

May 10, 2017

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on May 10, 2017 at 7:30 P.M.

Present: Mayor Cohen, Commissioner Ades

Absent: Commissioner Simhon

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 Mayor Cohen and carried that the reading of the minutes of the previous meeting held on April 5, 2017 be dispensed with and the same be approved as recorded.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 17-58

WHEREAS, Ordinance 1143 has been introduced at a regular meeting of the Board of Commissioners on April 5, 2017; and

WHEREAS, the Board of Commissioners would like to make a substantial change to the ordinance; and

WHEREAS, the Borough Attorney has recommended to withdraw the Ordinance and create a new Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Ordinance 1143 be withdrawn from consideration due to the substantial change in language.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades

Absent 1; Simhon

Ordinance #1144 to amend Chapter XVIII, Development Regulations, was introduced on April 5, 2017 and the public hearing is scheduled for today, May 10, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance #1144, 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 #1144

AN ORDINANCE AMENDING CHAPTER XVIII
DEVELOPMENT REGULATIONS OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"
Development Regulations

Commissioner Ades moved to adopt Ordinance 1144, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon.

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Ordinance #1145 was introduced on April 5, 2017 and the public hearing is scheduled for today, May 10, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance 1145, seconded by Commissioner Ades and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked for the plans as outlined in the ordinance. Martin Barger, stated that there were no plans at this time, that this ordinance puts the funding in place for future expenditure. This ordinance format has been approved by the Borough's Bond Counsel. Any expenditure would need to be approved by the Board of Commissioners in the future. Ms. Coffey asked for the Ordinance to be removed from the agenda due to the fact there are no plans on file. Mayor Cohen stated they will be moving forward with the adoption of the Ordinance. There were no further comments from the public and the public session was closed by the same vote.

BOND ORDINANCE NO. 1145

BOND ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO THE DEAL CASINO AND CONOVER PAVILION BEACH CLUBS APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Ades moved to adopt Ordinance 1145, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon

Ordinance #1146 was introduced on April 5, 2017 and the public hearing is scheduled for today, May 10, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance 1146, seconded by Commissioner Ades and approved. The Mayor invited public comment. John Desosa, Tinton Falls, asked if this ordinance had anything to do with the new beach cleaning machine. Mayor Cohen stated that it did not. There were no further comments from the public and the public session was closed by the same vote.

BOND ORDINANCE NO. 1146

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO DPW EQUIPMENT, AND APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Ades moved to adopt Ordinance 1146, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon

Ordinance #1147 was introduced on April 5, 2017 and the public hearing is scheduled for today, May 10, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance 1147, seconded by Commissioner Ades and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

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CAPITAL ORDINANCE NO. 1147

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO MUNICIPAL BUILDINGS, AND APPROPRIATING \$100,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Ades moved to adopt Ordinance 1147, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon

Ordinance #1148 was introduced on April 5, 2017 and the public hearing is scheduled for today, May 10, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance 1148, seconded by Commissioner Ades and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

BOND ORDINANCE NO. 1148

BOND ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Ades moved to adopt Ordinance 1148, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon

Ordinance #1149 was introduced on April 5, 2017 and the public hearing is scheduled for today, May 10, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance 1149, seconded by Commissioner Ades and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

BOND ORDINANCE NO. 1149

BOND ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO SANITARY SEWERS, AND APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Ades moved to adopt Ordinance 1149, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon

Ordinance #1150 was introduced on April 5, 2017 and the public hearing is scheduled for today, May 10, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance 1150, seconded by Commissioner Ades and approved. The Mayor invited public comment. John Desosa, Tinton Falls, asked what this ordinance would cover, he was advised this is for improvement to the sanitary sewer system that services the residents within the Borough. Mr. Desosa asked if this would be to purchase porta-potty's, he was advised they would not be purchased. There were no further comments from the public and the public session was closed by the same vote.

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BOND ORDINANCE NO. 1150

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO SANITARY EQUIPMENT, AND APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Commissioner Ades moved to adopt Ordinance 1150, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon

Ordinance 1151 to amend Chapter X, Vehicle and Traffic was introduced by Commissioner Ades, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon.

