

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on September 14, 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

It was moved by Commissioner Simhon, seconded by Commissioner Ades, and carried unanimously that the minutes of the previous meeting held on August 11, 2023 be approved as recorded.

ORDINANCE INTRODUCTION

Ordinance 1275 to amend Chapter XV Swimming Pools was introduced by Commissioner Ades, and seconded by Commissioner Simhon.

Roll Call: Ayes 3; Cohen, Ades & Simhon

Public Hearing for this ordinance will be given on October 12, 2023 at 9:00 A.M.

ORDINANCE 1275

AN ORDINANCE AMENDING SECTION 15-1.1 OF CHAPTER XV ENTITLED *SWIMMING POOLS, TENNIS COURTS, RECREATIONAL AREAS & FACILITIES*

WHEREAS, the Board of Commissioners have determined that it would be advisable to amend the existing Ordinance governing the portion of a swimming pool which may be located above ground level; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Deal, in the County of Monmouth, in the State of New Jersey, to amend Section 15-1.1 of Chapter XV to now read as follows:

15-1.1 *Permit Required* No swimming or bathing pool or tennis court or recreational area & facility shall be constructed, installed, maintained, or remodeled unless and until the owner of, or the person in possession of, the lot on which such pool is intended to be constructed or located obtains a permit therefore from the building inspector. No swimming pool shall be located within a district zoned for business under the zoning ordinance of the Borough. No more than 50 % of the pool perimeter may be above ground level. The remaining portion of the pool perimeter shall not be erected or maintained above ground but shall be wholly at or below ground.

BE IT FURTHER RESOLVED, The Mayor and Borough Clerk / Administrator are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing an Extinguishment of Easement in a form acceptable to the Borough Attorney.

BE IT FURTHER RESOLVED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER RESOLVED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER RESOLVED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

RESOLUTIONS

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 23-123

Approve Ronen Neuman Acting Administrator/Clerk Agreement

WHEREAS, Ronen Neuman has been the Acting Administrator/Clerk since August 11, 2023; and

WHEREAS, it is a desire of the Borough of Deal and Ronen Neuman that the terms of employment be set forth and be binding for all concerned.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, that Ronen Neuman, Acting Administrator/Clerk agreement be approved as set forth in the terms so determined with a stipend of \$5,000 to be paid bi-monthly for said position.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 23-124

Appoint Frank DiRoma Zoning Officer

WHEREAS, a vacancy exists due to the passing of Stephen Carasia, Zoning Officer; and

WHEREAS, in Article XII, 30-98.1 of the Borough of Deal's Development Regulations it shall be the duty of the Zoning Officer to administer and enforce the zoning provisions of the borough; and

WHEREAS, it is the desire of the Borough of Deal to appoint Frank DiRoma Zoning Officer with such duties as stated in the above regulation.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, Monmouth County, that Frank DiRoma be appointed Zoning Officer for the term of September 1, 2023 through December 31, 2023 with a salary of \$4,000 for the term, to be paid bi-monthly.

Seconded by Commissioner Ades

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

Commissioner Ades offers the following Resolution:

Resolution 23-125

Resolution Approving Purchase Agreement with Landscape Forms

WHEREAS, the Borough of Deal has the need to purchase new benches throughout the borough; and

WHEREAS, a New Jersey State Contract has benches available through state contract with Landscape Forms, 7800 E. Michigan Avenue, Kalamazoo, MI 49048.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal agrees to purchase benches from Landscape Forms, Michigan at the terms specified in their contract for \$11,547.00 under New Jersey State Contract 16-FLEET-00132.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-126

Resolution Approving Purchase Agreement with East Coast Emergency Lighting

WHEREAS, the Borough of Deal has the need to purchase and pay for parts, materials, and installation to maintenance the borough's various police vehicles; and

WHEREAS, New Jersey State Contracts have parts, materials, and installation maintenance services available through state contracts with East Coast Emergency Lighting Inc., 200 Meco Drive, Millstone Twp., NJ 08535.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal agrees to purchase and pay for parts, materials, and installation to maintenance police vehicles from East Coast Emergency Lighting Inc., New Jersey at the terms specified in their contract for \$14,731.80 under New Jersey State Contracts 17-FLEET-00761, 17-FLEET-00719, and 17-FLEET-00768.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-127

