

November 8, 2017

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on November 8, 2017 at 7:30 P.M.

Present: Mayor Cohen, Commissioner Ades & 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 Commissioner Simhon and carried that the reading of the minutes of the previous meeting held on October 3, 2017 be dispensed with and the same be approved as recorded.

Ordinance #1159 was introduced on October 3, 2017 and the public hearing is scheduled for today, November 8, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance 1159, 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. 1159

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AND IMPROVEMENTS TO SANITATION EQUIPMENT, AND APPROPRIATING \$190,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$180,500 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 Simhon moved to adopt Ordinance 1159, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon

Ordinance 1160 to amend Chapter VI, Beach Regulations was introduced by Mayor Cohen, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on December 6, 2017 at 9:00 A.M.

ORDINANCE #1160

**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:

6-6.2 Municipal Beach Delineated.

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

6-6.3 Pass / Bracelet Required; Transferability and Loss

b. All daily bracelets 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. Season Passes may be given or transferred to other persons by the owner.

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 9:00 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 9:00 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.

6-6.8 Rules and Regulations

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

- e. Take or permit his or her dog to be or go upon the beach or in the water at any public bathing beach.
- 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. Homeowners may operate slow moving vehicles within their property lines perpendicular to the Atlantic Ocean.

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

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Ordinance 1161 to amend Chapter X, Vehicles 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 December 6, 2017 at 9:00 A.M.

ORDINANCE 1161

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 10-36 A **Handicap Parking in Municipal Parking Lots and Board of Education Property** is amended to read as follows:

Property

Deal Casino
125 Ocean Avenue
Block 28, Lot 1

Subsection 10-36 A 2(a)4 **Permit Parking** is amended to read as follows:

No person shall park a vehicle at the below described location unless said vehicle shall have a valid permit displayed during the open season. In order to be properly displayed, a parking permit must be hung from the rearview mirror facing forward or should be placed face-up on the dashboard to the left of the steering wheel. Make sure no other paper or garbage is covering up the placard. A parking permit shall only be valid if the bathhouse lessee to whom it has been issued has paid all charges made in connection with the lessee's bathhouse.

Property

Conover Pavilion Parking Lot
125 Ocean Avenue
Block 28, Lot 1

Subsection 10-36 A 3(a)4 **Permit Parking** is amended to read as follows:

No person shall park a vehicle at the below described location unless said vehicle shall have a valid permit displayed during the open season. In order to be properly displayed, a parking permit must be hung from the rearview mirror facing forward or should be placed face-up on the dashboard to the left of the steering wheel. Make sure no other paper or garbage is covering up the placard. A parking permit shall only be valid if the bathhouse lessee to whom it has been issued has paid all charges made in connection with the lessee's bathhouse.

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

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 17-117

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL LIQUOR LICENSES FOR THE 2017 – 2018 LICENSE TERM

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, for the license term 2017-2018 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 17-118

RESOLUTION AUTHORIZING RENEWAL OF CLUB LIQUOR LICENSES FOR THE 2017 – 2018 LICENSE TERM

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

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, for the licensed term 2017-2018 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 17-119

**RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL
CONSUMPTION LIQUOR LICENSES FOR THE 2017 – 2018 LICENSE
TERM**

WHEREAS, Smilen, Inc. has applied for a Plenary Retail Consumption license which the state has assigned license No. 1310-33-008-011 on the premises located at 118 Norwood Avenue including the building at 105 Brighton Ave.; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2000.00; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and governmental ABC laws and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the application of Smilen, Inc. state assigned license #1310-33-007-011, for the license term 2017-2018 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 17-120

**RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL
CONSUMPTION LIQUOR LICENSES FOR THE 2017 – 2018 LICENSE
TERM**

WHEREAS, the license application for The Bar Room, L.L.C. has applied for a Plenary Retail Consumption License state assigned license number 1310-33-004-007 located at 100 ½ 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 \$2000.00; 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 The Bar Room, L.L.C. trading as The Bar Room state assigned license No. 1310-33-004-007, for the license term 2017-2018 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 17-121

WHEREAS, the Borough of Deal is required to provide animal control services to the residents of the Borough; and

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WHEREAS, there is no one qualified neither in the Borough's employment nor is there any way to handle these animals; and

WHEREAS, the Borough of Deal wishes to enter into a shared service agreement with the Monmouth County SPCA per N.J.S.A. 40A:65-1 et seq which authorizes the Borough of Deal to enter into a contract for the provision of certain governmental services; and

WHEREAS, the Borough and Monmouth County SPCA recognize that a sharing of said services would result in a cost savings for the Borough of Deal.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Deal, that the Mayor is hereby authorized by the governing body of the Borough to execute a Shared Service Agreement with the Monmouth County SPCA for the purpose of Animal Control and the Borough Clerk to attest to the Agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following resolution.