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

ORDINANCE #1151

**AN ORDINANCE AMENDING CHAPTER X 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 X of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 10-35B **Handicapped Parking on Streets for Private Residences** is amended to read as follows:

In accordance with the provisions of N.J.S.A. 39:4-197.6, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other Person shall be permitted in these spaces.

| Street Number | Location | Residence |
|----------------------|-----------------------------------------------------------------------------------------------------------|-------------------|
| Campbell court | 60 feet west of the 1 st Alleyway West of NJ Route 71 to a point 20 feet west therefrom. | 11 Campbell Court |

Section 3. This Ordinance shall take effect upon passage and publication according to law.

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The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 17-59

WHEREAS, the Borough has recently received bids for new beach cabanas at the Deal Casino; and

WHEREAS, the Board of Commissioners would like to add three additional beach cabanas; and

WHEREAS, the lowest bidder of these beach cabanas will construct the three cabanas to the specifications in the original bid.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Simmen Building Contractors, Wanamassa, NJ will construct three additional beach cabanas at a cost of \$12,381.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-60

WHEREAS, the Borough is need of a new street sweeper due to the age and mechanical problems of the current sweeper; and

WHEREAS, street sweepers from Ravo and Elgin were tested on site by members of the Department of Public Works; and

WHEREAS, the Superintendent of Public Works and Beaches recommended the Ravo 5i street sweeper would best fit our needs; and

WHEREAS, this street sweeper is available from Northeast Sweepers & Rentals, Belleville, NJ from the Keystone Purchasing Network cooperative purchasing program at a cost of \$215,650.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Ravo 5i Street Sweeper be purchased under the Keystone Purchasing Network from Northeast Sweeper & Rentals at a cost of \$215,650.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-61

WHEREAS, the Deal Police Department is in need of a new server due to the age of the current server; and

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WHEREAS, three quotes were received for the installation of new server computer equipment with the Deal Police Department; and

WHEREAS, proposals were received ranging in cost from a high of \$44,410.03 from Ocean Computer Group, Matawan, NJ, and a low bid of \$29,999.00 from Tom Chung's Computer, Long Branch, NJ;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the new police computer server equipment be purchased and installed by Tom Chung's Computer at a cost of \$29,999.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-62

**RESOLUTION TO AUTHORIZE THE SALE OF MUNICIPAL
PERSONAL PROPERTY THROUGH ON LINE AUCTION**

WHEREAS, the Borough of Deal has determined that certain personal property as described on the below listed "Schedule A" is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder; and

WHEREAS, the Borough of Deal has selected Action Liquidation Services to conduct an on-line auction.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, as follows:

1. The below listed "Schedule A" of Borough Property is hereby declared surplus, and is no longer needed for public purposes; and
2. The On-Line Auction will commence on June 17, 2017, at 9:00 a.m. and close on June 21, 2017 at 7:00 p.m. on the website www.usgobid.com; and
3. Preview of items for sale will be on Monday, June 19, 2017 from 9:00 am to 4:00 p.m. This will be the ONLY date and time for preview and it will be held at the Borough of Deal Public Works Building, 80 Runyan Avenue, Deal, NJ; and
4. The Borough Clerk is hereby authorized to advertise a public sale of said property according to N.J.S.A.40A:11-36(3).

SCHEDULE "A"

| MAKE | MODEL | YEAR | COLOR | VIN# |
|----------------|----------------|-------------|--------------|-------------------|
| Amida | Light Board | 1986 | Orange | DL15FADL04 |
| Allis Chalmers | Fork Lift | 1979 | Yellow | 124273 |
| Ford | Crown Victoria | 2007 | White | 2FAFP71V68X108487 |
| Ford | Crown Victoria | 2008 | White | 2FAFP71V58X179454 |
| Cushman | Haulster | 1999 | White | 1CHMH6605XL000765 |
| Cushman | Haulster | 2001 | White | 1CHMH66631L000386 |
| Cushman | Haulster | 2001 | White | 1CHMH66631L000405 |
| Cushman | Haulster | 2001 | White | 1CHMH66671L000374 |

| | | | | |
|-----------------|--------------|------|--------|-------------------|
| Cushman | Haulster | 2000 | White | 1CHMH6606YL001084 |
| Stow Trash Pump | 3 in | | | 16974301 |
| Chevrolet | Caprice | 2011 | White | 6G1MK5T24BL541765 |
| Chevrolet | C3500 | 1997 | | 1GBJC34R4VF022890 |
| Elgin | Pelican | 2001 | White | P3467D |
| Chevrolet | C3500 | 1998 | | 1GBHC33F8WF036959 |
| Kubota | Rear body | | Orange | |
| Imagistics | Copy Machine | | Beige | |
| Dell Computers | Desktop | | Black | |
| HP Printers | Various | | | |
| HP printer/fax | Office Jet | | | |

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-63

WHEREAS, the Borough of Deal seeks to promote the efficient and expeditious transfer of excess Department of Defense personal property; and

WHEREAS, said property is required in the furtherance of the Borough of Deal Police Department's law enforcement program and will be used in connection with law enforcement; and

WHEREAS, the Police Department respectfully requests that the Borough of Deal enter into an Agreement with the State of New Jersey for its 1033 Law Enforcement Support Office Program (LESO).

