

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on July 13, 2023 at 9:00 A.M. This meeting was conducted via Teleconference.

Mayor Cohen led 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.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon  
Also Present: Paul Fernicola, Borough Attorney and Police Chief Ronen Neuman

It was moved by Commissioner Simhon, seconded by Commissioner Ades, and carried unanimously that the minutes of the previous meeting held on June 15, 2023 be approved as recorded.

### **ORDINANCE PUBLIC HEARING**

Ordinance 1272 Chapter XIII Building and Housing Regulations was introduced on June 15, 2023 and the public hearing is scheduled for today, July 13, 2023. Commissioner Ades moved to table Ordinance 1272, seconded by Commissioner Simhon.

Roll Call to Table: Ayes 3; Cohen, Ades & Simhon

### **ORDINANCE 1272**

#### **AN ORDINANCE AMENDING CHAPTER XIII OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982" Building and Housing**

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

Section 1. That Chapter XIII, Building and Housing, of the "Revised General Ordinances of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 13-5 Lead-based Paint Hazards and Rental Properties is amended to read as follows:

#### 13-5.10 Fees

a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$75.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 13-5.3 and 13-5.4 in which case no additional Lead-Based Paint inspection fee shall be paid.

Section 3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section,

paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1273 to amend Chapter X Traffic Regulations was introduced on June 15, 2023 and the public hearing is scheduled for today, July 13, 2023. Mayor Cohen moved to open the meeting for public comment on Ordinance #1273, seconded by Commissioner Simhon and approved. Mayor Cohen invited public comment.

Barbara Coffey, 85 Norwood Avenue, asked what problem this ordinance solves.

Mayor Cohen responded it helps with events held at night at the Deal Casino and Conover to make it later the times for parking.

No other comments were made and the public hearing was closed.

Commissioner Ades moved to adopt Ordinance 1273, second by Commissioner Simhon.

Roll Call: Ayes 3: Cohen, Ades & Simhon

### **ORDINANCE 1273**

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

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

Section 1. That Chapter X, Vehicles and Traffic, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2.

**Subsection 10-36 A Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property is amended to read as follows:**

#### Property

Deal Casino  
125 Ocean Avenue  
Block 28, Lot 1

Subsection 10-36 A 2(a)3 **Overnight Parking Prohibitions** is amended to read as follows:

No person shall park a vehicle on the entire property between the hours of 1:00 A.M. and 6:00 A.M. (Sunday through Saturday including Holidays).

#### Property

Conover Pavilion Parking Lot  
125 Ocean Avenue  
Block 28, Lot 1

Subsection 10-36 A 3(a)3 **Overnight Parking Prohibitions** is amended to read as follows:

No person shall park a vehicle on the entire property between the hours of 1:00 A.M. and 6:00 A.M. (Sunday through Saturday including Holidays).

Section 3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1274 to amend Ordinance 1223 Comcast Renewal was introduced on June 15, 2023 and the public hearing is scheduled for today, July 13, 2023. Mayor Cohen moved to open the meeting for public comment on Ordinance #1274, seconded by Commissioner Simhon and approved. Mayor Cohen invited public comment.

Barbara Coffey, 85 Norwood Avenue, asked if the town can get other competition.

Mayor Cohen responded Fios is also within the Borough of Deal.

No other comments were made and the public hearing was closed.

Commissioner Ades moved to adopt Ordinance 1274, second by Commissioner Simhon.

Roll Call: Ayes 3; Cohen, Ades & Simhon

#### **ORDINANCE 1274**

### **AN ORDINANCE AMENDING GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NEW JERSEY, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF DEAL, MONMOUTH COUNTY, NEW JERSEY**

WHEREAS the Borough of Deal adopted an Ordinance (Ordinance No. 1223) granting renewal of municipal consent to Comcast of Monmouth County, LLC to operate and maintain a cable television system in the Borough of Deal; and

WHEREAS, the New Jersey Board of Public Utilities reviewed this Ordinance and requested an amendment to meet statutory provisions.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the Code of the Borough of Deal be and is hereby further amended as follows:

#### **SECTION 14. COMMITMENTS BY THE COMPANY**

a. The parties agree that Comcast will provide basic cable service to Borough Hall, Deal Pump Station, Deal Borough Garage, Fire Department and the Municipal Beach Clubs (Deal Casino and W. Stanley Conover Pavilion) at no cost.

