

August 5, 2020

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on August 5, 2020 at 9:00 A.M. This meeting was conducted via Teleconference only due to the COVID-19 pandemic.

Mayor Cohen lead the salute to the flag.

It was stated that in conjunction with the "Open Public Meeting Law", p.l. 1975 ch. 231, a notice required by this statute has been satisfied as per a resolution passed on December 9, 1997 at 5:05 P.M. at Borough Hall at a regular meeting of the Board of Commissioners, Borough of Deal, and Monmouth County, New Jersey.

MaryAnne Cronheim, 88 Monmouth Drive, stated that the meeting should be cancelled due to power outages in the area. Paul Fernicola, Borough Attorney, advised that most of the power has been restored, the meeting has been noticed with a phone number call in information. Mr. Fernicola advised to proceed with the meeting.

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

It was moved by Commissioner Ades, seconded by Commissioner Simhon and carried that the minutes of the previous meeting held on July 1, 2020 be approved as recorded.

Ordinance 1221 to rescind Ordinance 1209 Chapter X Vehicles and Traffic was introduced on July 1, 2020 and the public hearing is scheduled for today, August 5, 2020. Mayor Cohen moved to open the meeting to public comment on Ordinance #1221, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked where the public meeting was for this ordinance. Ms. Coffey was advised that a resident asked for the parking prohibition and all other residents asked for it to be lifted after the ordinance was adopted. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE 1221

AN ORDINANCE AMENDING CHAPTER X OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
Vehicles and Traffic

Commissioner Ades moved to adopt Ordinance 1221, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 20-118

A RESOLUTION AUTHORIZING THE TAX ASSESSOR TO ACT
AS AGENT FOR THE BOROUGH OF DEAL FOR THE PURPOSE OF
FILING AND SETTLING TAX APPEALS ON BEHALF OF
THE TAXING DISTRICT FOR THE TAX YEAR 2020

WHEREAS, the Tax Assessor is knowledgeable regarding the valuation and assessment of properties in the Borough of Deal; and

August 5, 2020

WHEREAS, the Tax Assessor has the statutory responsibility, pursuant to N.J.S.A. 54:4-23 to 36 to set assessments for properties in the Borough of Deal under the Local Property Tax, N.J.S.A. 54:4-1 et seq; and

WHEREAS, the governing body of the Taxing District deems the Tax Assessor to be responsible and acting in the best interests of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, that the Tax Assessor is hereby authorized to act as agent for the Taxing District without further governing body approval to:

- (a) Determine when tax appeals, cross appeals, complaints and counterclaims should be filed on behalf of the Taxing District with regarding to any property located in the Borough of Deal and accordingly direct the attorney for the Taxing District to file such documents with either the County Tax Board or Tax Court of New Jersey as deemed appropriate.
- (b) Resolve and settle tax appeals pending before the County Tax Board, Tax Court or Appellate Courts for any tax year and authorize the attorney for the Taxing District to formalize such settlement in the appropriate Courts and/or County Tax Board.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Matthew Clark, Monmouth County Board of Taxation, Martin Barger, Borough Tax Attorney and Erick Aguiar, Borough Tax Assessor.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-119

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the transportation Trust Fund Municipal Aid Program for the Fiscal Year 2021; and

WHEREAS, the Borough of Deal is desirous of submitting an application under this program for the following purpose:

Improvements to Lawrence Avenue

NOW, THEREFORE, BE IT RESOLVED by the Board Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2021 Lawrence Avenue – 00500 to the New Jersey Department of Transportation on behalf of the Borough of Deal; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Deal and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Seconded by Commissioner Simhon

August 5, 2020

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-120

RESOLUTION AUTHORIZING RENEWAL OF CLUB LIQUOR LICENSES FOR THE 2020 – 2021 LICENSE TERM

WHEREAS, The Deal Golf and Country Club has applied for a Club License on the premises south of Roseld Avenue. The State assigned license No. is 1310-31-006-001. The application has forwarded their municipal fee of \$150.00 to the Borough of Deal.