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorizes the Deal Police Department to enter into an Agreement with the State of New Jersey for its 1033 Law Enforcement Support Office Program (LESO) for excess Department of Defense personal property.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorize the Chief of Police or his designee to acquire any such equipment that may become available through the 1033 LESO program that the Chief with authorization from the Board of Commissioners determines is in the best interest of the Borough of Deal.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-64

WHEREAS, Verizon Wireless is interested in installing small cell nodes on the Borough owned light poles along Ocean Avenue; and

WHEREAS, the Borough has negotiated an agreement to allow Verizon to occupy the public rights-of-way at six locations along Ocean Avenue; and

WHEREAS, the agreement has been reviewed and approved by the Borough Attorney.

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NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorizes the Mayor and Borough Clerk / Administrator to execute the Rights-of-Way Agreement.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-65

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Joseph R. Zoppi, Tinton Falls, NJ as a Class II Special Police Officer in the Borough of Deal; and

WHEREAS, Joseph Zoppi has successfully completed his course of instruction at the Atlantic County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Class II Special Police Officer, Joseph Zoppi, having completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective May 15, 2017, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Zoppi is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-66

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Anthony Canzoneri as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Anthony Canzoneri will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Anthony Canzoneri, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective May 15, 2017, unless removed from office by the Chief of Police before the end of the one year term. Special Officer Canzoneri is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

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Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-67

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Kristen Sarno as a Class I Special Police Officer in the Borough of Deal.

WHEREAS, Kristen Sarno will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Kristen Sarno, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one year, effective May 15, 2017, unless removed from office by the Chief of Police before the end of the one year term. Special Kristen Sarno is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-68

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

WHEREAS, Cole L. Panaccione, has been a part time police dispatcher for the Deal Police Department, 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 Police Dispatcher, serving under the direction of the Chief of Police at the pay scale set for this position.

Seconded by Mayor Cohen

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

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Commissioner Ades offers the following Resolution:

Resolution 17-69

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

WHEREAS, Ryan Desane, 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 Ryan Desane 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 Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-70

WHEREAS, due to the damage and age to portions of canvas awnings at the Deal Casino there is a need to replace the canvas; and

WHEREAS, quotes were solicited from three vendors and the borough received a response from only one vendor from Jersey Shore Awning, Avon, NJ in the amount of \$7,000.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that a new canvas awnings be installed by Jersey Shore Awning in the amount of \$7,000.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-71

WHEREAS, the Borough would like to increase access to the Deal Casino membership; and

WHEREAS, a new fence would be required on the north side of the Deal Casino near the maintenance shop; and

WHEREAS, quotes were solicited from three vendors and the borough received a response from only one vendor from Boundary Fence, West Long Branch, NJ in the amount of \$3,650.

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NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that a new fence be installed by Boundary Fence in the amount of \$3,650.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-72

WHEREAS, due to damage and flooding caused by the current gutters on the Municipal Building, new gutters are needed to be installed; and

WHEREAS, three quotes were received for the removal and replacement of new 6 ½" round copper gutters; and

WHEREAS, proposals were received ranging in cost from a high of \$11,000.00 from Hart to Hart, Manchester, NJ, and a low bid of \$8,830.00 from Russo Seamless Gutters, Farmingdale, NJ;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that new copper gutters be installed by Russo Seamless Gutters in the amount of \$8,830.

Seconded by Mayor Cohen

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

Commissioner Ades offers the following Resolution:

Resolution 17-73

WHEREAS, N.J.S. 40:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and,

WHEREAS, the Village of Loch Arbour and the Borough of Deal have negotiated and wish to enter into an agreement whereby the Borough of Deal will provide beach cleaning services to the Village of Loch Arbour for the 2017-2021 Summer Seasons; and,

WHEREAS, the Board of Commissioners has duly considered the attached agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Mayor and Borough Clerk / Administrator of the Borough of Deal be the same are hereby authorized to execute and deliver an agreement with the Borough of Deal for the provision of beach cleaning for the 2017-2121 Summer Season, which agreement is on file in the office of the Borough Clerk / Administrator at the Borough of Deal Municipal Building and available for public inspection during regular business hours.

