

February 8, 2017

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on February 8, 2017 at 7:00 P.M.

Present: Commissioner Ades, Commissioner Simhon

Absent: Mayor Cohen

Also Present: Martin Barger, 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.

It was moved by Commissioner Ades, seconded by Commissioner Simhon and carried that the reading of the minutes of the previous meeting held on January 6, 2017 be dispensed with and the same be approved as recorded.

Ordinance 1139 to amend Chapter VII, General Licensing was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 2; Ades & Simhon. Absent 1; Cohen.

Public Hearing for this ordinance will be given on March 8, 2017 at 7:00 P.M.

ORDINANCE #1139

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

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

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

Section 2. Subsection 7-7 **Towing** is amended to read as follows:

7-7.5 License Fees

A. The following schedule of fees is hereby adopted for obtaining a towing operator's license.

- (1) Closed Bid

7-7.7 Expiration of License

A. Any license issued hereunder will expire on May 1st at 8:00am of the year issued

- (1) New bids will be received each year by March 30th.
- (2) Presentation of renewal insurance certificate as required in 7.11.

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- (3) A written endorsement of good standing to be prepared by the Chief of Police, which is to be attached to the bid form prior to its presentation to the Mayor and Board of Commissioners for final approval.

7-7.9 Duty List

- a. The selected bidder will be the primary duty wrecker for the contracted year. A secondary bidder will also be selected as backup to the primary bidder. Towing contractors will be expected to respond anywhere in the Borough of Deal, Village of Loch Arbour, and Borough of Interlaken. In the event that the primary bidder is unavailable or unable to perform during, the Deal Police Department will then go to the secondary bidder. A towing contractor who fails to provide such coverage shall be issued a warning. A second failure to provide coverage could result in that towing contractor's removal from the list and revocation of its license. The Police Department shall keep a list of all requests for towing, indicating therein the date, time and place to which called and whether the tower called was available, and, if not available, the reason why, and the name of the towing license holder called. No tow company shall respond to the scene of an accident except upon notification by the officer in charge at the scene of an accident or by Police Headquarters or upon the request of the driver or owner of the vehicle concerned. Towing apparatus must be dispatched upon receipt of notification from the Police Department and shall not arrive at the scene more than Twenty (20) minutes after being so notified. If at any time more than two (2) wreckers are required in order that the performance of towing services may be efficiently rendered and the public's traffic safety assured, the Police Department is hereby authorized to call upon the secondary bidder to respond to the dispatch of the Police Department.

Ordinance 1140 to amend Chapter XIII, Building and Housing was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 2; Ades & Simhon. Absent 1; Cohen.

Public Hearing for this ordinance will be given on March 8, 2017 at 7:00 P.M.

ORDINANCE #1140

AN ORDINANCE AMENDING CHAPTER XIII OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
GENERAL LICENSING

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

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

Section 2. Subsection 13-4 **Landlord Registration** is amended to read as follows:

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13-4.1 Every landlord of a single family and two-family residential unit are required to register the property with Code Enforcement on an annual basis.

Registration will be accomplished by the completion of application forms available on the Borough website or in person and Borough Hall.

a. *Fees.*

The fee for the first registration by a landlord for a particular unit shall be in the amount of \$150.00.

The fee for an annual renewal registration is \$75.00.

All fees are due and payable by March 1 of each year.

The late fee for the annual renewal is \$75.00. This fee is in addition to the renewal fee of \$75.00.

Ordinance 1141 to exceed the municipal budget appropriation limits and to establish a cap bank was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 2; Ades & Simhon. Absent 1; Cohen.

Public Hearing for this ordinance will be given on March 8, 2017 at 7:00 P.M.

ORDINANCE 1141

CALENDAR YEAR 2017

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Borough of Deal in the County of Monmouth finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 3.5% increase in the budget for said year, amounting to \$265,229.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

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NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Deal shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$265,229.85, and that the CY 2017 municipal budget for the Borough of Deal be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 17-21

WHEREAS, the Borough of Deal is required to appoint a representative to the Deal Lake Commission; and

WHEREAS, Elliot Chera, 57 Jerome Avenue expressed an interest in becoming the representative for the Borough of Deal on the Deal Lake Commission.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Elliot Chera, 57 Jerome Avenue, Deal be appointed as the representative to the Deal Lake Commission to commence January 1, 2017 and to expire December 31, 2017.

