

March 8, 2017

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

Present: Mayor Cohen, Commissioner Ades, Commissioner Simhon
Also Present: Martin Barger, Borough Attorney, Vince Alvino, Auditor

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 Simhon, seconded by Mayor Cohen and carried that the reading of the minutes of the previous meeting held on February 8, 2017 be dispensed with and the same be approved as recorded.

Ordinance #1139 to amend Chapter VII, General Licensing, was introduced on February 8, 2017 and the public hearing is scheduled for today, March 8, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance #1139, seconded by Commissioner Simhon 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. 1139

AN ORDINANCE AMENDING CHAPTER VI OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
General Licensing

Mayor Cohen moved to adopt Ordinance 1139, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance #1140 to amend Chapter VII, General Licensing, was introduced on February 8, 2017 and the public hearing is scheduled for today, March 8, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance #1140, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Dan Cronheim, 88 Monmouth Drive stated the ordinance is necessary for notification in case of an emergency such as a fire. There were no further comments from the public and the public session was closed by the same vote.

ORDINANCE No. 1140

AN ORDINANCE AMENDING CHAPTER VI OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
BUILDING AND HOUSING

Commissioner Ades moved to adopt Ordinance 1141, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance #1141 to amend Chapter VII, General Licensing, was introduced on February 8, 2017 and the public hearing is scheduled for today, March 8, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance #1141, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

March 8, 2017

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)

Commissioner Ades moved to adopt Ordinance 1140, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1142 to amend Chapter X, Vehicle and Traffic was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on April 5, 2017 at 7:30 P.M.

ORDINANCE #1142

AN ORDINANCE AMENDING CHAPTER VII OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"
VEHICLE 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 10-14 **Parking Prohibited at All Times on Certain Streets** is amended to read as follows:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Atlantic Avenue	South	From the South westerly curb line of Monmouth Drive to a point 80 feet westerly therefrom.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 17-32

WHEREAS, the 2017 budget of the Borough of Deal has been reviewed by the Board of Commissioners and is scheduled to be introduced at this meeting; and

WHEREAS, a copy of same will be made available to each person requesting it during said week and during the public hearing scheduled for April 8, 2017.

NOW, THEREFORE BE IT RESOLVED, that having conformed with the conditions set forth in N.J.S.A. 40A:4-8, the 2017 Budget be read by its title.

March 8, 2017

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mr. Alvino, Borough Auditor, read the 2017 Introduced Budget by Title to the Board of Commissioners.

Commissioner Ades offers the following Resolution:

Resolution 17-33

WHEREAS, the Board of Commissioners wish to amend the meeting dates set by Resolution 17-06;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the regular meetings of the Board of Commissioners of the Borough of Deal, New Jersey will be held in the Borough Hall meeting room, Durant Square, 190 Norwood Avenue, Deal, New Jersey for the ensuing year, 2017, on the following amended dates and times:

April 5, 2017 – 7:30 pm
May 10, 2017 – 7:30 pm
June 7, 2017 – 7:30 pm
June 23, 2017 – 9:00 am
July 14, 2017 – 9:00 am
July 26, 2017 – 7:30 pm
August 11, 2017 – 9:00 am
August 23, 2017 – 7:30 pm
September 13, 2017 – 7:30 pm
October 4, 2017 – 9:00 am
November 8, 2017 – 7:30 pm
December 13, 2017 – 7:30 pm

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

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 17-34

Approval of Change Order #2 for Improvements to Atlantic Avenue

WHEREAS, the Borough of Deal awarded a contract for improvements to Atlantic Avenue to 3G Construction, 31 Petit Avenue, South River, NJ at a cost of \$418,099.00; and

WHEREAS, the Borough Engineer recommended the following change to improvements to Atlantic Avenue:

7. Traffic Directors/Flaggers	Subtract \$3,000.00
8. Asphalt Price Adjustment	Subtract \$16,436.83
9. Fuel Price Adjustment	Subtract \$1,638.82
15. Pavement Milling 3" or less	Add \$2,760.00
16. Pavement Milling 3" to 6"	Subtract \$1,800.00
17. Hot Mix Asphalt Base Course	Subtract \$11,219.12

