

May 24, 2017

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on May 24, 2017 at 10:00 A.M.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon
Also Present: Martin Barger, Borough Attorney, Paul Fernicola, Esq.

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 May 10, 2017 be dispensed with and the same be approved as recorded.

Ordinance 1152 to amend Chapter VI, Beach Regulations 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 June 7, 2017 at 9:00 A.M.

ORDINANCE #1152

AN ORDINANCE AMENDING CHAPTER VI OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"
Beach Regulations

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

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

Section 2. Subsection 6-6 **Public Beach** is amended to read as follows:

6-6.1 Established

For the protection of the general public and for the control of the designated beachfront of the Borough, the Board of Commissioners shall establish a municipal beach. Said facility is to include safeguards and equipment in this borough at the ocean front upon lands owned by the borough fronting on the Atlantic Ocean.

6-6.2 Municipal Beach Delineated.

The beach area lying between the easterly terminus of the street ends known as Marine Place and Neptune Avenue.

6-6.3 Pass / Bracelet Required; Transferability and Loss

a. No person twelve (12) years of age and over shall bathe at or otherwise use or be upon the beaches or areas set forth in subsection 6-6.2 without having first acquired and then having

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in his or her possession a proper and effective season pass, daily bracelet or other insignia to use the beaches, which shall be worn conspicuously by such person during said use, so that it shall be visible at all times and shall be exhibited on demand to the beach inspectors, gate tenders, Police of the Borough of Deal or other duly authorized representative of the Borough.

- b. All season pass, daily bracelet or other insignia issued shall be for the exclusive use of the holder, and shall not be loaned, given, sold or transferred to any other person, and shall be used only by the person to whom originally issued.
- c. Any person losing his season pass, daily bracelet or other insignia shall lose his rights and privileges and shall apply for a new season pass, daily bracelet or other insignia, paying the necessary seasonal or daily fee as the case may be. No replacements shall be issued.
- d. All season pass, daily bracelet or other insignia from the municipal beach shall also be accepted at the W. Stanley Conover Pavilion.

6-6.4 Fees and Charges

In order to provide funds to improve, maintain and police the municipal beach and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged the person using said lands and bathing facilities for access to the beaches and bathing and recreational facilities during the normal bathing season:

- a. Daily admission to the beach:
 - 1. No fee shall be charged of children under the age of twelve (12).
 - 2. Eight Dollars (\$8.00) per day per person on all days with the exception of Saturdays, Sundays and holidays.
 - 3. Ten dollars (\$10.00) per day per person during Saturdays, Sundays, and holidays.
- b. Seasonal admission to the beach:
 - 1. One Hundred Fifty dollars (\$150.00) dollars for a seasonal pass ages 12 and over for admission to the beach for the entire bathing season for one year.

6-6.5 Hours

The respective beaches and other areas established by subsection 6-6.2 shall be open for such periods as the Board of Commissioners shall annually designate by resolution. Unless otherwise designated by resolution of the Board of Commissioners, beach season pass, daily bracelet or other insignia shall be required between the hours of 10:00 a.m. and 6:00 p.m. prevailing time daily. The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations.

6-6.6 Lifeguards

Lifeguards shall be maintained on duty at the protected bathing beaches herein established, between 10:00 a.m. and 6:00 p.m. daily during the beach season, except at such times when bathing or swimming shall be deemed dangerous or hazardous by the lifeguards in charge of the beach, or other official designated by the Mayor and Commissioners. When such dangerous conditions exist, a sign shall be displayed indicating that the beach is closed to bathing or swimming, and no person shall bathe or swim in waters adjacent to the beach, whether protected or not, at any time until the signs are removed. Lifeguards shall have charge and control and supervision of the bathing, swimming and surfing at the respective beaches where they are stationed.

