

October 10, 2018

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on October 10, 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.

Mary Ann Cronheim, 88 Monmouth Drive, objected to the meeting as not being properly noticed. Mrs. Cronheim stated that the website listed the meeting to be at 5:00 pm. Paul Fernicola stated the original resolution listed this date and time for the meeting, which Mrs. Cronheim agreed, and the website was listed in error and that the meeting was properly noticed.

It was moved by Commissioner Simhon, seconded by Mayor Cohen and carried that the minutes of the previous meeting held on September 14, 2018 be approved as recorded.

Ordinance #1174 to amend Chapter VI, Beach Regulations, was introduced on September 14, 2018 and the public hearing is scheduled for today, October 10, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1174, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners what other towns were researched for setting the pricing. Mayor Cohen stated he did not check with any other towns. Commissioner Simhon stated that he looked at other towns. Paul Fernicola, Borough Attorney, mentioned that he was not certain that different pricing could be made for residents and non-residents. Ms. Coffey asked for the ordinance to be tabled. Isadora Chamlin, 5 Poplar Avenue stated that other clubs are open an additional two weeks after the summer. Mary Anne Cronheim, 88 Monmouth Drive, asked Mr. Fernicola on clarification of his comments, at which point he stated that he is not certain if a different rate can be made for a resident and non-resident. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE No. 1174

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

Commissioner Simhon moved to adopt Ordinance 1174, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance #1175 to amend Chapter V and VI, Miscellaneous Penalties, was introduced on September 14, 2018 and the public hearing is scheduled for today, October 10, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1175, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue asked the Board of Commissioners if this ordinance applied to swimming and if there was an increase in cost. Mayor Cohen stated that it does and that would be increase from \$100 to \$200 per violation. There were no other comments from the public and the public session was closed by the same vote.

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ORDINANCE No. 1175

AN ORDINANCE AMENDING CHAPTER V and VI OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"

Commissioner Ades moved to adopt Ordinance 1175, seconded by Commissioner Simhon. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades

Ordinance 1176 to amend Chapter XXX, Development Regulations was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on November 9, 2018 at 9:00 A.M.

ORDINANCE NO. 1176

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

BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth and State of New Jersey, not less than two thirds of all members thereof affirmatively concurring, and the Borough of Deal Planning Board pursuant to NJ.S.A. 40:55D-64 and NJ.S.A. 40:55D-26, having reviewed the ordinance on October 4, 2018 and reported to the Board of Commissioners its recommendations, and the Board of Commissioners having reviewed the recommendations of the Planning Board, as follows:

Section 1. Chapter XXX, of the Ordinances of the Borough of Deal are hereby amended by the following:

CHAPTER XXX

DEVELOPMENT REGULATION

30-7.1 Establishment and Composition

a(3). Class III: A member of the governing body to be appointed by it.

Section 2. The Borough Administrator /Clerk is directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to NJ.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).

Upon the adoption of this Ordinance after public hearing thereon, the Borough Administrator/Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by NJ.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

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Ordinance 1177 to amend Chapter XXX, Development Regulations was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Simhon. Absent 1; Ades.

Public Hearing for this ordinance will be given on November 9, 2018 at 9:00 A.M.

ORDINANCE NO. 1177

**AN ORDINANCE AMENDING CHAPTER XXX
DEVELOPMENT REGULATIONS OF THE BOROUGH OF DEAL IN THE
COUNTY OF MONMOUTH, NEW JERSEY
TO PROHIBIT SALE OF MARIJUANA AND MARIJUANAPARAPHERNALIA
FOR RECREATIONAL PURPOSES ANYWHERE IN THE BOROUGH**

WHEREAS, the State of New Jersey has prohibited the manufacture, distribution, and possession of marijuana due to its negative societal consequences and deleterious health effects; and

WHEREAS, the State is considering legalizing marijuana and allowing the distribution and consumption of same within the limits of New Jersey; and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that the businesses of selling, manufacturing or growing marijuana, will have significant consequences to the quality of life, as well as the health, security, safety, location, and welfare of Borough residents; and

WHEREAS, there is no area of the Borough which can safely house a business selling, manufacturing or growing marijuana and/ or the paraphernalia that facilitates the use of such marijuana; and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that it is in the best interests of the Borough to revise certain portions of its existing Borough Code to prohibit the sale, manufacturing, and growing of marijuana and/or marijuana paraphernalia that facilitates the use of such marijuana;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, as follows:

Section 1. Chapter XXX, of the Ordinances of the Borough of Deal are hereby amended by the following:

30-86.5 Additional Regulations Concerning Residential Districts

- e. Manufacture, grow, cultivate, or conduct any farming activities related to marijuana and the sale of marijuana and/ or the paraphernalia that facilitates the use of such marijuana is prohibited.