March 8, 2017

18. Hot Mix Asphalt Leveling Course	Add \$15,682.50
19. Hot Mix Asphalt Surface Course	Add \$10,313.10
20. Tack Coat	Subtract \$125.00
21. Prime Coat	Subtract \$1,000.00
30. Concrete Sidewalk, 4" Thick	Add \$5,712.85
32. 6"x8"x18" Concrete Vertical Curb	Add \$8,131.50
33. Traffic Stripes	Add \$1,114.50
34. Traffic Markings	Add \$15.00
37. Reset Gas Valve Box	Subtract \$2.00
SA2-1 Irrigation System Repair	Add \$5,141.00
SA2-2 Concrete Aprons	Add \$5,802.30
SA2-3 Runyan Drive Apron	Add \$5,460.00
SA2-4 Relocate Sanitary Lateral due to conflict	Add \$5,800.00

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Improvements to Atlantic Avenue as specified by the Borough Engineer totaling \$30,710.98.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 17-35

WHEREAS, 3G Construction, Inc., 31 Pettit Avenue South River, NJ 08882 has been awarded a contract for the improvements to Atlantic Avenue at a cost of \$477,943.98; and

WHEREAS, 3G Construction Inc. has requested final payment in the amount of \$56,353.29; and

WHEREAS, the Borough Engineer has verified that the work to date has justified this payment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the payment of \$56,353.29 be made to 3G Construction Inc. for the improvements to Atlantic Avenue.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 17-36

WHEREAS, the Tax Court of New Jersey has ordered a judgment in favor of the Morris Massry, owner of property located at 44 Darlington Road, Block 45 Lot 1, within the Borough of Deal requiring an adjustment of their 2016 tax year; and

WHEREAS, the same property owner is requesting a refund of that same adjusted amount made payable to "Jacobus & Associates, LLC Trustee for Massy, Morris" located at 201 Littleton Road, 1st Floor, Morris Plains NJ 07950, in the amount of \$1,102.32.

March 8, 2017

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 \$1,102.32 for the property located at 44 Darlington Road for the taxes adjusted as ordered by the Tax Court of New Jersey.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 17-37

WHEREAS, the Deal Police Department is in need of a part time Police Dispatcher; and

WHEREAS, Cole L. Panaccione, Howell, NJ 07731 has applied for this position, has been interviewed and has been determined to be qualified for this position.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that Cole L. Panaccione be offered a position as a part time Police Dispatcher, serving under the direction of the Chief of Police at the pay scale set for this position.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 17-38

WHEREAS, Ted Pappayliou, 516 Blanchard Parkway, West Allenhurst, NJ has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due to the passing of a member in their locker for the 2017 season; and

WHEREAS, Cheri Ciano, 1702 Finderne Street, Oakhurst, NJ has made payment for their membership at the Deal Casino Beach Club; and

WHEREAS, a refund is being requested due to moving into a small locker from a deluxe at the Deal Casino for the 2017 season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$375.00 be issued to Ted Pappayliou and a refund of \$450 be issued to Cheri Ciano for their membership to the Deal Casino.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

March 8, 2017

Commissioner Simhon offers the following Resolution:

Resolution 17-39

WHEREAS, bids were received for the replacement of windows for the Municipal Building on March 7, 2017; and

WHEREAS, proposals were solicited from vendors and the Borough has received four (4) proposals; and

WHEREAS, proposals were received ranging in cost from a high of \$63,285.60 from Atlantic Architectural Millwork, Asbury Park, NJ, and a low bid of \$49,284.59 from West End KB, LLC, Oceanport, NJ.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby award the purchase of replacements windows for the Municipal Building to West End KB, LLC, Oceanport, NJ in the amount of \$49,284.59.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 17-40

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of March; 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 March 31, 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 3; Cohen, Ades & Simhon

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

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

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

A letter was received from the NJ Department of Environmental Protection (NJDEP) for a public hearing on the FY2017 Annual Fee Report and Assessment of Fees.