Approve Sergeant Testing

WHEREAS, due to a retirement, a vacancy has been created for the position of Sergeant of Police; and

WHEREAS, the Deal Police Department wishes to promote one member of the force to the position of Sergeant of Police; and

WHEREAS, the policy of the Deal Police Department authorizes the N.J. State Association of Chiefs of Police, Inc. to conduct an oral and written evaluation of the candidates in preparation of the final interview and selection; and

WHEREAS, the cost for the oral examination will be up to \$3,775.00 and the written test will be up to \$2,750.00 payable to the N.J. State Association of Chiefs of

Police, Inc.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that an agreement be entered into with the N.J. State Association of Chiefs of Police, Inc. for testing of candidates for the position of Police Sergeant at the cost of up to \$6,525.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-128

Authorize Acquisition of Humvee from Tinton Falls

WHEREAS, the Deal Police Department has been advised that the Township of Tinton Falls is in possession of a 1991 AM General M1026 Humvee Serial # 117275, acquired through the Law Enforcement Support Office (LESO) 1033 Program, which is no longer needed for use; and

WHEREAS, the LESO program allows for vehicles to be transferred between municipalities and law enforcement agencies; and

WHEREAS, the Deal Borough Police Department wishes to receive the 1991 AM General M1026 Humvee for their inventory for emergency/flooding evacuation uses and other purposes that benefit the community.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that it hereby approves the acquisition of a 1991 AM General M1026 Humvee from the Township of Tinton Falls for use by the Deal Borough Police Department.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-129

BE IT RESOLVED, that the regular meetings of the Board of Commissioners of the Borough of Deal, New Jersey will be held for the remaining of the year, 2023, on the following dates and times, action will be taken as appropriate.

October 12, 2023 – 9:00 am

November 9, 2023 – 9:00 am

December 11, 2023 – 9:00 am

BE IT FURTHER RESOLVED that the Borough Clerk will publish notice thereof in the Official Newspapers.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Deal that, the organization, proceedings or decorum of said meetings unless covered by Resolution or general law, shall be governed by Robert's Rules of Order including the items prescribed by this section:

1. The Mayor or his designee will limit public comments to 3 minutes per person.
2. Any person(s) who disrupts the orderly conduct of any meeting shall be called to order by the Mayor or his designee. If such conduct continues to

disrupt the meeting despite the warning(s), then the Mayor or his designee, at their discretion, may order such person removed from the meeting

BE IT FURTHER RESOLVED that with the utmost concern for the health and safety of the public and our municipal staff due to the potential spread of the COVID-19 virus, it is necessary that the Borough of Deal take proactive measures. The health and safety of our community remains our number one priority

BE IT FURTHER RESOLVED that the Board of Commissioners of the Borough of Deal will hold these meetings allowing the public to remotely access the public meeting due to the Municipal Building being closed to the public. Utilize the following call-in information:

[https://zoom.us/j/ 94635937014](https://zoom.us/j/94635937014)
Meeting ID: 946 3593 7014
Passcode: 261984

Phone:
Call # 1-646-558-8656
Meeting ID/PIN: 946 3593 7014#
Passcode: 261984

The Preliminary Agenda will be available on the Borough's website, www.dealborough.com, 72 hours prior to the start of the meeting. The public may participate during public comment when the Mayor or his designee opens the meeting to the public. The public may also provide comments via electronic mail or in writing 24 hours prior to the meeting to be read by the Municipal Clerk during the public comment portion of the meeting. These comments can be sent to administrator@dealborough.com, mailed or hand delivered to Borough Hall, 190 Norwood Avenue, Deal, NJ 07723 24 hours prior to the meeting.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen made a motion to table Resolution 23-130, seconded by Commissioner Simhon, and moved unanimously.

