

October 9, 2015

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on October 9, 2015 at 9:00 A.M.

Present: Mayor Ades, Commissioner Cohen and Commissioner Wiener

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. Notice of the change in date and time of this meeting was published in the Asbury Park Press and the Coaster and posted on the bulletin Board

It was moved by Mayor Ades, seconded by Commissioner Cohen and carried that the reading of the minutes of the previous meeting held on September 21, 2015 be dispensed with and the same be approved as recorded.

Ordinance #1122 was introduced on September 11, 2015 and the public hearing is scheduled for today, October 9, 2015. Mayor Ades moved to open the meeting to public comment on Ordinance 1122, seconded by Commissioner Cohen and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

**ORDINANCE NO. 1122**

**AN ORDINANCE AMENDING CHAPTER XXX DEVELOPMENT REGULATIONS, SPECIFICALLY SECTION 30-86.6 ADDITIONAL REGULATIONS CONCERNING YARDS IN RESIDENTIAL DISTRICTS, OF THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Commissioner Cohen moved to adopt Ordinance 1122, seconded by Commissioner Wiener. Roll Call: Ayes 3; Ades, Cohen & Wiener.

Ordinance #1123 was introduced on September 11, 2015 and the public hearing is scheduled for today, October 9, 2015. Mayor Ades moved to open the meeting to public comment on Ordinance 1123, seconded by Commissioner Cohen and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

**ORDINANCE NO. 1123**

**AN ORDINANCE GOVERNING THE DEVELOPMENT AND MAINTAINENCE OF SWIMMING POOLS, AMENDING AND SUPPLEMENTING CHAPTER XV KNOWN AS SWIMMING POOLS, TENNIS COURTS AND RECREATIONAL AREAS AND FACILITIES WITHIN THE BOROUGH OF DEAL AND SPECIFICALLY AMENDING IN PART BOROUGH ORDINANCE #892, OF THE BOROUGH OF DEAL, MONMOUTH COUNTY NEW JERSEY**

Commissioner Cohen moved to adopt Ordinance 1123, seconded by Commissioner Wiener. Roll Call: Ayes 3; Ades, Cohen & Wiener.

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Ordinance #1124 was introduced on September 21, 2015 and the public hearing is scheduled for today, October 9, 2015. Mayor Ades made a motion to table Ordinance #1124 without date, seconded by Commissioner Cohen. Roll Call: Ayes 3; Ades, Cohen & Wiener.

**ORDINANCE #1124**

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

The following Resolutions were discussed and enacted:

Commissioner Wiener offers the following Resolution:

**Resolution 15-128**

WHEREAS, bids were received for the Atlantic Avenue Improvements on September 17, 2015; and

WHEREAS, the Board of Commissioners has determined that the sole bid greatly exceeds the budget for this project; and

WHEREAS, the Board of Commissioners has determined that the bid must therefore be rejected, and that this project shall go out for new bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the Borough of Deal, in the County of Monmouth and State of New Jersey, that the sole bid for the Improvements for Atlantic Avenue received on September 17, 2015 be and are hereby rejected for the reasons set forth above, and

BE IT FURTHER RESOLVED, that the Administration is hereby authorized to again publish for bids for the Atlantic Avenue Improvements.

Seconded by Commissioner Cohen

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 15-129**

WHEREAS, the Borough of Deal has arranged financing for the Fire Engine and Equipment, the Deal Casino and Conover Pavilion and a variety of capital improvements within the Borough through the sale of external Bond Anticipation Notes in the amount of \$2,075,302.00, which are due on October 1, 2015; and

WHEREAS, the Borough of Deal has appropriated a payment of \$1,190,000.00 plus the interest of \$20,753.02 in the 2015 budget toward the original External BAN's which will be paid on October 1, 2015; and

WHEREAS, the Board of Commissioners have determined that the remaining balance of \$885,302.00 in External BAN's should be refinanced for the next 12 months as a BAN.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal authorizes the outstanding External BAN's in the

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amount of \$2,075,302.00, with a pay down of \$1,190,000.00 in principal and \$20,753.02 in interest as agreed; and

BE IT FURTHER RESOLVED, that the remaining balance of \$885,302.00 be financed as a Bond Anticipation Note as recommended by the Chief Financial Officer and negotiated by the Bond Counsel.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 15-130**

WHEREAS, the Borough of Deal has arranged financing for the improvements to the Roosevelt Pump Station, sanitary sewers and a variety of capital improvements relating to the sanitary sewer through the sale of external Bond Anticipation Notes in the amount of \$188,782.00, which are due on October 1, 2015 and internal Bond Anticipation Notes in the amount of \$58,174.24; and

WHEREAS, the Borough of Deal has appropriated a payment of \$14,000.00 plus the interest of \$1,422.33 in the 2015 budget toward the original External BAN's which will be paid on October 1, 2015; and

WHEREAS, the Borough of Deal has appropriated a payment of \$58,174.24 in the 2015 budget toward the internal BAN's which will be paid down on December 11, 2015; and