Seconded by Commissioner Simhon

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

Commissioner Ades offers the following Resolution:

Resolution 17-22

WHEREAS, the age and mileage of two (2) marked patrol cars have made it necessary to purchase replacements for these cars; and

WHEREAS, Mall Chevrolet, 75 Haddonfield Road Cherry Hill, NJ 08002 has two (2) 2017 Chevrolet Caprice; and

WHEREAS, these vehicles are available under the NJ State contract in the amount of \$26,797.50 for each vehicle.

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NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that two (2) Chevrolet Caprice police vehicles be purchased under NJ State Contract from Mall Chevrolet at a total cost of \$53,595.

Seconded by Commissioner Simhon

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

Commissioner Simhon offers the following Resolution:

Resolution 17-23

WHEREAS, Alison Prager-Larson, 31 Muncy Drive, Long Branch, NJ has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due to overpayment of their membership for the Deal Casino 2017 season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$100.00 be issued to Alison Prager-Larson for overpayment on their membership to the Deal Casino.

Seconded by Commissioner Ades

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

Commissioner Ades offers the following Resolution:

Resolution 17-24

WHEREAS, the Tax Court of New Jersey has ordered a judgment in favor of the Deal Yeshiva Inc., owner of property located at 120 Norwood Avenue, Block 31 Lot 1, within the Borough of Deal requiring an adjustment of their 2014 tax year; and

WHEREAS, the same property owner is requesting a refund of that same adjusted amount made payable to "Deal Yeshiva c/o Rabbi Isaac Dwek" located at 45 Goldcrest, Lakewood NJ 08701, in the amount of \$2,195.55.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize a check to be issued in the amount of \$2,195.55 for the property located at 120 Norwood Avenue for the taxes adjusted as ordered by the Tax Court of New Jersey.

Seconded by Commissioner Simhon

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

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Commissioner Simhon offers the following Resolution:

Resolution 17-25

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 2017; and

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

- Improvements to Ocean Avenue Phase III from Runyan Avenue to Roosevelt Avenue

NOW, THEREFORE, BE IT RESOLVED by the Board of 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-2017-Ocean Avenue- Phase II-00168 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 Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 17-26

WHEREAS, Visiting Nurse Association of Central Jersey provides the residents of the Borough of Deal with a variety of public health nursing services as prescribed by the NJ State Department of Health and Public Law.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that an agreement be made for the year 2017 with the Visiting Nurse Association of Central Jersey at a cost of \$1,429.00 for services as specified in the Articles of Agreement and that the Mayor and Clerk be authorized to sign the agreement.

Seconded by Commissioner Ades

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

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Commissioner Simhon offers the following Resolution:

Resolution 17-27

WHEREAS, the mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgating recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for 2016 Recycling Tonnage Grant, such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of The Board of Commissioners to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, that the Borough of Deal hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Joseph Santorelli to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund for 2016 to be used solely for the purpose of recycling.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 17-28

WHEREAS, the Monmouth County Vocational School District has requested a student for internship with the Deal Police Department; and

WHEREAS, the purpose of the internship is to provide the student with the opportunity to explore and practice academia and occupationally related skills; and

WHEREAS, the Deal Police Department has utilized interns from the Monmouth County Vocational School in the past;

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WHEREAS, Peter J. Ammaturo has been selected for the internship to begin February 15, 2017 and end on or before June 1, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Peter Ammaturo be provided the internship opportunity with the Deal Police Department beginning February 15, 2017 through June 1, 2017.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 17-29

WHEREAS, due to the age and condition, windows on the second floor of Borough Hall are in need of replacement; and

WHEREAS, the Board of Commissioners have agreed to replace the current windows with new replacements; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that new replacement windows be purchased through competitive biddings with bids due by March 3, 2017.