6-6.7 Swimming Areas

No person shall bathe or swim from the beachfront except from the protected bathing beaches where lifeguards are provided by the Borough and only at such times as the lifeguards are on duty. No person shall bathe or swim in the Atlantic Ocean from the Borough of Deal beach at a distance greater than that which the lifeguards in charge shall deem safe.

Section 6-4, Bathing in Unprotected Waters, shall remain in effect for all non-protected beaches.

6-6.8 Rules and Regulations

No person shall do any of the following things at or upon all beaches within the Borough of Deal:

- a. Throw, drop, discard, dump, or leave any wastepaper, garbage, or other refuse, or in any way litter, make unsightly, damage, destroy or disfigure said beach, dune, water, or any public or private property.
- b. Sell, peddle or hawk any food, drink or confections.
- c. Make any loud noise, sound or music to the annoyance of any other person, or use loud, profane or indecent language.
- d. Consume or possess alcoholic beverages, or any glass containers or bottles.
- e. Take or permit his or her dog to be or go upon the beach or in the water at any public bathing beach; except that any dog under the control of a leash may utilize the municipal beach pursuant to Borough Ordinance Section 9-3.
- f. Refuse or neglect to obey the orders and directions of a public lifeguard as to time, place and distance for bathing, or interfere with or obstruct a police officer or lifeguard in the performance of his or her duty.
- g. Operate, drive or park any type of vehicle except emergency vehicles which are authorized by the Borough Administrator, Chief of Police or Superintendent of Beaches to be used for policing and cleaning.

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- h. No person shall start a fire or use any type of portable device used for cooking on the beachfront, except with the written permission of the Board of Commissioners or such other official as they designated.
- i. No person shall disrobe or undress or dress on the beachfront or in the water adjacent thereto, or on a public street, or in a public place, or in a vehicle on a street.
- j. No person shall engage in surfing or fishing in the bathing area during bathing hours.
- k. No hole shall be dug in the beachfront in such a manner as to leave a depression more than twelve (12) inches deep in the surface of the land
- l. No person shall enter into the designated lifeguard area without the permission of the lifeguard in charge and no person shall molest or bother or annoy the lifeguards in the performance of their duties

6-6.9 Borough Control

The Board of Commissioners is hereby authorized and empowered to:

- a. Adopt by resolution, in addition to the rules and regulations herein enumerated, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and other areas and the waters adjacent thereto.
- b. To determine and establish by resolution the period during each year when the paid bathing beaches shall be opened and closed.

6-6.10 Revocation of Season Pass or Daily Bracelet

The Borough reserves the right to revoke any beach privileges granted under this section for any violations of its provisions, or other rules and regulations, and to retake and impound any beach season pass, daily bracelet or other insignia which has been improperly used or obtained. Such revocations shall not preclude the imposition of any other penalties provided for such violation

6-6.11 Violations and Penalties

Any person violating any of the provisions of this section or any of the rules and regulations adopted hereunder shall upon conviction be liable to the penalty established in Chapter 5, Section 9.

Ordinance 1153 to amend Chapter XVI, Signs 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 June 7, 2017 at 9:00 A.M.

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ORDINANCE #1153

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

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

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

Section 2. Subsection 16-1 Definitions is amended to add as follows:

16-1 "Public Access Sign" shall be a posted sign depicting the public access point to, from and along tidal waterways and their shores within the Borough of Deal. Public Access signs shall list the name of the access point as well as any restrictions.

Section 2. Subsection 16-1 **Public Access Signs** is amended to read as follows:

16-9.1 Location

All public access signs shall be installed at the entrance of the designated beach access points as outlined in the Municipal Public Access Plan.