WHEREAS, the Board of Commissioners have determined that the remaining balance of \$174,782.00 in External BAN's should be refinanced for the next 12 months as a BAN.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal authorizes the outstanding External BAN's in the amount of \$188,782.00, with a pay down of \$14,000.00 in principal and \$1,422.33 in interest as agreed; and

BE IT FURTHER RESOLVED, that the remaining balance of \$174,782.00 be financed as a Bond Anticipation Note as recommended by the Chief Financial Officer and negotiated by the Bond Counsel.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 15-131**

WHEREAS, the Tax Court of New Jersey has ordered a judgment in the favor of various property owners within the Borough of Deal requiring an adjustment of the listed tax year.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following property owners have their respective tax year reduced as listed as ordered by the Tax Court of New Jersey:

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**2011 Appeals**

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Assessment Reduction</u>	<u>Tax Refund</u>
18	21	Investors Savings	\$1,313,900	\$7,397.26

**2012 Appeals**

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Assessment Reduction</u>	<u>Tax Refund</u>
18	21	Investors Savings	\$517,000	\$3,598.32

**2013 Appeals**

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Assessment Reduction</u>	<u>Tax Refund</u>
18	21	Investors Savings	\$767,000	\$5,384.34
36	12	Daniel Cohen	\$4,700	\$32.99
83	1	Eli Gindi	\$414,000	\$2,906.28
7	5.01	David & Pauline Braka	\$1,041,400	\$7,310.64

**2014 Appeals**

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Assessment Reduction</u>	<u>Tax Refund</u>
18	21	Investors Savings	\$524,000	\$3,741.36
7	5.01	David & Pauline Braka	\$602,200	\$4,299.71

**2015 Appeals**

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Assessment Reduction</u>	<u>Tax Refund</u>
7	5.01	David & Pauline Braka	\$692,300	\$4,949.95

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 15-132**

WHEREAS, the Borough of Deal wishes to make improvements the revetment wall surrounding the Roosevelt Avenue Pump Station; and

WHEREAS, this project will require competitive bidding for the improvement to the Roosevelt Avenue Revetment Wall; and

WHEREAS, a Notice to Bidders will be published in the official newspaper for the Borough of Deal.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that competitive bidding be sought for improvements to the Roosevelt Avenue Revetment Wall.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

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Commissioner Cohen offers the following Resolution:

**Resolution 15-133**

WHEREAS, the Borough of Deal wishes to purchase two 2016 Chevy Tahoe's; and

WHEREAS, this purchase will require competitive bidding for the purchase of the specified 2016 Chevy Tahoe; and

WHEREAS, a Notice to Bidders will be published in the official newspaper for the Borough of Deal.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that competitive bidding be sought for the purchase of two Chevy Tahoe's.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Commissioner Cohen offers the following Resolution:

**Resolution 15-134**

WHEREAS, the State's CY 2015 / SFY 2016 Best Practices Inventory Questionnaire is required to receive the Municipality's final 5% of State funding; and

WHEREAS, the Borough Administrator and Chief Financial Officer have completed the Inventory and have provided the Board of Commissioners with a copy of said document; and

WHEREAS, a review of this Inventory has been discussed at the regular meeting of the Board of Commissioners on October 9, 2015.

NOW, THEREFORE BE IT RESOLVED BY THE Board of Commissioners that the Best Practice Inventory results were discussed and be filed as required with the State of New Jersey.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

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 the NJ State League of Municipalities advising of a 2% dues increase for the calendar year 2106.

A letter was received from the Township of Ocean advising of a public hearing for changes in their Comprehensive Land Development Ordinance #2249 set for October 15, 2015.

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A letter was received from Jersey Central Power & Light advising of a public hearing on October 28<sup>th</sup> in Freehold in the matter of the proposed transfer of Transmission Assets and lease of Real Property Assets to Mid-Atlantic Interstate Transmission.

The following Resolution was offered by Commissioner Cohen:

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 15-10 of the Warrant Register in the amount of \$565,977.78.

Seconded by Commissioner Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

Mayor Ades requested comments from the floor. John Desosa, addressed the Board of Commissioners about the permit parking ordinance being introduced. He also mentioned about a petition that was signed by several thousand people online. Mr. Desosa voiced his opinion that all beaches should not be locked off. He commented that surf camps are a bad idea and that the ordinance should be tabled indefinitely. Commissioner Cohen stated that their never was any intention of denying access to any beaches.

Mr. Karagis, 84 Richmond Avenue, stated that he lives across the street from an apartment building and at times takes him 15-20 minutes to get out of his driveway and he has never made a complaint about that.

Chris Macho, Oceanport, stated that the Board of Commissioners should create a non resident stakeholders committee to solve the problem. Mayor Ades agreed and asked for input on the parking problem.

Barbara Coffey, 85 Norwood, addressed the Board of Commissioners about when the beach houses were going to be removed from the Deal Casino. Mayor Ades stated they were well built and will be removed prior to any major storms. Ms. Coffey also asked about placing wood lounge chairs on the decks of the new beach houses. Ms. Coffey also commented about the parking spaces along the tennis courts were not posted for tennis court guests. Ms. Coffey then produced a letter about the new tennis court lease to be presented to the Board of Commissioners and Borough Attorney.

