

September 13, 2017

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on September 13, 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 August 23, 2017 be dispensed with and the same be approved as recorded.

Ordinance #1155 to amend Chapter II, Administrative, was introduced on August 11, 2017 and the public hearing is scheduled for today, September 13, 2017. Mayor Cohen moved to open the meeting to public comment on Ordinance #1155, seconded by Commissioner Ades and approved. The Mayor invited public comment. Daniel Lokerson, President PBA Local #101, stated that he spoken to their attorney about this ordinance and received a letter from Martin Barger, Borough Attorney, that this ordinance does not affect members of the collective bargaining agreement. Mayor Cohen stated that it does not affect any contractual employee and that it only affects non contractual employees and that it will be recorded in the minutes. Martin Barger, Borough Attorney, also stated that this ordinance does not supersede collective bargaining agreements. There were no further comments from the public and the public session was closed by the same vote.

ORDINANCE #1155

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

Commissioner Ades moved to adopt Ordinance 1155, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1156 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 October 4, 2017 at 9:00 A.M.

ORDINANCE No. 1156

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

Chapter 6-1 W. Stanley Conover Pavilion

6-1.4 Rates; Charges; Qualifications for Use.

a. Bathhouse – Season Rate

- | | |
|---------------------------------------|-------|
| 1. Two members of an immediate family | \$650 |
| 2. Senior Citizens (62 and older) | \$600 |

Chapter 6-2 Deal Casino Beach Club

6-2.2, Club Rules and Regulations at the Deal Casino are amended to read as follows:

1. HEAD OF HOUSEHOLD

The Deal Borough property owner, the renter with lease and Certificate of Occupancy, or when space permits, the non-resident who heads a specific family.

2. ADDITIONAL MEMBERS

Any family or friend may be added as additional members. The maximum number of members in each bath house may not exceed 10 persons.

Current bath houses with more than 10 persons may continue with the additional persons only with payment in full by March 1. If payment in full is not received by March 1, no additional persons may be added.

3. APPLICATION AND PAYMENT DEADLINE

A \$500 deposit to hold your bath house due on *December 1*. If deposits are NOT received by this date your bath house will be given away to someone on the waitlist. Payment in full is due by *March 1*.

If payment in full is not received by March 1 a \$250 late fee will be added to your total. If payment in full is not received by April 1 a \$350 late fee will be added to your total and the bath house must be paid for no later than April 15. If your payment is still not received by April 15, the bath house will be given away to the next person on the wait list and all deposits will be forfeited.

THESE DATES WILL BE STRICTLY FOLLOWED AND THERE WILL BE NO EXCEPTIONS MADE.

4. HOURS

The beach club will be open Monday-Thursday from 10:00am until 7:30pm. On Fridays, Saturdays, Sundays and Holidays the beach club will be open from 9:00am-7:30pm.

5. MEMBERSHIP IDENTIFICATION

No one will be permitted entrance in to the Deal Casino Beach Club without being identified as a member or a guest of a member. All Members must have an up to date photo in the computer at all times. Memberships are not transferable.

6. GUESTS

All guest passes must be purchased by a member of the club and can be done so ahead of time online (www.dealbeaches.com) or at the casino office. Each bathhouse is limited to 4 peak pass books for the season. Off-peak passes are unlimited.

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Peak times are Fridays, Saturdays, Sundays and Holidays between the hours of 9am – 4pm. Off-peak times will be Monday – Thursday between the hours of 10am-8pm and Fridays, Saturdays, Sundays and Holidays after 4pm.

Guest passes purchased will not expire and may be used at any time. Upon cancellation of membership, the associated passes will no longer be valid. Absolutely no refunds or rainchecks will be issued for guest passes.

Sale and purchase of guest passes other than from the Borough of Deal is prohibited.

Any member found bringing a guest into the Beach Club without paying the guest fee will be subject to revocation of membership.

7. CHILDREN

Children under the age of 12 must be accompanied by an adult. Members and guest are responsible for the conduct of their children at all times.

8. LOST, DAMAGE OR STOLEN PROPERTY

The Deal Casino assumes no responsibility for damages or loss of property belonging to a guest or member, whether or not the same be entrusted to employees of the Club or checked with the Management.

9. MAINTAIN CLEAR WALKWAYS

Walkways in front of the cabanas and in each aisle must remain clear to allow for safe passage of pedestrians. Do not sit or place furniture in these areas.