**RESOLUTIONS**

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

**Resolution 23-108**

**Resolution to Approve Refund for Swim Team and Jr. Lifeguard Programs**

WHEREAS, requests have been made for a refund for the 2023 Swim Team and Junior Lifeguard Recreation Programs; and

WHEREAS, these refunds are being requested due to not being able to attend for the 2023 season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for Deal Recreation Programs:

1. Pamela Walters, W. Long Branch, NJ \$125.00
2. Heather Trolan, Tinton Falls, NJ \$350.00
3. Doreen A. Rizzi, Oceanport, NJ \$175.00
4. Samantha Mahoney, Oceanport, NJ \$175.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-109**

**Resolution Amending Claimant Certification Requirement**

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing the claimant certification requirement set forth in N.J.S.A 40A:5-16 (a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer recommends that a claimant signature only be required for Refunds, Advance Payments, Employee Reimbursements, or for services provided exclusively and entirely by an individual (i.e. sole proprietors); and

WHEREAS, as a continued internal control, N.J.S.A. 40A:5-16 (b) still requires local units "a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit" prior to any disbursements of funds; and

WHEREAS, the Chief Financial Officer recommends the adoption of this Claimant Signature policy.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that effective immediately, claimant's signatures will only be required for Refunds, Advance Payments, Employee Reimbursements, or for services provided exclusively and entirely by an individual.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-110**

**Resolution to Approve Purchase Agreement with SavATree**

WHEREAS, the Borough of Deal maintains sycamore trees along various streets throughout the Borough; and

WHEREAS, there is a need to fertilize and maintain the health of these sycamore trees within the Borough of Deal; and

WHEREAS, pursuant to N.J.S.A. 40A:11, the Borough may, by resolution and without advertising for bids, purchase goods and/or services under the bid threshold of \$44,000; and

WHEREAS, contracts that are exempt from public advertising, and the receipt of bids require the contracting agent to actively solicit at least two competitive quotations; and

WHEREAS, the Borough of Deal requested three competitive quotations; and

WHEREAS, the quotes were received ranging in cost from a high of \$20,000 from Bartlett Tree Experts, Piscataway, NJ, and a low quote of \$10,692 from SavATree, Hamilton, NJ; and

WHEREAS, the Board of Commissioners of the Borough of Deal find SavATree the most advantageous in price and other factors considered; and

WHEREAS, the Borough of Deal desires to award a contract to SavATree for the services of fertilization and plant health care in the amount of \$10,692.00.

BE IT RESOLVED, by Board of Commissioners of the Borough of Deal, in the County of Monmouth, that SavATree is hereby awarded the contract for services of fertilization and plant health care in the amount of \$10,692.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-111**

**Resolution Approve Shared Service Emergency Dispatch Agreement with Monmouth County**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (NJSA 40A:65-1, et seq.) authorizes local units such as this Borough to enter into shared service agreements with other local units; and

WHEREAS, the County of Monmouth, a local unit, has offered to provide Public Safety Answering Point services to the Borough; and

WHEREAS, in February of 2020, the Borough of Deal entered into a three year shared service Public Safety Answering Point Agreement with the County of Monmouth; and

WHEREAS, it is in the best interest of this Borough to enter the proposed Shared Services Agreement with the County of Monmouth for another three years.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Mayor and the Borough Clerk are hereby authorized to

execute the attached Public Safety Answering Point Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that the Borough Clerk will forward a certified copy of this resolution, along with the executed Service Agreement to the Shared Services Coordinator of Monmouth County.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-112**

**Resolution Approve 2024 TTF Grant- Ocean Ave. Bicycle Lane Improvement.**

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 2024; and

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

- Ocean Avenue Bicycle Lane Improvements – Phase I

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-2024-Ocean Avenue Bicycle Lane Improvemen-00610 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

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-113**

**Resolution Appoint DPW Laborer**

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Joseph Corson, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Joseph Corson will be appointed a Laborer effective July 16, 2023 at an annual base salary of \$40,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Joseph Corson is to be assigned his duties by the Superintendent of Public Works 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 23-114**

WHEREAS, in accordance with the provisions of N.J.S.A. 54:4-67, on January 3, 2023 the governing body adopted Resolution 23-09 which established a ten (10) day grace period following the date upon which real estate property taxes become payable; and

WHEREAS, this grace period provides that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became payable; and

WHEREAS, due to delays in the Borough's 2023 Tax Rate being certified by the State of New Jersey, the Borough Tax Collector anticipates 2023 Final Property Tax Bills which include the 3<sup>rd</sup> Quarter payment amount will be mailed as soon as possible; and

WHEREAS, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time the tax bills are mailed to the date taxes are due; and

WHEREAS, the Borough Tax Collector has recommended the grace period be extended to provide the minimum required period for the payment of taxes after the bills are mailed.

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

1. The grace period for the 3<sup>rd</sup> quarter 2023 Tax installment for real estate property taxes is hereby extended so that no interest shall be charged if payment of the 3<sup>rd</sup> quarter Tax installment is made 25 days from mailing date. Payments received after the 25 days which shall be August 25, 2023, shall be charged interest from the August 1, 2025 due date.
2. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Borough Tax Collector.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

**MONTHLY REPORTS**

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

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

A report of the disbursement checks for the Municipal Court for the month of June was received from Krystle Reiner.

**CORRESPONDENCE**

The Legislative Bulletin was received from the NJ League of Municipalities advising on the 2022-2023 Legislative Public Laws that were enacted.