Resolution 17-122

WHEREAS, it is the policy of the Borough of Deal to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Board of Commissioners has determined that there is a need to continually review and update the Township's personnel policies and procedures (contained in the Borough Employee Manual) on a regular basis to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

WHEREAS, a recommendation to amend the following policies should be revised to maintain a high standard of employment conduct:

I. Transitional Duty

NOW, THEREBY, BE IT RESOLVED by the Board of Commissioners that the Personnel Policies and Procedures Manual attached hereto is hereby adopted to include any updates.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that

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contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Board of Commissioners.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Personnel Administrator and the Borough Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following resolution.

Resolution 17-123

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

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WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following resolution.

Resolution 17-124

WHEREAS, the Borough has one (1) 500 gallon above ground diesel tank and one (1) 500 waste oil tank that is no longer in need; and

WHEREAS, regulations require the Borough to file for permits to decommission these tanks; and

WHEREAS, proposals were solicited from three vendors to file for permit, clean and dispose of all liquid and remove the tanks; and

WHEREAS, proposals were received ranging in cost from a high of \$2,900 from Aurora Environmental, Union Beach, NJ, and a low bid of \$1,230.00 from Certified Environmental Contractors, LLC, Farmingdale, NJ.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby award the cleaning and removal of two (2) 500 gallon above ground tanks to Certified Environmental Contractors, LLC, Farmingdale, NJ in the amount of \$1,230.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following resolution.

Resolution 17-125

WHEREAS, Fiore Paving Company, Oceanport, NJ has been awarded a contract for the paving and improvements for Phillips Avenue at a cost of \$138,901.02.00; and

WHEREAS, Fiore Paving Company has completed the job and is requested payment in the amount of \$135,046.37; and

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WHEREAS, the Superintendent of Public Works has verified that the work is completed and has justified this payment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the payment of \$135,046.37 be made to Fiore Paving Company for the paving and improvements for Phillips Avenue.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following resolution.

Resolution 17-126

WHEREAS, Merri-Makers Caterers, 97 Sunfield Avenue, Suite C, Edison, NJ has requested the rental of the W. Stanley Conover Pavilion for an event on September 7, 2018 and possibly September 8, 2018; and

WHEREAS, the Board of Commissioners approved the use of the W. Stanley Conover Pavilion at a Commissioners meeting; and

WHEREAS, an agreement has been created outlining the conditions for the use.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Mayor and Borough Administrator are authorized to execute the agreement with Merri-Makers Caterers for the use of the W. Stanley Conover Pavilion.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following resolution.

Resolution 17-127

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of November; 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 November 30, 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 October was received from Chief Ronen Neuman.

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

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

A letter was received from Congressman Frank Pallone announcing the application period for his Youth Advisory Council has begun.

A letter was received from Comcast Cable encouraging franchising authorities and cable companies to reach an agreement on a renewal at any time through an informal process of discussion. Martin Barger, Borough Attorney, has reached out to Comcast.

A resolution was received from the New Jersey General Assembly encouraging homeowners to plant native plants that support bee populations and provide a habitat for all kinds of pollinators.

A resolution was received from the Monmouth County Board of Chosen Freeholders opposing any tax reform proposal eliminating State and Local Tax (SALT) deductions.

A safety package was received from NJ Natural Gas to promote safety during a pipeline emergency.

A notice of public hearing was received from Monmouth County proposing an amendment to the Monmouth County Solid Waste Plan.

A letter was received from the NJ League of Municipalities recommending no dues increase for the calendar year 2018.

A notice of public hearing was received from the Monmouth Joint Insurance Fund proposing the 2018 budget.

A letter was received from the NJ SEM advising that bids were received and an award has been provided for natural gas at a fixed price of \$.45186/therm through November 2019.

A letter was received from advising that bids are being requested for electrical power supply service by December 12, 2017.

An email was received from the National Multiple Sclerosis Society requesting permission for their annual bike tour on May 19 & May 20, 2018. The Board of Commissioners approved the bike tour.

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 17-11 of the Warrant Register in the amount of \$578,873.83.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

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Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners there are trees that have dead limbs that need to be removed and asked why we are planting additional trees. Mayor Cohen stated that we lost an enormous amount of trees over the years and need to replenish. Mrs. Chamlin also stated that the letter that was distributed about leaving lights on inside the house, she requested a light outside the house to be left on. Commissioner Simhon stated that he made an announcement in the Synagogue. Commissioner Ades also stated that the Board cannot make people leave lights on. Mrs. Chamlin asked to please suggest it.

Mary Ann Cronheim, 88 Monmouth Drive, thanked the Board of Commissioners for replacing the curbing on Monmouth Drive. Mrs. Cronheim stated that the asphalt repair was poor. Mayor Cohen asked that Joseph Santorelli, Public Works Superintendent, fix the asphalt.

Barbara Coffey, 85 Norwood Avenue, stated that the propane tank at the Deal Casino looks rusty. Ms. Coffey asked the Board of Commissioners to mark off the public property on Roosevelt Avenue, Ms. Coffey stated that she will plant bulbs. Ms. Coffey asked if the area will be marked, Mayor Cohen stated that he will discuss with Stephen.

Mayor Cohen 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, November 8, 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 8:25 P.M.

SC _____

MA _____

DS _____

Clerk