

July 6, 2018

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on July 6, 2018 at 9:00 A.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 Commissioner Ades and carried that the minutes of the previous meeting held on June 13, 2018 be approved as recorded.

The following resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 18-104

BE IT RESOLVED, that the following persons are hereby appointed for summer positions at the Deal Casino and Conover Pavilion, June 2018 through September 2018 at the hourly salaries set in this resolution unless otherwise noted. Salaries for these positions have been provided for in the Municipal Budget.

2018 Deal Casino Hourly Staff

Hugh Burgdorf	\$13.00
Justin Horbacz	\$11.00
Jake Shirley	\$9.75
Trevor Crochet	\$8.75
Tea Damiano	\$9.75
Dylan Costanzo	\$9.75
Christopher Huisman	\$8.75
Timothy Pearson	\$14.00
Alexa Kulawiak	\$8.00
Anthony Sallustio	\$7.00
David Rahmey	\$8.00
Kyle Yosco	\$7.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-105

WHEREAS, the Lifeguards for the Beaches is in need of an ATV for safety purposes to patrol the beach front; and

WHEREAS, two (2) quotes were received for the purchase of a 2018 Yamaha Kodiak 700 4wd ATV; and

WHEREAS, proposals were received ranging in cost from a high of \$7,401.02 from Xtreme Machines, Millstone, NJ, and a low bid of \$6,944.98 from Stumpy's Sales and Services, Neptune, NJ;

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NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Yamaha Kodiak 700 ATV be purchased from Stumpy's Sales and Services in the amount of \$6,944.98.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-106

WHEREAS, there has been several requests from members of the Deal Casino and Conover Pavilion for a beach wheelchair; and

WHEREAS, a quote has been received in the amount of \$1,330.00 for a Beach Chair from Marine Rescue Products.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Beach Chair be purchased from Marine Rescue Products in the amount of \$1,330.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-107

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

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

WHEREAS, Officer Schou has successfully completed his course of instruction at the Ocean County Police academy in May, 2018.

NOW THEREFORE BE IT RESOLVED, that Class II Special Police Officer, Christopher Schou, having completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective July 6, 2018, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Schou 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 Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-108

Approval of Change Order for Improvements to Richmond-Roseld-Pleasant Place

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WHEREAS, the Borough of Deal awarded a contract for improvements to Richmond-Roseld-Pleasant Place to Fiore Paving Co, 4 Fiore Court, Oceanport, NJ at a cost of \$413,713.82; and

WHEREAS, the Superintendent of Public Works recommended the following change to improvements to the project:

Base Bid

1. Milling	Subtract	\$779.10
2. Surface Course	Subtract	\$2,646.00
3. Curb	Subtract	\$5,908.00
4. Concrete Sidewalk	Add	\$6,323.20
5. Safety Grates	Subtract	\$800.00
6. Asphalt Adjustment	Add	\$4,891.85
7. Fuel Adjustment	Add	\$1,353.56

Alt #2 – Roseld Avenue

1. Milling	Subtract	\$1,552.90
2. DGA	Add	\$.85
3. Stabilization Course	Add	\$935
4. Surface Course	Subtract	\$5,274.00
5. Curb	Subtract	\$6,916.00
6. Concrete Sidewalk	Add	\$2,304.00
7. Concrete Apron	Add	\$2,220.00
8. Det. Warning	Subtract	\$225.00
9. Safety Grates	Subtract	\$2,400.00
10. Uniformed Police	Add	\$800.00
11. Asphalt Adjustment	Add	\$3,308.09
12. Fuel Adjustment	Add	\$874.75

Alt #3 – Roseld Avenue

1. Milling	Subtract	\$95.40
2. DGA	Add	\$.25
3. Stabilization Course	Add	\$935
4. Surface Course	Subtract	\$23,886.00
5. Curb	Subtract	\$644.00
6. Concrete Sidewalk	Add	\$1,344.00
7. Concrete Apron	Subtract	\$1,184.00
8. Det. Warning	Subtract	\$225.00
9. Asphalt Adjustment	Add	\$1,644.94
10. Fuel Adjustment	Add	\$467.33

Alt #6 – Pleasant Place

1. Milling	Subtract	\$471.70
2. DGA	Subtract	\$.25
3. Stabilization Course	Add	\$751
4. Surface Course	Subtract	\$1,602.00
5. Curb	Add	\$420.00
6. Concrete Sidewalk	Add	\$832.00
7. Concrete Apron	Subtract	\$1,628.00
8. Safety Grates	Subtract	\$900.00
9. Asphalt Adjustment	Add	\$1,872.96
10. Fuel Adjustment	Add	\$521.90
11. Installed B Basin	Add	\$3,000.00