WHEREAS, the officers and directors of the Club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the Club maintains all records required by N.J.A.C. 13:208.8,

NOW THEREFORE BE IT RESOLVED that the application of the Deal Golf and Country Club, state assigned license #1310-31-006-001 located at the south of Roseld Avenue also known as 1 & 2 Golf Lane, for the licensed term 2020-2021 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-121

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL LIQUOR LICENSES FOR THE 2020 – 2021 LICENSE TERM

WHEREAS, the license application for Deal Food & Liquor Store, Inc. trading as Deal Food & Liquor has applied for a Plenary Retail Liquor License state assigned license number 1310-44-002-005 located at 112 Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$1,036.00; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE BE IT RESOLVED, that the application of Deal Food & Liquor Store, trading as Deal Food & Liquor Sore, state assigned license No. 1310-44-002-005, for the license term 2020-2021 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-122

August 5, 2020

**RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL
CONSUMPTION LIQUOR LICENSES FOR THE 2020 – 2021 LICENSE
TERM**

WHEREAS, the license application for The Bar Room, L.L.C. has applied for a Plenary Retail Consumption License state assigned license number 1310-33-004-007 located at 100 ½ Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2,000.00; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE BE IT RESOLVED, that the application of The Bar Room, L.L.C. trading as The Bar Room state assigned license No. 1310-33-004-007, for the license term 2020-2021 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-123

**RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL
CONSUMPTION LIQUOR LICENSES FOR THE 2020 – 2021 LICENSE
TERM**

WHEREAS, Smilen, Inc. has applied for a Plenary Retail Consumption license which the state has assigned license No. 1310-33-008-011 on the premises located at 118 Norwood Avenue including the building at 105 Brighton Ave.; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2,000.00; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and governmental ABC laws and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the application of Smilen, Inc. state assigned license #1310-33-007-011, for the license term 2020-2021 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-124

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR POLICE DONATIONS REQUIRED BY NJSA 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

August 5, 2020

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of donations for police equipment by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Police Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Police Donations under the provisions of N.J.S.A. 40A:5-29.
2. The Clerk of the Borough of Deal, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-125

BE IT RESOLVED, that the following persons are hereby appointed for summer positions at the Deal Casino and Conover Pavilion, May 2020 through September 2020 at the hourly salaries set in this resolution unless otherwise noted. Salaries for these positions have been provided for in the Municipal Budget.

2020 Casino Staff hourly salaries

Carlia Lin Caamano	\$10.30	Brandon Loughlin	\$8.00
Stephen Carton	\$10.30	Anthony Lubischer	\$8.00
Hunter Cerafice	\$9.00	Madison Mastando	\$10.30
Calvin Chambers	\$10.30	Kenna McGovern	\$10.30
Steven Critelli	\$8.00	Alexander Okros	\$10.30
Julia DeGirolamo	\$10.30	Timothy Shea	\$10.30
Jake Flanagan	\$8.00	Nancy Sniffen	\$10.30
Alexander Haar	\$8.00	Michael Suyama	\$10.30
Caitlin Holtz	\$10.30	Alison Turnbull	\$8.00
Corey Karpe	\$10.30	Lauren Turnbull	\$9.00
		Kendyl Vivian	\$10.30

2020 Lifeguard Staff hourly salaries

Richie Bianchi	\$14.00
Emma Ledesma	\$12.25
Kevin Ross	\$12.25
Nicholas Vaughn	\$9.50

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

August 5, 2020

Commissioner Simhon offers the following Resolution:

Resolution 20-126

WHEREAS, the Deal Casino offers Jr. Lifeguard training and swimming lessons under the Recreational Programs; and

WHEREAS, the new online software utilized to register the participants did not provide the proper discount and requires refunds.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for the overpayment of the recreational program at the Deal Casino:

Jr. Guard

1. Ryan Savard, Shrewsbury, NJ	\$100.00
2. Meghan McCloskey, Ocean, NJ	\$50.00
3. Joan Montalvo, Ocean, NJ	\$100.00
4. Lorraine Hanan, West Long Branch, NJ	\$50.00
5. Melissa Zaidinski, West Long Branch, NJ	\$50.00
6. Stephanie McQuade, West Long Branch, NJ	\$50.00
7. Stacey Farley, Ocean, NJ	\$100.00
8. Nicole Foubister, West Long Branch, NJ	\$50.00