March 8, 2017

A letter was received from Jersey Central Power & Light advising they will be performing line clearance tree trimming in the next few months along NJ Transit from Phillips Avenue to Roseld Avenue.

A letter was received from the Monmouth County Mosquito Control Division distributing a packet of material about their mosquito treatment operations.

A letter was received from the Monmouth County Improvement Authority inviting the Borough to an information session detailing the planned 2017 MCI financing programs.

A letter was received from Clean Ocean Action advising of the Beach Sweeps on April 22nd and October 21st. The Board of Commissioners have agreed to participate as in the past.

A letter was received from Monmouth Custom Builders requesting permission to demolish the single family residence at 10 Milan. The Board of Commissioners approved the demolition.

A letter was received from RunAPalooza requesting permission for their RunAPalooza road race to Benefit Special Olympics on April 22, 2017. The Board of Commissioners approved this race.

A letter was received from Daniel Sitt, Sephardic Food Fund, requesting permission for a 5k color run/walk. The Board of Commissioners requesting a date to be selected before approval would be granted.

A letter was received from Jonathan Sidavi, SephJash, requesting permission to use the Deal Casino for an event where people can meet in a stress-free environment. The Board of Commissioners required more details on the event, but would only allow after the Beach Club was closed.

Commissioner Ades asked the status of the curb project within the Borough of Deal. Commissioner Ades was advised that the equipment has been purchased and forms being built by Public Works, once the weather gets a little better Public Works will begin curb projects throughout the town.

Commissioner Simhon asked about the status of the Norwood Avenue beautification project. Commissioner Simhon was advised that we would be meeting with NJ Department of Transportation within the next few weeks to provide ideas from the Borough. NJDOT would be funding and completing the beautification and the Borough would maintain the plantings.

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 17-03 of the Warrant Register in the amount of \$536,263.47.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

March 8, 2017

Irwin Levine, 28 Richmond Avenue, asked if the new windows approved under the resolution would maintain the look of the existing windows. Mr. Levine was advised that they would and match the first floor windows that were recently installed.

Isadora Chamlin, 5 Poplar Avenue, asked the Board of Commissioners if the Basketball Court would be re-established at the Deal Casino. Mayor Cohen stated that the Borough built basketball courts at the Franco Park. Mrs. Chamlin stated she wanted the basketball courts at the Casino. Mayor Cohen stated that additional basketball courts would not be built. Commissioner Ades stated that the basketball courts are not part of the membership. Dan Cronheim, 5 Poplar Avenue, stated that the basketball courts have been there since the day it was open. Commissioner Simhon stated that he would look through the Casino to see if there is an area feasible. Mrs. Chamlin asked about having people leave lights on their houses, Mayor Cohen stated that a newsletter would be sent out asking homeowners to leave lights on.

Barbara Coffey, 85 Norwood Avenue, asked if the Borough was prepared for any bomb scares to religious places. Chief Neuman stated that he has spoken with Homeland Security and had briefings with Police Supervisors preparing for such an incident. Ms. Coffey asked for enforcement on people walking in the streets and have everyone utilize the sidewalks.

Irwin Levine, 28 Richmond, asked if anything has been done with the pier at the Conover Pavilion. Mayor Cohen stated that he is waiting to hear back from Senator Beck.

Dan Cronheim, 88 Monmouth Drive, asked if the Borough had a comprehensive list of occupied buildings for the fire department in case of emergency. Mr. Cronheim asked that a list be available for the fire department so they would know would potentially be in a building.

Mayor Cohen asked for any additional comments from the public, which there was none and closed the floor to public comments.

Commissioner Ades offers the following Resolution:

Resolution 17-41

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.

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

March 8, 2017

The Board of Commissioners entered into closed session to discuss a litigation matter at 7:58 P.M.

The Commissioners returned to open session at 8:40 P.M.

It was announced that the next meeting of the Board of Commissioners will be on Wednesday, April 5, 2017 at 7:30 P.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 8:40 P.M.

SC _____

MA _____

DS _____

Clerk