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Parker Avenue

1. Curb	Add	\$9,156.00
2. Concrete SW	Add	\$192.00
3. Concrete Apron	Add	\$1,924.00
4. Stabilization Base	Add	\$1,250.00
5. Surface course	Add	\$855.00
6. Clean Stone	Add	\$960.00
7. Sawcut	Add	\$1,645.00
8. Reset Pavers	Add	\$500.00
9. Restoration	Add	\$1,500.00

Deal Esplanade

1. Curb	Add	\$3,220.00
2. Concrete Sidewalk	Add	\$1,408.00
3. Surface course	Add	\$991.25
4. Restoration	Add	\$900.00

Candy Lane

1. Curb	Add	\$10,920.00
2. Concrete Sidewalk	Add	\$2,688.00
3. Clean Stone	Add	\$1,200.00
4. Restoration	Add	\$1,500.00

Roseld Avenue

1. Sewer Lateral Replacement	Add	\$12,000.00
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NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Improvements to Atlantic Avenue as specified by the Superintendent of Public Works changing the contract amount to \$446,415.90.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-109

WHEREAS, Fiore Paving Company, 4 Fiore Court, Oceanport, NJ 07757 has been awarded a contract for the improvements to Richmond Ave, Roseld Ave and Pleasant Place at a cost of \$446,415.90; and

WHEREAS, Fiori Paving Company has requested full payment in the amount of \$446,415.90; and

WHEREAS, the Superintendent of Public Works has verified that the work to date has justified this payment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the payment of \$446,415.90 be made to Fiori Paving Company for the improvements to Richmond Ave, Roseld Ave and Pleasant Place.

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Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-110

WHEREAS, Jack Zarif, Brooklyn, NY, has made a payment for their membership at the Deal Casino; and

WHEREAS, a refund is owed due to overpayment of a child member as an adult member; and

WHEREAS, Victor Russomano, Ocean, NJ has made a payment for their membership at the Deal Casino; and

WHEREAS, a refund is being requested for their membership due to the removal of a member; and

WHEREAS, Matt Guzauskas, Ocean, NJ has made a payment for their membership at the W. Stanley Conover Pavilion; and

WHEREAS, a refund is being requested for their membership due to moving to California for the summer.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$175.00 be issued to Jack Zarif, \$375.00 refund be issued to Victor Russomano for their membership to the Deal Casino, and a refund of \$650.00 be issued to Matt Guzauskas for his membership to the W. Stanley Conover Pavilion.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-111

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

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WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Board of Commissioners of the Borough of Deal, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-112

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of July; 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 July 31, 2018 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 \$2,200,000.00 be paid at this time.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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

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

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

A report on the activities since Memorial Day of the Deal Lifeguards was received from Mark Spagnuolo.

A notice of public hearing was received from NJ Natural Gas for approval of existing and new energy-efficiency programs and a class I renewable energy program.

A letter was received from JCP&L advising they provide for the installation of temporary decorative lightings in municipalities.

A resolution was received from the Monmouth County Board of Chosen Freeholders declaring Monmouth County a stigma free community.

A letter was received from the Borough of Allenhurst advising of the adoption of Ordinance 2018-08 for an amendment to their Development Regulations.

A letter was received from the Borough of Allenhurst providing a notice of public hearing for the Re-Examination of their Master Plan.

A letter was received from the Monmouth County Improvement Authority who is soliciting interest for its annual Pooled Government Loan Program.

A letter was received from Senator Cory Booker advising he will ensure Congress maintains the Community Development Block Grant program that is being proposed to be eliminated.

An email was received from the Deal School, advising of tax levy payments for the 2018-2019 School Year in the amount of \$167,254.67 per payment.

The Monmouth County Department of Finance provided the County tax levies for 2018 Final and 2019 Preliminary.

A note was received from Allegra and Chuck Mamiye, 212 Ocean Avenue, thanking the Borough for the beautiful new trees that have been planted lining the streets near their residence.

An email was received from Amy Brenner, Recreational Supervisor at the Deal Casino, providing positive feedback on all the personnel working at the Deal Casino. The Board of Commissioners asked that the employees be thanked for doing a great job.

A raffle application was received from Georgian Court University at the Deal Golf & Country Club on May 6, 2019. The Board of Commissioners approved the raffle.

Under New Business, Commissioner Ades asked about adding funds to the Budget for the Deal First Aid, Mayor Cohen stated that he was planning on supporting the First Aid with the next budget. Commissioner Ades stated he

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received complaints about the center island, Mayor Cohen stated the islands have not been completed yet. Commissioner Ades asked about the flooding in the area of the Brighton Avenue Brook, he was advised that preliminary plans have been completed by the Borough Engineer. Mayor Cohen stated that no funding was available due to a lack of damage to property. Commissioner Ades asked about the curb work, he was advised that no curb work will be completed during the summer months. Commissioner Ades stated that we received funding for work on Ocean Avenue. Mayor Cohen stated that the work will begin in the Spring of 2019. Commissioner Ades stated that there are a lot of sidewalks that need to be repaired and should be inspected.

