of \$1,522,539.64.

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.

Irwin Levine, 28 Richmond Avenue, asked the Board of Commissioners if an impact statement was completed for the cell tower that AT&T would be installing on Poplar Avenue. Mayor Cohen stated that there is not one created and that this is an existing cell site that currently has 2 vendors and this will be adding a third vendor.

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Isadora Chamlin, 5 Poplar Avenue, asked the Board of Commissioners what was going on with the area of Poplar Brooke and Ocean Avenue, there were 5 utility trucks there several days ago. Mrs. Chamlin was advised it may have been Verizon Wireless working on the small cell node installation along Ocean Avenue or the Borough employees were clearing out the debris on municipal property along Poplar Brooke east of Ocean Avenue. Mrs. Chamlin also asked where the beach cabana was going, Mayor Cohen stated that one additional cabana was being built to be placed along with the existing beach cabanas.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners what property was being appraised. Ms. Coffey was advised that it was the right of way at the foot of Neptune Avenue and Block 14 Lot 17 which is located on Roosevelt Avenue next to the pump station. Ms. Coffey asked if the intent was to sell the property. Paul Fernicola, Borough Attorney advised that the intent was to get a fair market value on Borough property. Ms. Coffey asked what the location of the basketball court was going to be, Commissioner Simhon stated he is working on it and will speak with John Anastasia, Beach Superintendent. Commissioner Ades stated that he feels it should be located on the northeast portion of the casino. Ms. Coffey stated that would impact and bother the members in aisles G and H and that it should be located over by the shuffle board courts. Commissioner Ades stated that would still bother the members in those aisles. Ms. Coffey then asked if a microphone could be installed.

Joseph Coakley, Surf rider Association, asked the Board of Commissioners why charge \$2 for Friday, Mayor Cohen stated he was looking to make it uniform. Mr. Coakley objected whole heartedly to sell the property located next to the pump station. Mr. Coakley stated that Federal funds were used to purchase the property, Paul Fernicola stated that the Borough owned the property and no funds were used to purchase the property. Mr. Coakley clarified that the revetment wall was built with Federal funds that increase the size of the property. Mr. Coakley advised that they will use any legal means to stop this from happening.

Barbara Coffey, 85 Norwood Avenue stated that she saw on facebook that someone was looking to see if there was a share available at the Deal Casino. Mayor Cohen stated that the lockers are limited to 10 people. Ms. Coffey asked that the membership go back to familiar family members. Mayor Cohen stated that it is very difficult to police family members who would be joining a locker.

Irwin Levine, 28 Richmond Avenue, asked what the capacity was of the casino and that the requirements for the amount of toilet facilities should be looked into.

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 18-74

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

April 11, 2018

WHEREAS, the Governing Body wishes to discuss contract negotiations.

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 a contractual matter at 6:14 P.M.

The Commissioners returned to open session at 6:43 P.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, May 9, 2018 at 9:00 A.M.

There being no further business or comments, it was moved by Commissioner Simhon and seconded by Mayor Cohen that the meeting be adjourned at 6:45 P.M.

SC _____

MA _____

DS _____

Clerk