30-87.5 Additional Regulations Covering the Commercial Districts

- f. Manufacture, grow, cultivate, or conduct any farming activities related to marijuana and the sale of marijuana and/ or the paraphernalia that facilitates the use of such marijuana is prohibited.

Section 2. The Borough Administrator /Clerk is directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).

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Upon the adoption of this Ordinance after public hearing thereon, the Borough Administrator/Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

The following resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 18-137

WHEREAS, the Borough of Deal has a need for a Water Tank Truck for the use by the Department of Public Works; and

WHEREAS, the Board of Commissioners had approved bids to be received on October 2, 2018 for the purchase of a 2013 or newer Water Tank Truck.

WHEREAS, Mid-Atlantic Truck Center, Inc., 525 Linden Avenue West, Linden, NJ 07036 was the sole bidder for a 2014 International Model 4300 truck with a new 2,000 gallon tank at a cost of \$57,500.00; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal authorize the purchase of a 2014 International Model 4300 truck with a new 2000 gallon tank, from Mid-Atlantic Truck Center for the amount of \$57,500.00.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades

Commissioner Simhon offers the following Resolution:

Resolution 18-138

WHEREAS, the Borough of Deal is required to provide animal control services to the residents of the Borough; and

WHEREAS, there is no one qualified neither in the Borough's employment nor is there any way to handle these animals; and

WHEREAS, the Borough of Deal wishes to enter into a shared service agreement with the Monmouth County SPCA per N.J.S.A. 40A:65-1 et seq which authorizes the Borough of Deal to enter into a contract for the provision of certain governmental services; and

WHEREAS, the Borough and Monmouth County SPCA recognize that a sharing of said services would result in a cost savings for the Borough of Deal.

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NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Deal, that the Mayor is hereby authorized by the governing body of the Borough to execute a Shared Service Agreement with the Monmouth County SPCA for the purpose of Animal Control and the Borough Clerk to attest to the Agreement.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades

Commissioner Simhon offers the following Resolution:

Resolution 18-139

WHEREAS, the Borough of Deal is in the need of reviewing the sanitary sewer system with the Borough of Deal; and

WHEREAS, the Borough solicited proposals and received bids from three (3) vendors that includes the cleaning and televising of the sanitary sewer system within the Borough; and

WHEREAS, proposals were received ranging in cost from a high of \$285,420.05 from North American Pipeline, Freehold, NJ, and a low bid of \$234,437.90 from National Water Main Cleaning Company, Kearny, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the work for the cleaning and televising of the sanitary sewer system to National Water Main Cleaning Company, Kearny, NJ in the amount of \$234,437.90.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades

Commissioner Simhon offers the following Resolution:

Resolution 18-140

WHEREAS, the roof at the Deal Fire House is in need of repair due to water leaks into the building; and

WHEREAS, three (3) quotes were received for the removal and replacement of the pitched shingle roof; and

WHEREAS, proposals were received ranging in cost from a high of \$22,850.00 from G.S. Roofing and Siding, Inc., Middletown, NJ, and a low bid of \$15,200.00 from Best Limited Construction, Asbury Park, NJ;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the roof located at the Deal Fire House be removed and replaced with new shingles from GPF Improvements in the amount of \$15,200.00.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades

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Commissioner Simhon offers the following Resolution:

Resolution 18-141

RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT FOR BOROUGH AUDITOR

WHEREAS, pursuant to N.J.S.A. 40A:5-4 there exists a need for the Borough to retain the services of a qualified Registered Municipal Accountant ("RMA") to conduct the Borough's annual audit and related professional services as needed; and

WHEREAS, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position, and whereas four bids were nevertheless solicited and received pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5), which were reviewed by the Borough Administrator and Borough Chief Financial Officer; and

WHEREAS, subject to the certification of availability of funds by the Chief Financial Officer, Robert Swisher, RMA of the firm of Suplee, Clooney & Company has agreed to serve as the Borough Auditor for the sum of \$57,000 for 2019.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Robert Swisher, RMA of the firm of Suplee, Clooney & Company, 308 East Broad Street, Westfield, New Jersey 07090 is hereby awarded a professional services contract to serve as the Borough Auditor for year 2019 for the sum of \$57,000.