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 18-07 of the Warrant Register in the amount of \$1,111,081.03.

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.

Harry Adjmi, 54 Parker Avenue, advised the Board of Commissioners that Parker Avenue is in need of repaving. Mr. Adjmi also commended the Borough for the beautification throughout the town along with Norwood Avenue.

Alice Adjmi, 54 Parker Avenue, stated to the Board of Commissioners that she has been a resident of Deal for 51 years and she loves the way the Commissioners are bringing back the town. Mrs. Adjmi stated she likes to see change and that change is very important. Mrs. Adjmi also stated that the flooding in her back yard has been bad. Mayor Cohen stated that if there is damage to document and let the Borough know. Mrs. Adjmi also commended the clearing of the catch basins, she stated that hasn't been done in years and is a big help.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners if the lease agreement has been signed, Mayor Cohen stated that it has been signed. Ms. Coffey asked Mayor Cohen if any of his grandchildren attend the DSN, Mayor Cohen stated his wife does. Ms. Coffey asked Commissioner Simhon the same question and he stated no. Ms. Coffey asked a financial analysis has been completed on the DSN lease extension. Mayor Cohen stated no. Ms. Coffey asked how many parking spaces will be lost with the new parking lot, Mayor Cohen stated that no spaces will be lost. Ms. Coffey stated the rendering she receives shows paving, Mayor Cohen stated that a plan has not been approved. Ms. Coffey provided a financial analysis for the Conover Pavilion, revenue for a single car occupant would generate \$794, \$1,588 for 2 people and \$2,382 for 3 people with between 250 to 275 vehicles parking in the lot. Ms. Coffey stated that the DSN rendering shows 27 DSN spots and 190 other spots, this is a reduction of 60-85 spots for beach parking or 24%-31%. Ms. Coffey also stated that Conover revenue for 2017 was \$359,192 for 88 days open which equals \$4,082 a day. In 2017, the DSN paid \$6,000 for the season which equals \$47.62 a day. If the lease is extended a full year, it would drop to \$16.44 assuming the price stays at \$6,000 per year. Ms. Coffey stated that the lease should be opened up to Monmouth University or the JCC for the winter. Ms. Coffey stated that this is

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not fiscally responsible. Mayor Cohen stated that the lease will be for year round. Ms. Coffey stated that the DSN has had many raffles, zoning violations and that the group has not shown that they ethically follow the rules.

Nina Cohen, 52 Jerome Avenue, stated that the Mayor is not being biased and that she only uses the DSN to work out.

Mary Ann Cronheim, 88 Monmouth Drive, asked the Board of Commissioner about a beach wheel chair and microphone. Mrs. Cronheim was advised the beach chair order was placed and the microphone should be in today. Mrs. Cronheim asked how people would be able to use the beach chair. Paul Fernicola, Borough Attorney, stated they would have to ask the staff to use the beach chair. Mr. Cronheim stated the paving was beautiful, but what about the rest of Richmond Avenue. Mayor Cohen stated that the Borough is putting a list together of other areas to be paved. Mrs. Cronheim requested new mats for the lounges at the Deal Casino. Mrs. Cronheim asked about the small concession stand at the Deal Casino, Mayor Cohen stated that Nicole's Kitchen declined to take the snack bar this year and Circa was going to take it but did not apply, Mayor Cohen also stated that he is working with Ori to provide some kosher food. Mrs. Cronheim asked about the mortorized hang gliders, Mayor Cohen stated that he them in Deal.

Dan Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners to ban marijuana business as in Fair Haven and Point Pleasant Beach. Commissioner Ades stated that it would be a state law. Mr. Cronheim stated that it is a zoning law. Mr. Cronheim reminded the Board of Commissioners of the case Van Ness v. Borough of Deal which dealt with beach access. Mr. Cronheim also advised the Board of Commissioners to review the ethics law.

Tunnie Missry, 70 Ocean Avenue, asked the Board of Commissioners about all the recent car thefts, Chief Neuman stated there was an easy fix, to lock the car doors and remove the keys. Mrs. Missry stated that the town appeared to be dark, Mayor Cohen stated he was working with JCP&L to install new lights.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that she has stated the area is dark for 3 years. Mrs. Chamlin also stated that it is very difficult to make a left turn at Poplar and Norwood Aves. Mrs. Chamlin also stated people are not using directional signals and are walking in the streets.

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 Wednesday, August 8, 2018 at 5:00 P.M.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Ades that the meeting be adjourned at 9:38 A.M.

SC _____

MA _____

DS _____

Clerk