10. FURNITURE

Beach Club furniture may not be moved from pool deck, common areas, eating areas, or pool side cabanas. Furniture which is included with cabanas or beachhouses is reserved for that specific unit only. Misplaced furniture will be removed. Reserving or rearranging pool deck furniture is prohibited. If additional furniture is needed, must be provided by the member and approved by beach club management. No Glass Tables will be allowed on beach club property. No refrigerator over 11 cubic feet shall be placed in a deluxe cabana and plugged directly into the receptacle, use of extension cords is prohibited.

11. GLASSWARE AND FOOD

There is no eating anywhere on pool deck. Additionally, no glass of any kind is allowed on pool deck. Absolutely No Exceptions. Food is permitted at designated eating areas and the Beachhouses and Cabanas. The use of cooking appliances is prohibited at the beach club. Appliances with heating elements or high electrical requirement are also prohibited. Examples include, but are not limited to electric grills, toaster ovens, convection ovens, ETC. The use of extension cords is prohibited, one 15 amp power strip with a 2 foot cord is permissible.

12. USE OF BEACHES

Bathers are forbidden to bathe outside the ropes and unprotected areas, or at such times, when in the opinion of the Management or Lifeguards, ocean bathing is unsafe. Operation and use of Jet Skis

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are prohibited on Deal beaches. The use of surf boards on the beaches of the Conover Pavilion and the Deal Casino are prohibited during the hours the clubs are open. Any person using diving apparatus or other equipment whether or not belonging to the Deal Casino, does so at his or her own risk.

13. BOATS AND WATER CRAFT

Use of Hobie Cats and kayaks are permitted in designated areas as per the discretion of management. Registration and storage fees are required.

14. DESIGNATED PLAY AREAS

Ball playing, kite flying, volleyball and other games will be permitted in designated areas.

15. SKATE BOARDS

The use of roller blades, roller skates, skate boards or in-line skates are prohibited on Deal Casino property.

16. POOL CONDUCT

Ball playing, floating objects, swim boards, tubes, etc. are not allowed in either the main or baby pools. *Children using swimmies are permitted if accompanied in the pool by an adult. Children in diapers are not allowed in either pool per the New Jersey Sanitary Code.*

17. BABY STROLLERS

For the safety of all, baby carriages, strollers and play pens are prohibited at pool side deck area.

18. PARKING

The paved lot is permit parking only Fridays, Saturdays, Sundays and Holidays from 9 am to 5pm. All bath houses and cabanas come with one parking permit. Cars without out permits are permitted to park in the grass lot adjacent to the paved lot. The owner of any vehicle not properly displaying a valid Casino parking permit will be subject to prosecution, and the vehicle can/will be ticketed and or towed away at the owner's expense. Vehicles must be parked properly in designated spots.

19. COMMERCIAL ADVERTISING

No parking of member's vehicles containing commercial insignia is permitted in the Parking Area of the Deal Casino. No flyers may be placed on vehicles in the Deal Casino Parking lot or on Casino grounds.

20. ANIMALS

No dogs, pets or other animals are permitted on Deal Casino grounds and beaches during the bathing season, with the exception of service animals.

21. RECYCLE

Recycling is mandatory; PLEASE use proper receptacles. Do not litter – Violators will be prosecuted! Keep your Casino and beach clean.

22. VENDORS

No unauthorized person or persons shall act as a vendor or attempt to sell any articles or goods in or upon the Deal Casino Grounds and

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Beach except legal concessions holding contracts with the Borough of Deal.

23. ALCOHOLIC BEVERAGES

Consumption of alcoholic beverages is not permitted in the pool, on the pool deck and in adjoining walkways.

24. HEALTH AID

One health aid per family may enter the Deal Casino. They must be in a clearly identifiable uniform and must remain in uniform. No bathing suits are to be worn by health aids. Any health aid not in uniform may be added to the bath house for the fee listed or may be admitted with the use of a guest pass.

25. SMOKING

Smoking is prohibited inside the Deal Casino. Smoking will continue to be permitted on the Beach.

26. TRESPASS

Anyone entering the Beach Club unlawfully will be subject to fines per New Jersey Statutes 2c: 18-3 b as well as per Deal ordinance 5-13.