July 13, 2023

A letter was received from the Prevention Coalition of Monmouth County notifying the Borough that August 31 is International Overdose Awareness Day and asked the borough to participate from August 8 to September 5 by displaying flags.

A letter was received from Congressman Frank Pallone, Jr. announcing his office was participating in the Congressional App Challenge for middle and high school students.

A notice of the 2023 tax rate was received from the County.

A raffle application from the Christian Brothers Academy was received for an event at The Deal Golf & Country Club on December 6, 2023. The Board of Commissioners approved the raffle.

### **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

### **NEW BUSINESS**

Commissioner Ades spoke about cars driving over the speed limit on Neptune, and asked if we could add signage to slow down traffic.

Commissioner Ades was advised we have a machine that will allow us to do a study on the speed in that area.

Mayor Cohen stated we should also do the study on Phillips Avenue and Brighton Avenue.

Mary Anne Cronheim, 88 Monmouth Drive, asked if Richmond Avenue can be added to the study.

### **RESOLUTION TO PAY BILLS**

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 the amount of \$2,316,860.56 for the June 30, 2023 bills report and \$1,059,256.36 for the July 14, 2023 bills report.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

### **PUBLIC COMMENT**

Mayor Cohen opened the session for public comment.

No communications were received 24 hours prior to the meeting to be read during the public comment.

Katie Williams, resident of Ocean Township, stated this past Sunday there was a large event at the DSN and asked if the DSN is working with police to move traffic.

Police Chief Ronen Neuman advised her they are working with the DSN as it relates to traffic and are aware of upcoming events.

Katie Williams, resident of Ocean Township, asked if the entire DSN building is private.

Mayor Cohen responded it is a membership only establishment.



Barbara Coffey, 85 Norwood Avenue, asked how beach passes are handled at the DSN.

Mayor Cohen responded there are bands given at a rate of \$8 per daily beach band as per the contract with the DSN. The DSN purchases the bands and gives it out to their members.

Police Chief Ronen Neuman responded the Class I Officers are checking to see if people have a band, and if they do not, the Class I Officers are sending them to the DSN for one.

Barbara Coffey, 85 Norwood Avenue, asked if the lifeguards are off the beach, then does the public need to come off.

Barbara Coffey was advised the Borough's statute is the public cannot be on the beach after 10 P.M.

Barbara Coffey, 85 Norwood Avenue, asked if the beach rentals can be set up on demand and if this is something the town can do.

Mayor Cohen responded they can look into going out to bid next year for beach rentals.

Jack Kassin, 29 Morgan Avenue, stated due to the traffic on Ocean Avenue it is very difficult to turn onto it, and asked if the police can be in the center of the road near the Casino to direct traffic.

Police Chief Ronen Neuman responded there are traffic cones across Ocean Avenue on weekends so the cars can only go north or south depending on the direction they are leaving the parking lot.

Jack Kassin, 29 Morgan Avenue, stated he also thinks there should be police presence on those days.

Mary Anne Cronheim, 88 Monmouth Drive, stated she is concerned about "pop up" parties at the beach.

Police Chief Ronen Neuman responded the State Police and the Prosecutor's Office are tracking the discussions of "pop up" parties on social media, and the Deal Police are in contact with these agencies regarding these potential parties.

Mary Anne Cronheim, 88 Monmouth Drive, asked who is paying for the police trafficking at the DSN.

Commissioner Simhon stated the police are strategically positioned at the busy traffic areas to better flow traffic in general.

Mary Anne Cronheim, 88 Monmouth Drive, stated she sees bikers riding on the wrong side of the road and pedestrians walking in the street, and is concerned about safety.

Police Chief Ronen Neuman responded he has spoken at the temples in the community and with the public about bike and pedestrian safety on the roads.

Mary Anne Cronheim, 88 Monmouth Drive, stated she finds trash on the streets and sidewalks.

Mary Anne Cronheim was advised Public Works is on top of cleaning it.

Police Chief Ronen Neuman stated the police are issuing littering tickets.

There were no other comments, and the floor was closed to public comments.

The following resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

**Resolution 23-115**

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

WHEREAS, the Governing Body wishes to discuss litigation matters; and

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 litigation matters at 9:35 A.M.

The Commissioners returned to open session at 9:41 A.M.

The following resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

**Resolution 23-116**

WHEREAS, the Borough of Deal was served with a Tort Notice for an incident that occurred within the Borough of Deal; and

WHEREAS, the Borough and the claimant reached a settlement with respect to the Tort Notice outline with the Borough Administrator.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the settlement agreement with the claimant be approved; and

BE IT FURTHER RESOLVED that the Mayor and/or Borough Administrator shall be authorized to sign the settlement agreement on behalf of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

It was announced that the next meeting of the Board of Commissioners, will be on Thursday, August 10, 2023 at 9:00 A.M.

July 13, 2023

There being no further business or comments, it was moved by Commissioner Simhon and seconded by Commissioner Ades that the meeting be adjourned at 9:43 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

\_\_\_\_\_  
Clerk