John Weber, Surfriders Association, advised the Commissioners about the Army Corp of Engineers Rules on beach access. Mr. Weber spoke about the petition online that spoke about reducing beach access in Deal. Mr. Weber stated that the Board of Commissioners should publicly denounce this petition. Mr. Weber stated that the Borough should re-visit the vacated property at the end of the streets from the early 1980's.

Andrew Chambarry, Attorney, stated the vacated street ends were Marine Place, Sydney Avenue, Roseld Avenue and Conover Road. Mr. Chambarry spoke about the legal aspects of Ordinance 1124. Mayor Ades spoke about the beach replenishment and there is no interest in blocking access to the beach. Mr. Chambarry put the Borough on Notice that if the Board of Commissioners move forward with the Ordinance he would file a lawsuit. Mr. Chambarry provided a Brief to the Borough.

Jo Palato, Asbury Park Fishing Club, stated that he could park anywhere 50 years ago and that beach access is restricted on Roosevelt

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Avenue. The Commissioners were advised that the stairwell on the north side of the Pump Station was damaged by Superstorm Sandy. This stairwell is the property of the NJ Fish and Wildlife and are in the process of repairing.

Pete Ruglerri, stated that he had a possible solution, that the residents can park in their own driveways.

Greg Hewitt, Shark River Anglers, opposed Ordinance 1124 and stated he would like to be apart of the solution.

Bill Rosenblatt, Former Mayor of Loch Arbour, stated to the Board of Commissioners that this Ordinance had the appearance of an intent to exclude and the solution would be to include interested parties. Mr. Rosenblatt also stated that surf camps are not permitted. Mayor Ades mentioned that we do not charge for parking. Commissioner Cohen asked about the no parking on the beach front of Elberon. Mr. Rosenblatt did not comment on that and stated that we are addressing this issue now because it came up.

Patty Cronheim, 88 Monmouth Drive, addressed the Board of Commissioners about a 2010 Federal Case and 2003 case Lou vs. Long Branch. Ms. Cronheim stated that once sand is laid over top existing sand, the property becomes the property of the State. Ms. Cronheim suggested placing angle parking because the streets are so wide. Ms. Cronheim also stated that there is a transparency and communication problem, saying that the Borough's website does not have meeting minutes, resolutions, planning board members or ordinances. Ms. Cronheim stated that notices should be placed in both official newspapers and that all proceedings should be recorded.

John Amato, stated that the beaches in Sea Bright are free and there is a municipal parking lot. Mr. Amato also stated that there is parking on Pullman Avenue in Elberon. Mr. Amato also stated that there are 2 hour parking on Deal Esplanade and Darlington Road.

Patty Garoxy, 246 Jerome Avenue Oakhurst, stated she lives a block and one half away from the beach and there was never parking restrictions. She stated that this is greed and selfishness. She also commented that she cannot access on the left side of the Roosevelt Avenue Pump Station.

Robert Fernicola, Allenhurst, stated that the perception is that the beach is exclusive. Mr. Fernicola stated that there is no swimming and people do not want to com here. Mr. Fernicola stated that the problem is the residents.

Reed Murphy, Sea Bright, stated that Sea Bright made streets half permit parking and the other half no restrictions.

Sean McDonough, stated that Roosevelt had a quite of bit of cars and that Deal Esplanade and Darlington were closed due to construction.

Lorraine Chambarry, stated that where she lives she has a boat access that she allows anyone to utilize. Mrs Chambarry stated that they donate a parking lot for people to park as well streets are complimentary.

Marlisse Beverage, Elberon, stated that the beach access should be studied and how some access points have rip raf.

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James Peters, Local Business Owner, stated that the access points are dangerous. Mayor Ades stated that the Borough of Deal has not received a dime from anyone.

Mike Fibler, Wanamassa, stated that there is an exorbitant amount of parking and asked what came first, the beach or the house. Mr. Fibler stated that the Commissioners should not bend over backwards for a select few and asked if they are going to stand up for the vast majority.

Erica Delione, stated that we take pride in the beaches. Many people have helped when there was a drowning victim and they were helping look for the person. Ms. Delione asked where are the Deal residents to oppose.

Mayor Ades closed the floor to public comments due to the 1 hour time limit.

Commissioner Cohen offers the following Resolution:

**Resolution 15-135**

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 personnel matters.

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 Wiener

Roll Call: Ayes 3; Ades, Cohen & Wiener

The Board of Commissioners entered into closed session to discuss personnel matters at 10:35 A.M.

The Commissioners returned to open session at 11:27 A.M.

It was announced that the next meeting of the Board of Commissioners will be on Friday, October 16, 2015 at 9:00 A.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 11:29 A.M.

MA \_\_\_\_\_

SMC \_\_\_\_\_

VSW \_\_\_\_\_

\_\_\_\_\_  
Clerk