Seconded by Mayor Cohen

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

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Commissioner Ades offers the following Resolution:

Resolution 17-74

WHEREAS, Ordinance Number 1139 directed and authorized the Borough to bid the contract for towing services every year as mandated in Section 7-7.5 of the Tow Ordinances of the Borough of Deal; and

WHEREAS, the bidding process is effective in obtaining the lowest and best bids for Towing Services needed in the Borough of Deal.

WHEREAS, the Board of Commissioners, having reviewed the request, deems it in the best interests of the health, welfare and safety to move forward with advertising for bids for a towing contract to be utilized by the Deal Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Borough of Deal is hereby authorized to request bids and advertise for bids for the Borough's towing contract.

BE IT FURTHER RESOLVED, that the Borough shall reserve the right to reject any and all bids.

Seconded by Mayor Cohen

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

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

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

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

A letter was received from Hardesty & Hanover advising that they are completing a preliminary engineering design for the Roseld Avenue to Jerome Avenue on Route 71.

A letter was received from the Ocean Monmouth Health Alliance advising of National Women's Health Week kicks off May 14th.

A letter was received from Mayor McLaughlin, Allenhurst, advising they are not interested in a shared service agreement for Police Services. This is in response to a letter from Mayor Cohen asking to discuss a shared service agreement.

A letter was received from Girl Scout Troop 405, who had distributed cookies to local police and fire departments. Cookies were placed out for residents and visitors to Borough Hall.

A letter was received from Andrew Chambarry, Esq, in response to the introduction of Ordinance 1143, stating in his opinion that it is in violation of the NJ Public Trust Doctrine, the beach fee statute and the NJ Civil Rights Act.

A letter was received from the Boys Scouts of America advising of the 2017 NJ State Police National Guard Camporee from May 19th – 21st.

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A letter was received the NJ League of Municipalities advising of a legislative alert in reference to the transfer of PFRS to Union Control Governance Board Legislation update, S-3040.

A letter was received from Freeholder Thomas Arnone advising of the Monmouth County Shared Service summit on May 5th, Chief Neuman attended this summit.

The NJ League of Municipalities provided the April edition of the Legislative Bulletin.

A letter was received from the Monmouth County Division of Planning asking for continued participation in the Community Development Block Grant Program.

An application for FY2018 Community Block Grant was received from the Monmouth County Division of Planning.

The Municipal Lighting Handbook updated March 2017 was received from Jersey Central Power and Light.

An email was received from the Deal Ladies Auxiliary requesting use of the Conover Pavilion for July 20th and August 24th for their movie nights. The Board of Commissioners approved these dates.

A letter was received from AS Builders requesting permission to demolish the garage at 24 Sydney Avenue. The Board of Commissioners approved the demolition.

A letter was received from AS Builders requesting permission to demolish the home at 40 Poplar Avenue. The Board of Commissioners approved the demolition.

A letter was received from Monmouth Custom Builders requesting permission to demolish the existing house at 132 Brighton Avenue. The Board of Commissioners approved the demolition.

An application for a raffle license was received from the Jersey Shore University Medical Center Foundation, to be held at the Deal Golf & Country Club on July 10, 2017. The Board of Commissioners approved the raffle license.

Two applications for a raffle license was received from the ARC of Monmouth, to be held at the Deal Golf & Country Club on June 19, 2017. The Board of Commissioners approved the raffle license.

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 17-05 of the Warrant Register in the amount of \$2,271,273.69.

Seconded by Mayor Cohen

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

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Mayor Cohen requested comments from the floor.