27. GENERAL CODE OF CONDUCT

In addition to the rules, each member and their guests are expected to be respectful to all staff and all fellow members at all times. Therefore any loud and/or offensive language and obscene or inappropriate behavior is forbidden at all times. Only the club management is responsible for instructing as well as disciplining staff. Members and guest shall NOT criticize or denigrate staff in ANY WAY. Members are encouraged to report immediately to any club employee any conditions or actions deemed hazardous to health and safety, complaints by a member regarding staff behavior and performance must only be made to management. To ensure that complaints are received and addressed appropriately, all complaints should be reduced to writing, signed by a member and left with the management.

28. CANCELTION OF MEMBERSHIP

The Board of Commissioners and the management of the club reserve the right without refund of payment to suspend or revoke membership privileges of anyone violating these rules. This includes resident and non-resident members and guests. Revocation of membership may be for one day, one week, an entire year, or for life. Decisions may be appealed at a regular meeting of the Board of Commissioners. Absolutely No Refunds or Rainchecks

29. LOCKER ASSIGNMENTS

The Board of Commissioners may at their discretion, assign or reassign casino locker assignments.

30. ADDITIONAL RULES

The Board of Commissioners or the Management may put into effect, at any time, rules that are considered of benefit to the Beach Club and its patrons.

31. MEMBERSHIP

If and when unsold cabanas and bathhouses are available, membership will be offered on a "first come" basis. Priority will be

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given to residents who have indicated their interest in membership prior to the after each season.

Property owners in the Borough of Deal will be given membership priority in the Deal Casino Beach Club. Membership in the Deal Casino is limited to "Head of Household" and "Additional Family Members" of property owners and families residing or renting in the Borough of Deal. When available space permits, non-residents, following the same rules for "family membership" as Borough residents, will be allowed membership for that year according to a schedule and fees established by the Board of Commissioners.

2018 Membership Fees

(1) SMALL BATHHOUSE	
a. Husband & Wife	\$1,500.00
(3) DELUXE BATHHOUSE w/electricity	
a. Husband & Wife	\$2,000.00
(4) CABANAS SOUTH TERRACE	
a. Husband & Wife	\$3,000.00
(5) CABANAS NORTH POOL	
a. Husband & Wife	\$3,000.00
(6) CABANAS SOUTH POOL	
a. Husband & Wife	\$2,900.00
(7) CABANAS NORTH AISLE A	
a. Husband & Wife	\$2,900.00
(8) BEACH CABANAS	
a. Husband & Wife	\$3,200.00
(9) Non-Resident and Non Borough Employee Fee	\$350.00

SECTION 2

Charges to be reviewed annually and dates adjusted to accommodate the operations calendar. The user charges set by this ordinance shall be reviewed annually and revised periodically by resolution of the Board of Commissioners to reflect actual costs associated with the operation of the Deal Casino and the Conover pavilion.

SECTION 3

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

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:

Ordinance 1157 to amend Chapter XI, Streets and Sidewalks 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 October 4, 2017 at 9:00 A.M.

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ORDINANCE 1157

AN ORDINANCE AMENDING CHAPTER XI OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
Streets and Sidewalks

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

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

Section 2. Subsection 11-1 **Excavation of Streets** is amended to add as follows:

11-1.1 Permit Required.

No street or portion thereof within the Borough shall be opened, excavated or dug up by any person unless an application shall first be made to the Borough Clerk and a permit in writing be issued by the Clerk authorizing such work.

It shall be unlawful for any person, persons or corporation to dig up or excavate or tunnel under any street or avenue, or any portion thereof within the corporate limits of the Borough for the purpose of laying or connecting new pipe or conduit with any water, gas, sewer, electric or other main, or for the construction or reconstruction of any sidewalk, curb or driveway ramp, or for any other purpose whatsoever, without first obtaining a permit. Application for such a permit shall be obtained from the Borough Clerk.

11-1.2 Application for Permit.

Each opening shall require a separate application and permit, and the payment of a fee as stated herein. A series of excavations separated from each other shall not be deemed to be contiguous and shall require a separate application and permit and the payment of fees, as stated herein. Applications shall be clearly and accurately completed.

11-1.3 Nonrefundable Permit Fees.