Commissioner Simhon offers the following Resolution:

Resolution 23-131

Approve Demolition of DPW Storage Shed

WHEREAS, the Borough of Deal's Department of Public Works has a wooded storage shed located on 109/111 Poplar Avenue; and

WHEREAS, it has been determined that the storage shed is rotting and is no longer safe nor has use for the Public Works Department; and

WHEREAS, it is the recommendation of the Public Works Department and Acting Administrator to have said shed demolished and removed from said property; and

WHEREAS, it is determined that the Public Works Department is capable to demolish and remove said shed from the property without need of outside assistance.

NOW, THEREFORE BE IT REOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, that the shed located at 109/111 Poplar Avenue be demolished and removed from said property by the Public Works Department.

BE IT FURTHER RESOLVED, approval of said project is subject to the borough receiving all required permits as per the Construction Official.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-132

Approve to Refer Ordinance 1275 to Planning Board

WHEREAS, pursuant to New Jersey Municipal Land Use Law, the Board of Commissioners may adopt or amend an ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, on September 14, 2023 the Board of Commissioners introduced Ordinance 1275 which proposes an amendment to Section 15-1.1 of Chapter XV entitled Swimming Pools, Tennis Courts, Recreational Areas, and Facilities; and

WHEREAS, pursuant to NJSA 40:55D-64, the Board of Commissioners hereby refers Ordinance 1275 to the Planning Board in order to seek the Board's recommendations to this proposed policy.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, that Ordinance 1275 is hereby referred to the Borough of Deal Planning Board pursuant to NJSA 40:55D-64 with the expectation that the Planning Board will provide recommendations to the Board of Commissioners regarding Ordinance 1275 in a timely fashion in accord with NJSA 40:55D-2 et. seq.

Seconded by Commissioner Ades

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 August was received from Chief Ronen Neuman.

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

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

CORRESPONDENCE

A raffle application from Marine Corps. Scholarship Foundation was received for an event at Deal Golf and Country Club on October 5, 2023. The Board of Commissioners approved the raffle.

A letter was received from New Jersey Association for Floodplain Management advising on the Annual Conference held in Atlantic City in October.

A letter was received from Jersey Central Power & Light providing notice of public hearing for proposal for basic generation services.

Notification was received from Ocean Township advising on a new ordinance that was introduced by their council amending Chapter 21 of their Land Development Ordinance.

UNFINISHED BUSINESS

There was no unfinished business to discuss.

NEW BUSINESS

There was no new business to discuss.

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 \$529,593.12 for the August 31, 2023 bills report and \$713,013.12 for the September 15, 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.

Mary Anne Cronheim, 88 Monmouth Drive, commented that she is concerned about flooding on Monmouth and Woodford.

Mayor Cohen responded there was flooding everywhere, but the Commissioners have been working on the flooding and will continue looking into find solutions.

Mary Anne Cronheim, 88 Monmouth Drive, asked how the changes in Ocean Township will affect Deal.

Mayor Cohen responded he will look into how Poplar Brook was handled in Ocean Township.

Barbara Coffey, 85 Norwood Avenue, asked when we get new benches, if they can have backs.

Mayor Cohen responded the benches will not have backs.

Katherine Williams, Ocean Township, asked what the budget for repairs at the Casino will be.

Mayor Cohen responded the budget is still being reviewed with staff on repairs needed.

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 23-133

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 material that the disclosure of which constitutes an unwarranted invasion of individual privacy; 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 individual privacy matters at 9:18 A.M.

The Commissioners returned to open session at 9:23 A.M.

Mayor Cohen made a motion to amend Resolution 23-130, to change to 50% refund due to illness in the family, seconded by Commissioner Simhon.

Mayor Cohen offers the following Resolution:

Resolution 23-130

Resolution to Approve Refund for Deal Casino Unit

WHEREAS, a request has been made for a refund for the 2023 membership to the Deal Casino; and

WHEREAS, this refund is being requested due to not being able to attend for the 2023 season due to illness in the family; and

WHEREAS, due to extenuating circumstances the Board of Commissioners of the Borough of Deal agree to give a partial refund for the Deal Casino membership.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Michael Schulz from West Long Branch, NJ be partially refunded for his membership at the Deal Casino for a total of \$1,575.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

There being no further business or comments, it was moved by Commissioner Ades and seconded by Commissioner Simhon that the meeting be adjourned at 9:24 A.M.

SC _____

MA _____

DS _____

Clerk