Seconded by Commissioner Ades

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

Commissioner Simhon offers the following Resolution:

Resolution 17-30

**RESOLUTION AUTHORIZING
THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO
CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Deal is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

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NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Seconded by Commissioner Ades

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

Commissioner Ades offers the following Resolution:

Resolution 17-31

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of February; 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 February 28, 2017 be approved in the amount not to exceed \$200,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$200,000.00 be paid at this time.

Seconded by Commissioner Simhon

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

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

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

A report of the disbursement checks for the Municipal Court for January was received from Mary Ellen Supon.

A report showing the Borough of Deal as having the 5th lowest total tax rate in the State of New Jersey was provided by Theresa Davis.

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A letter was received from CFC Loud N Clear Foundation advising of the necessary programs they can provide to our community members who are afflicted with Substance Abuse Issues.

A letter was received from the Diocese of Trenton advising that January was Poverty Awareness Month who also provided a copy of the Monitor to keep municipalities informed of what the Diocese is seeing and dealing with related to poverty.

A notice of public hearing was received from the County of Monmouth who is proposing amendments to the Monmouth County Solid Waste Plan.

A notice of public hearing was received from NJ American Water proposing changes to the levels of its purchased water adjustment clause and purchased wastewater (sewerage) treatment adjustment clause.

A letter was received from Camp Veritans asking permission to send their Masada Campers to the W. Stanley Conover Pavilion on June 27th. The Board of Commissioners approved their request.

A letter was received from the Monmouth Barracudas requesting permission to use the Deal Casino pool from June 19th to August 15th from 6:15 – 8:00 am. The Board of Commissioners approved their request.

A letter was received from Abe Haddad requesting permission to demolish a single family house and a garage at 274 Ocean and 37 Sydney. The Board of Commissioners approved the demolitions.

A raffle application was received from Christians Brothers Academy Alumni Association requesting to hold a raffle at the W. Stanley Conover Pavilion on September 8, 2017. The Board of Commissioners approved the application.

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 17-02 of the Warrant Register in the amount of \$571,127.53.

Seconded by Commissioner Simhon

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

Commissioner Ades requested comments from the floor.

Barbara Coffey, 85 Norwood Avenue, asked about the date and time of the Christian Brothers Academy event at the Conover Pavilion. Ms. Coffey was advised. Ms. Coffey also inquired about the Borough property located at the foot of Roosevelt Avenue, she asked that the Borough property and the neighbor's property be delineated with a barrier. Commissioner Ades asked if she wanted a sign, and Ms. Coffey stated that would be great. Ms. Coffey asked the Board of Commissioners to have a town wide garage sale at the Deal Firehouse or some other municipal property and have the proceeds donated to the Fire and First Aid Squad. Commissioner Simhon asked who would monitor the sale, and Ms. Coffey stated the Ladies Auxiliary.

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Ms. Coffey also mentioned about a sign that at a house on the corner of Neptune and Norwood Avenue, and also other construction signs. The police department would be notified.

Isadora Chamlin, 5 Poplar Avenue, asked about the wall located at 85 Ocean Avenue. Commissioner Ades stated the planning board denied the application. Mrs. Chamlin also inquired about the ordinances on playground equipment. Commissioner Ades stated the playground equipment must be in the rear yard. Mrs. Chamlin asked who had measured the height of the house under construction on Poplar Avenue across the street from her residence. Mrs. Chamlin was advised that an engineer for the homeowner provided an as built as well as the Borough Administrator. Ms. Chamlin asked that the Borough Engineer also measure the house. Commissioner Ades stated he will see if Mr. Avakian can measure the house.

Irwin Levine, 28 Richmond, asked if anything has been done with the pier at the Conover Pavilion. Commissioner Ades stated that nothing has been done. Commissioner Simhon stated that he will speak with Senator Beck.

Joe Coakley, Rumson, Surfriders Association, aksed about the beach fees being charged. Commissioner Ades stated that the fees will be the same as the Conover Pavilion. Mr. Coakley asked about the committee to discuss beach access. Mr. Coakley was advised that Mayor Cohen is away and is working on setting up a meeting.

Commissioner Ades 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 will be on Wednesday, March 8, 2017 at 7:00 P.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 7:44 P.M.

SC _____

MA _____

DS _____

Clerk