The following nonrefundable permit fees are established and shall be collected by the Borough Clerk before issuing a permit:

- a. Unless a specific fee is established hereinafter, the permit fee shall be \$400.00.
- b. Discharge of a sump pump drain, roof drain or area drain into the public right-of-way where no connection to the public stormwater connection system is proposed - \$400.00 (paragraph c. below applies if a connection is proposed).
- c. Connecting to the sanitary sewer or stormwater collection system - \$400.00, and where a pavement opening is required, \$25.00 additional for each 100 square feet, or fraction thereof, of area disturbed.

- d. For other excavations or occupancies which disturb improvements, such as utility connections - \$400.00, plus \$25.00 additional for each 100 square feet, or fraction thereof, of area disturbed.
- e. For utility infrastructure installations, repairs, upgrades, or replacements - \$400.00, plus \$0.50 per linear foot of utility main installed, repaired, upgraded, or replaced for the purposes of the fee calculation, lineal footage of directional drilling, micro-tunneling, Jack and Bore, moling or other trenchless installation shall be included.

11-1.4 Refundable Fees.

- a. *Application Review Escrow Fee.* If the nature and extent of the work proposed requires review by the Borough Engineer or will require an unusual level of review by municipal officials or others to be retained by the municipality, the Borough Clerk, upon the advice of such other Borough officials as the Clerk deems necessary, may recommend to the Borough Commissioners that a refundable application review escrow fee be required. The Commissioners may accept, modify or reject the recommendation.
- b. *Inspection Escrow Fee.* If the nature and extent of the work proposed will require constant or regular periodic inspection by Borough staff or by the Borough Engineer or by others to be retained by the Municipality, the Borough Clerk, upon the advice of such other Borough officials as the Clerk deems necessary, may recommend to the Borough Commissioners that a refundable inspection escrow fee be required. The Commissioners may accept, modify or reject the recommendation.
- c. Refundable application review escrow or inspection escrow fees shall be administered in the same manner as similar fees required by the Planning and Development Regulations Code of the Borough of Deal.
- d. *Application Review and Inspection Escrow Fees.* For reimbursing the Borough for direct fees, costs, charges, and expenses shall be billed in the same manner as by the Planning and Development Regulations Code of the Borough of Deal.

11-1.5 Performance Guarantees.

- a. Permits shall not be issued unless a cash repair deposit or satisfactory performance guarantee has been provided by the applicant.
- b. Cash repair deposits shall be:
 - 1. Disturbance area
 - (a) Less than 100 square feet - \$400.00.
 - (b) 100 square feet, but less than 500 square feet - \$1,500.00.
 - (c) 500 square feet or more - \$1,500 + \$2.00/square foot for each square foot in excess of 500.
 - 2. In case of disturbance of other improvements such as drainage, sidewalks, drives or utilities, the Borough Clerk shall determine in each case the amount of cash repair deposit sufficient to allow the Borough to perform all repairs and restorations. The Clerk may request an estimate from the Borough Engineer or other appropriate officials.
- c. If a required cash repair deposit exceeds two thousand five hundred (\$2,500.00) dollars or if the annual aggregate of cash

repair deposits required of a single applicant exceeds ten thousand (\$10,000.00) dollars or if the applicant is a regulated public utility, then the Borough Clerk may accept, in lieu of a cash repair deposit, a performance guarantee in the form of a surety bond or other adequate guarantee acceptable to the Board of Commissioners. If a surety bond is accepted it shall be at least one hundred fifty (150%) percent of the greater of the required cash repair deposit or the estimated cost of restoration.

- d. Fifty (50%) percent of a cash repair deposit shall be released upon completion of all restoration. The balance shall be released one (1) year later if there are no restoration deficiencies. Surety bonds or other non-cash guarantees shall not be released until one (1) year after restoration is complete.

11-1.6 Permittee's Responsibilities.

In addition to conforming with any other applicable Federal, State, county or municipal regulations, permittee shall assume the responsibility described in this section and shall take all actions necessary to properly execute these responsibilities:

- a. Take appropriate measures to assure maintenance of traffic and the safety of those using the streets. Permittee shall review all traffic control measures, restrictions, closures and detours with and obtain the approval of the Deal Police Department. Permittee shall conform to all conditions imposed by the Police Department. Permittee shall, if required by the Borough Clerk, establish an escrow fund to reimburse the extraordinary cost of the Borough for any police services.
- b. Maintain access at all times for fire, first aid, police and other emergency services.
- c. Assure that all measures for protection of the public conform to the Uniform Manual on Traffic Control Devices, the New Jersey Uniform Construction Code and other applicable laws, regulations and standards.
- d. *Protect all Utilities.* Do not interfere with any utilities except as permitted by the utility owner.
- e. Protect all adjoining properties from damage.
- f. Maintain temporary walkways in all sidewalk areas at least four (4) feet wide and adequately protected unless otherwise permitted by the Borough.
- g. Maintain all portions of the stormwater collection system in full operation without obstruction unless otherwise permitted by the Borough.
- h. *Avoid Unnecessary Noise, Dust and Debris.* Take measures to clean the work site daily, lay dust as required and sweep all pavement areas as required or directed by the Borough Clerk, Superintendent of Public Works and/or Borough Engineer.
- i. *Protect all Monuments and Survey Markers.* If any monuments or markers are destroyed or disturbed, cause them to be restored under the supervision of a licensed New Jersey Land Surveyor to the satisfaction of the Borough Engineer.
- j. Do not allow, permit or suffer any unguarded attractive nuisances including, but not limited to, excavations, excavated material, machinery, equipment or materials having the characteristics of an attractive nuisance likely to attract children or others, and presenting a potential hazard to safety or health.

- k. As the work progresses, clean all streets and private properties of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Borough. From time to time as may be ordered by the Borough and, in any event, immediately after completion of the work, the permittee shall clean up and remove all refuse and unused materials of any kind resulting from the work; and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Borough, the work may be done by the Borough pursuant to subsection 11-1.15.

11-1.7 Restrictions.

- a. No permit will be issued by the Borough Clerk to open or excavate a new, reconstructed or repaved street within five (5) years of its construction, reconstruction or repaving.
- b. The Board of Commissioners may authorize a permit prohibited by paragraph a. above if the applicant can clearly demonstrate that the public health or safety requires the proposed work or a significant hardship exists. The Commissioners may impose additional conditions on the permit including extraordinary repair requirements.
- c. If the Borough has given notice of its intent to construct, reconstruct or repave a street to all persons owning property abutting that portion of the street to be repaved and to all public utilities and authorities operating in the Borough by notice in the Borough's official newspaper and by mail to the address of the property owners as shown on the official tax records of the Borough and to the utilities or authorities at their principal places of business advising them of the nature of the proposed work and notifying them that they have fifteen (15) days from the date of mailing to notify the Borough if they intend to open or excavate the street within the next five (5) years, then an additional fee will be paid by any applicant failing to respond to such notice if the Board of Commissioners authorizes a permit pursuant to paragraph b. above. The additional charge shall be on a sliding scale and shall be equal to two (2%) percent of the Borough Engineer's or Borough Employee estimate of the cost of restoration for each unelapsed month or fraction thereof of the five-year restricted period.
- d. No work related to any permit may be performed in violation of the provisions of subsection 5-1.5, of the Code of the Borough of Deal except as may be specifically approved as part of the permit documentation.

11-1.8 Indemnification and Insurance.

- a. *Indemnification.* By applying for and accepting a permit, the permittee indemnifies and saves harmless the Borough of Deal, the Borough Engineer and their officers, officials, employees, agents and servants from and against any loss, injury or damage (including costs of defense) resulting from or related in any way to the work permitted except to the extent that the loss, injury or damage results from the sole negligence of the parties indemnified.
- b. *Insurance.* A permittee, prior to the commencement of excavation or occupancy, shall furnish to the Borough Clerk

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satisfactory certificates of insurance indicating that the permittee has in force and will maintain in force, during the performance of the work and the period of the permit, required worker's compensation, automobile liability and public liability insurance of not less than three hundred thousand (\$300,000.00) dollars for any one (1) person and one million (\$1,000,000.00) dollars for any one (1) accident, and property damage insurance of not less than five hundred thousand (\$500,000.00) dollars, duly issued by an insurance company authorized to do business in this State. The Borough shall be named as an additional insured on the permittee's public liability insurance policy. If the permittee is not performing the work, the Borough Clerk will accept insurance from contractors which meets the requirements of this section, assumes the permittee's contractual liability and names the permittee and Borough as additional insureds. In cases where the character or nature of the proposed excavation work are such as to present an unusual hazard or a higher than normal risk of damage or injury, the Board of Commissioners may require the provision of increased amounts of liability and property damage insurance. Any permits which occasion such increased hazard or liability shall be referred, by the Borough Clerk, for the consideration of the Commissioners prior to the issuance of a permit.