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk are hereby authorized and directed to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Borough Clerk and advertised in the Borough's official newspaper pursuant to law.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades

Commissioner Simhon offers the following Resolution:

Resolution 18-142

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, 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 \$300,000.00 be paid at this time.

Seconded by Mayor Cohen

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Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades

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 NJ Department of the Treasury providing the Borough with the 2018 Table of Equalized Valuations.

The September 2018 Legislative Bulletin was received from the NJ League of Municipalities.

A notice of public hearing was received from JCP&L in the matter of the implementation regarding the establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants.

A letter was received from the NJ League of Municipalities providing notice of proposed membership dues increase of 2%.

A letter was received from the Monmouth County Library advising they are celebrating their 50th anniversary with a formal ceremony on October 28.

A letter was received from the Monmouth County Park System advising the Borough's application for the Municipal Open Space Grant Program is complete.

An email was received from the Freehold Jewish Center asking permission to use the Conover Pavilion for services on October 21st or 28th. The Board of Commissioners approved the use of the Pavilion.

An email was received from Merri-Makers requesting use of the Conover Pavilion for an event at the Conover Pavilion on September 6, 2019. The Board of Commissioners approved the event.

A letter was received from Salomon Harari to demolish a portion of his residence at 2 Beringer Road. The Board of Commissioners approved the demolition.

A letter was received from Blue Creek Construction requesting permission to demolish the residence at 50 Ocean Avenue to construct a new single family home. The Board of Commissioner approved the demolition.

An application to Amend a raffle license was received from the Marine Corps Scholarship Foundation to move the date to April 10, 2019 at the Deal Golf & Country Club. The Board of Commissioners approved the amendment.

Commissioner Simhon 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 18-10 of the Warrant Register in the amount of \$2,132,799.88.

Seconded by Commissioner Simhon

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Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades

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

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that she never sees anyone playing at Franco Park and why do we need to spend more money.

Renee Levine, 28 Richmond Avenue, stated to the Board of Commissioners that the NJ Legislatures passed a bill for a right of property owners to access beaches under the Smith, Bateman Bill.

Irwin Levine, 28 Richmond Avenue, stated to the Board of Commissioners commented on the sale of marijuana that he thought it was illegal. Mayor Cohen stated Governor Murphy is looking to legalize it. Mr. Levine stated that walking along Norwood Avenue by the bridge into Elberon is overgrown. Mayor Cohen stated we will notify the State and if there are any other areas to contact Borough Hall. Mr. Levine asked about the flooding of Norwood Avenue, Commissioner Simhon stated we are working on that now. Mr. Levine stated there was a dead animal on Roosevelt Avenue. Mayor Cohen stated he saw that and it was in Ocean Township.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners that we spent a lot of money on sprinklers in the center island of Norwood Ave, why do we need a water truck, Mayor Cohen stated we did not award the sprinkler system for the center island due to the high cost. Ms. Coffey asked how much was charged to the Special Children's event for the use of the Conover Pavilion, Ms. Coffey was advised they were charged approximately \$1,400. Ms. Coffey asked how many people attended the event, Mayor Cohen stated he did not know. Ms. Coffey asked if the public meeting section of the website show when the meetings are also to list the beach public access points. Ms. Coffey also asked that the pier next to the Conover Pavilion be built instead of placing money into Franco Park.

Mary Ann Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that she wanted to thank Chief Neuman for following up on the swerving incidents she reported last month. Mrs. Cronheim stated there is a lot of police activity at the apartments. Mrs. Cronheim stated that there were 2 requests for demolition of properties, but that would need to be approved by the Planning Board. Paul Fernicola stated he would have to look into that. Mrs. Cronheim stated that there were 3 incidents involving power gliders and for the Borough to be aware for next summer. Mayor Cohen stated that an ordinance has been adopted banning these units.

Isadora Chamlin, 5 Poplar Avenue, asked the Commissioners to bring up to the Legislators to rebuild the pier.

Renee Levine, 28 Richmond Avenue, asked if anyone had received a list of bicycle violations from the Police Department. No list was received and we would follow up with Chief Neuman.

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, November 14, 2018 at 9:00 A.M.

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There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Ades that the meeting be adjourned at 9:48 A.M.

SC _____

MA _____

DS _____

Clerk