Swim Lessons

1. Beth Watkins, Neptune, NJ	\$25.00
2. Abby Levinson, Livingston, NJ	\$25.00
3. Rebecca Fantuzzi, Ocean, NJ	\$25.00
4. Rachel McGuane, Ocean, NJ	\$25.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-127

WHEREAS, several requests have been made for refunds for 2020 membership to the Deal Casino; and

WHEREAS, these refunds are being requested due to overpayments on their accounts.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for their membership to the Deal Casino and Conover Pavilion:

Deal Casino:

1. Pat Cannon, Oakhurst, NJ	\$175.00
2. Daniel Chen, Oakhurst, NJ	\$175.00
3. Charles Gammal, Brooklyn, NY	\$50.00
4. Julie Cohen, Ocean, NJ	\$350.00
5. Juliette Soffer, Brooklyn, NY	\$525.00

Conover Pavilion:

August 5, 2020

1. Sarah Cohen, Deal, NJ \$300.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

July 1, 2020

Commissioner Simhon offers the following Resolution:

Resolution 20-128

WHEREAS, the Borough of Deal has received bids for the operations of a surf camp on the municipal beaches; and

WHEREAS, the Borough solicited proposals and received bids from three (3) vendors that includes the ability to provide surf camp instructions; and

WHEREAS, proposals were received from the three vendors at a cost of \$9,500.00 from Summa Love Surfing & Yoga LLC, Oceanport, NJ, \$66,501.00 from Jersey Surf Camp, LLC, Long Branch, NJ and \$67,500.00 from Shteig and Surf Camp, LLC, Deal, NJ.

WHEREAS, the bids were for the top 2 proposals for 2 separate locations on the Borough's Municipal Beach.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Shteig and Surf Camp LLC be awarded the ability to provide surf camp instructions at a cost of \$67,500 and Jersey Surf Camp LLC be awarded the ability to provide surf camp instruction at a cost of \$66,501.00. These bids shall be for the 2020 through 2024 season.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-129

WHEREAS, the Deal Sephardic Network (DSN) has been leasing the basketball court property next to the Deal Casino; and

WHEREAS, the DSN has been reconstructing the building associated with the basketball courts; and

WHEREAS, due to the pandemic and the inability to finish the building in time for the summer season, the DSN requested the use of temporary trailers along the basketball courts to permit the campers to maintain appropriate social distancing and one additional trailer for the provision of food and beverage service to campers; and

WHEREAS, the DSN has requested to access to the Deal Casino pool for non-exclusive use on Monday through Thursday from 11 am to 4 pm for small groups of campers (approximately 10-12) at a cost of \$10,000.00.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the DSN be approved for the use of the trailers in the DSN leased area.

August 5, 2020

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Deal that the DSN be approved for the non-exclusive right to use the pool Monday through Thursday from 11 am to 4 pm for small groups of campers (approximately 10-12) at the Deal Casino at a cost of \$10,000.00.

Seconded by Mayor Cohen

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-130

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of August; 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 August 31, 2020 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 for the month of July was received from Chief Ronen Neuman.

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

A report of the disbursement checks for the Municipal Court for the month of July was received from Krystal Reiner.

A letter was received from the NJ Department of Transportation advising that applications are now being accepted for the 2020 Transportation Alternatives Set-Aside program.

A letter was received from the Monmouth County Historical Commission advising of the Historic Preservation Grant Program.

A notice of public hearing was received from the NJ American Water authorizing to implement a Tariff Supplement establishing a Distribution System Improvement Charge.

A letter was received from the Monmouth County Park System advising of the Open Space grant funding for 2020.

A letter was received from the Township of Ocean advising of the 2020-2021 Planning Board and Zoning Board meeting dates.