16-9.2 Maintenance

All public access signs shall be maintained by the Borough of Deal Department of Public Works.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 17-76

WHEREAS, it is necessary to have a change fund available for the operation of the Deal Casino and Conover Pavilion during the summer months that the beaches are open.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the Borough Administrator to draw \$1,800.00 total from the general account for the beach clubs to use to make change at the Deal Casino and Conover Pavilion beach clubs, returning this fund after the close of the season in September.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 17-77

WHEREAS, due to the current air conditioning unit for the computer server room becoming non-operational; and

WHEREAS, three quotes were received for the removal and replacement of a new commercial grade low ambient ductless unit; and

WHEREAS, proposals were received ranging in cost from a high of \$6,800.00 from ADL Mechanical, Lincroft, NJ, and a low bid of \$4,036.00 from Oceanside Service Inc., Allenhurst, NJ;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that new computer server air conditioning unit be installed by Oceanside Service Inc. in the amount of \$4,036.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 17-78

WHEREAS, the license application for Deal Food & Liquor Store, Inc. trading as Deal Food & Liquor has applied for a Plenary Retail Liquor License state assigned license number 1310-44-002-004 located at 112 Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$1,036.00; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE BE IT RESOLVED, that the application of Deal Food & Liquor Store, trading as Deal Food & Liquor Sore, state assigned license No. 1310-44-002-004 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 17-79

WHEREAS, The Deal Golf and Country Club has applied for a Club License on the premises south of Roseld Avenue. The State assigned license No. is 1310-31-006-001. The application has forwarded their municipal fee of \$150.00 to the Borough of Deal.

WHEREAS, the officers and directors of the Club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

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WHEREAS, the Club maintains all records required by N.J.A.C. 13:208.8,

NOW THEREFORE BE IT RESOLVED that the application of the Deal Golf and Country Club, state assigned license #1310-31-006-001 located at the south of Roseld Avenue also known as 1 & 2 Golf Lane be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 17-80

WHEREAS, Leila Seltzer, 278 Garfield Avenue, Oakhurst, NJ has made payment for their membership at the W. Stanley Conover Pavilion; and

WHEREAS, a refund is being requested for their locker for the 2017 season due to a death in the family.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a refund of \$199.00 be issued to Leila Seltzer for their membership to the W. Stanley Conover Pavilion.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

A report of the yearly tax appeals with Monmouth County or NJ Tax Boards was received from Peter Barnett, Tax Assessor.

A letter was received from the Monmouth County Improvement Authority advising of their Pooled Capital Equipment Lease and their Pooled Government Loan Program scheduled for December 2017.

A letter was received from Cliffhanger Productions asking for permission to utilize the Conover Beach for a Corporate Family picnic to be held the 2nd week of September. The Board of Commissioners approved the event.

A letter was received from CBRE advising they are conducting a Section 106 Public Outreach in reference to changes they are looking to make to the current Verizon Cell Tower at Poplar Avenue.

A public notice was received from Judith Hart Angelo in reference to a Zoning Board of Adjustment application at her property located at 1 Pleasant Place, Long Branch, NJ to expand an existing second dwelling on the property.

An email was received from Tiffany Willard requesting permission for a beach wedding ceremony. Further information would need to be obtained from Ms. Willard.

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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 \$400,299.39.

Seconded by Commissioner Simhon

Roll Call: Ayes 2; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners about creating a rate card for functions to be held at the Deal Casino and Conover Pavilion. Ms. Coffey also asked about placing solar panels at the Deal Casino and Conover Pavilion. Ms. Coffey stated that the electric can even be sold back to the electric company. Mayor Cohen stated he would consider the solar panels.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that there is no need for a north entrance to the Deal Casino. Mrs. Chamlin stated that all members should walk through the front entrance. Mayor Cohen stated many members in the north end asked for an additional entrance. Commissioner Simhon also stated that there is an existing south entrance.

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

Commissioner Simhon offers the following Resolution:

Resolution 17-81

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 a contractual matter.

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 Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss a contractual matter at 10:11 A.M.

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The Commissioners returned to open session at 10:28 A.M.

It was announced that the next meeting of the Board of Commissioners will be on Wednesday, June 7, 2017 at 9:00 A.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 10:28 A.M.

SC _____

MA _____

DS _____

Clerk