Andrew Chambarry, Asbury Park, thanked the Board of Commissioners for withdrawing Ordinance 1143. Mr. Chambarry stated that they have been here three times because the ordinances violate the public trust doctrine and the reason for them is to keep people away. Mr. Chambarry stated parking permits are not the way to go, and that the complaint is a trash problem at the beaches with no trash cans. Mr. Chambarry asked if the beachfront homeowners donate the money to purchase the beach cleaning machine, Mayor Cohen stated he would not comment on that. Mr. Chambarry stated that parking is access to the beach. Mr. Chambarry asked about the beachfront homeowners purchasing the beach cleaning machine, Mayor Cohen stated it will cost the Borough approximately \$30,000 to run and maintain the beach cleaning machine. Martin Barger, Borough Attorney, stated that the machine would be purchased through the Deal Endowment Fund. Mr. Chambarry asked about the Deal Endowment Fund, Mayor Cohen stated he was President and Commissioner Ades was the Secretary. Mr. Chambarry stated this violates NJSA 40A:9-22.1 and that he would be filing a formal ethics complaint with the Division of Local Government Services.

John Lesoto, Tinton Falls, addressed the Board of Commissioners and stated that he understood trying to please the taxpayers, but the perception does not look good. Mr. Lesoto stated that he put up no littering signs and cleans the beaches. Mr. Lesoto asked not to go by what other towns are doing, and keep the beaches natural. Mr. Lesoto stated the Army Corp has destroyed one of the best surfing breaks, and the sand will naturally move away and we will not be able to run the beach rake anyway. Mr. Lesoto stated that it does not look good to purchase a beach rake and then offer legislation. Mr. Lesoto asked to place Special Officers in the area and watch for people who litter.

Vincent Lepore, Long Branch, stated to the Board of Commissioners that the Deal Endowment Fund Form 990 prior to 2014 was \$0. Mr. Lepore asked if the \$30,000 to run and maintain the machine will come from the Deal Endowment Fund, Mayor Cohen stated, no it will be from the fees generated. Mr. Lepore stated that the taxpayers will have to pay if not enough funding is generated. Mr. Lepore asked the Commissioners to consider a beach utility fund.

Rene Grossman, 5 Poplar Avenue, stated to the Board of Commissioners that Deal tries to stay out of the news and she hopes that there is equal treatment. Mrs. Grossman stated that there was too much news with the parking and the fire department. Mayor Cohen stated that the Fire Drivers went to an attorney and stated they were owed overtime. The Borough called in the Department of Labor and paid the fire drivers the overtime required. Mayor Cohen stated that he then looked at the cost of the Fire Drivers and found out they are paid over \$430,000 for one guy to sleep in the firehouse. Mrs. Grossman stated that Roosevelt Avenue on the south side of the Pump Station is a public place and a line should be clearly drawn. Mrs. Grossman asked what the bid deal was about putting up a basketball basket in the Deal Casino, Mayor Cohen stated Commissioner Simhon was working on that.

Dominick Altimari, Tinton Falls, stated that Monmouth Beach has a free beach and Avon has free parking.

Daniel Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that the Van Ness case created the public trust doctrine and was a case from the Borough of Deal. Mr. Cronheim stated that there is a problem with the fraternities renting houses in the Borough, who are violating

the Fire Code. Mr. Cronheim stated that more than 5 tenants requires the house to have a sprinkler system. The Borough would follow up with the Borough's Fire and Building Departments. Mr. Cronheim asked the reasoning for the north entrance to the Casino, Commissioner Ades stated that it was for the convenience for the members in the north aisle of the Casino.

Barbara Coffey, 85 Norwood Avenue, stated to the Board of Commissioners that the DSN is operating an illegal camp. Mr. Coffey stated that she has spoken with the Department of Health and will follow up with them and shut them down. Ms. Coffey asked for a rate card for the rental of the Deal Casino and Conover, it was stated that there is not one. Ms. Coffey stated that CBA should be offered the same rate as was offered the Special Childrens, Mayor Cohen stated that their function was held in the leased area of the DSN, not the Conover as Merri-Makers will be held completely at Conover.

Isadora Chamlin, 5 Poplar Avenue, asked the Board of Commissioners why buy 3 more cabanas. Mrs. Chamlin asked where these three cabanas would be located. Mayor Cohen stated there is a demand for these beach houses, with 2 being placed in the south end and one on the north end. Mrs. Chamlin stated that the gate is unnecessary at the north end and it is too bad for the members they should have to walk through the front entrance.

Mayor Cohen closed the floor for any additional comments.

Commissioner Ades offers the following Resolution:

Resolution 17-75

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 Anticipated 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 Mayor Cohen

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

The Board of Commissioners entered into closed session to discuss an anticipated litigation matter at 8:40 P.M.

The Commissioners returned to open session at 9:53 P.M.

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

May 10, 2017

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 9:53 P.M.

SC _____

MA _____

DS _____

Clerk