An email was received from Jeff Hendricksen, about holding a wedding at the Deal Casino on September 26, 2020. The Board of Commissioners approved the wedding request.

August 5, 2020

A request was received from the Deal Fire Department to host a movie night at the Deal Casino on August 20. The Board of Commissioners approved the event.

An email was received from August Santore, about hosting fireworks at an event at 1 Monmouth Drive on August 27, 2020. The Board of Commissioners approved the fireworks.

Peter Avakian addressed the Board of Commissioners and advised of the drainage projects at Marine Place and Brighton Ave. Mr. Avakian also discussed the storm water drainage issues with the Poplar Brook and how to possibly rectify some of the flooding with Poplar Brook. Mayor Cohen asked if there were any funds available. Mr. Avakian advised that there were not, but could work with some of the other stakeholders. Commissioner Simhon asked if the work at Brighton Ave help alleviate some of the flooding at Poplar Ave. Mr. Avakian stated that it did not, they were two separate systems. Commissioner Ades asked about bypassing some of the brook. Mr. Avakian explained the possible construction to re-pipe. Commissioner Simhon asked the cost of the project, Mr. Avakian stated he will work on numbers and explained what he would like to accomplish.

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 20-08 of the Warrant Register in the amount of \$669,703.06

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

A public hearing was conducted on the application from Comcast Cable to provide service to the residents of the Borough of Deal. Robert Clifton, provided an overview of the application and Mayor Cohen opened up the hearing to the public. Commissioner asked if the cable is above ground. Mr. Clifton stated there are both, they follow the electric company lines. Commissioner Ades asked about any complaints, Mr. Clifton stated that he would provide the Borough's Complaint Officer information. There were no comments from the public. Mayor Cohen closed the public hearing. Mr. Clifton stated that he would be sending the Borough information for an ordinance to adopt for the service.

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

Peggy Nitka, 21 Woodford Road, stated to the Board of Commissioners that if the construction extension comes up again she requested portable bathrooms be removed, debris cleaned up daily and limit the amount of workers. Mayor Cohen stated that it should have been limited to homeowners looking to get into their homes for the summer. Mrs Nitka also asked that Woodford Road be paved.

MaryAnne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners she was concerned with Resolution 20-129 if there was reimbursement for services. Commissioner Simhon stated the Borough will be receiving \$10,000 plus they will be providing a basketball court on Conover Pavilion property for the DSN and Deal Casino members to utilize. Commissioner Simhon stated that this is a win/win for everyone. Mrs. Cronheim asked that the bathrooms will not be used, no beach access. Mrs.

August 5, 2020

Cronheim also asked what the trailers would be needed. Commissioner Simhon stated the DSN needed to provide trailers.

Angie Swaroop, 1 Park Place Tinton Falls, stated she is a member of the Deal Casino (SP4) and the beach has a very different setting and the cleanliness is horrendous. Mrs. Swaroop stated the cabana staff sit in corners on their cell phones, she stated every weekend is something new. Mrs. Swaroop also stated there are kids being allowed in the pool with regular diapers.

Raina Grossman, 5 Poplar Avenue, stated the Deal Casino has been defined as a dump and is declining. Mrs. Grossman stated an economic development team should look into redeveloping the Deal Casino. Commissioners Simhon stated that they are very much aware. Mrs. Grossman stated a focus group would go along way.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners if there was a bidding process for the use of the pool. Paul Fernicola, Borough Attorney, stated that there was a request by the DSN to utilize the pool and the Board of Commissioners approved. Ms. Coffey asked when the basketball courts would be open to the Deal Casino members, Commissioners Simhon stated Friday, Saturday and Sunday, which is prime time.

Shari Rosen, 328 Roosevelt Avenue, commented to the Board of Commissioners on the DSN using the pool stating that she does not feel safe. Mrs. Rosen stated that they are not socially distancing.

Ike Chehebar, Wallace Road, thanked the Board of Commissioners and employees of the Borough for all their hard work.

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, September 2, 2020 at 9:00 A.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 10:18 A.M.

SC _____

MA _____

DS _____

Clerk