11-1.10 Tunnels.

Tunnels under pavement shall not be permitted except by permission of the Borough Engineer or Borough Official. If permitted, tunnels shall be adequately supported by timbering and backfilling under the direction of the Borough Engineer.

11-1.11 General Restoration Requirements.

- a. All restoration of pavement, drainage facilities, curbs, sidewalks, driveway aprons, accessible curb ramps, and any other street improvement shall, to the extent specifications and details are provided therein, conform to the New Jersey Department of Transportation Standard Specifications and Standard Details for Road and Bridge Construction and to the specific requirements of this section. All pedestrian access routes, within Borough of Deal Right-of-Way, shall be constructed in accordance with the United States Access Board-Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way.
- b. Details and/or specifications for restoration of street improvements not provided in the Standard Specifications and Details will be subject to approval by the Borough Engineer.
- c. All restoration will be subject to review and approval by designated Borough officials. Any dispute which may arise as to the acceptability of restoration will be resolved by decision of the Borough Engineer.
- d. In the case of utility work undertaken by a public or private utility, which work involves placing of new or replacing or repairing existing utility infrastructure, including but not limited to gas lines, water lines, electrical lines, communication and data lines, and sewer lines, where the area to be excavated (including horizontal directional drilling, moling, jack and bore, or tunneling) is greater than 50 linear feet, upon

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completion or within a reasonable amount of time as determined by the Borough Engineer, the permittee shall mill and repave the entire pavement surface from edge to edge or curb to curb for the full length of the excavation, in accordance with the restoration requirements herein. When the limits of restoration include an intersection with pedestrian sidewalks, barrier free accessible curb ramps shall be installed in accordance with the requirements contained herein.

11-1.12 Excavation and Backfilling Requirements.

- a. All trench openings shall be neatly saw cut. Unless specifically allowed, in writing, by a Borough representative for unusual circumstances, no excavation work area shall remain open overnight.
- b. All applications for excavations exceeding six (6) feet in depth or with a proposed depth greater than twice the distance from the limit of the excavation to the right-of-way line shall be accompanied by plans prepared by a New Jersey licensed professional engineer showing how the excavation will be protected from side-wall collapse and damage to adjoining property and structures. All excavation shall be under the supervision of a "competent person" as required by regulation.
- c. All trench openings shall be backfilled with material meeting the requirements of the NJDOT Dense Graded Aggregate (DGA) unless otherwise specifically permitted by the Borough representative. The backfill shall be tamped in twelve (12) inch layers with a mechanical tamper and made thoroughly compact, firm and unyielding as backfilling progresses. The backfill material shall be brought to six (6) inches from the finished surface in roadway areas
- d. All material not suitable for backfill and all excess backfill material shall be removed from the site. The proper disposal of excavated material shall be the sole responsibility of the permittee.
- e. Unless otherwise allowed, all trenches shall be backfilled at the end of each working day with suitable materials from the trench excavation or with granular borrow material. Rocks larger than two (2) inches may not be included in backfill. Backfill material shall be deposited in layers and mechanically compacted to a minimum ninety (90%) percent Modified Proctor Density or as otherwise accepted by a Borough representative. Consolidation will not be acceptable as a method to achieve the soil densities specified.
- f. The backfilling, replacement of sub-base and installation of base course shall be completed within twenty-four (24) hours after completion of work except as otherwise permitted by a Borough representative.

11-1.13 Restoration of the Surface.

- a. Following compaction, the permittee shall install no less than six (6) inches of dense graded aggregate followed by six (6) inches of bituminous stabilized base course to the trench. If the distance from the edge of the excavation work area to the existing curb or roadway edge is less than two (2) feet, the permittee shall be required to excavate to the curb and evenly install six (6) inches of dense graded aggregate followed by six

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- (6) inches of bituminous stabilized base course in the entire area.
- b. Unless otherwise permitted or directed by a Borough representative, the partially restored pavement shall be allowed to settle for no less than 90 days and no more than one hundred eighty (180) days. The permittee shall have the responsibility to monitor and maintain the trench so that a depression does not develop. If at any time during the settlement period, the Borough becomes aware that the trench condition is unacceptable, the permittee shall be notified of the condition requiring repair. Such repair shall be performed by the permittee within twenty-four (24) hours of such notification by the Borough. In the absence of such timely repair, the Borough may proceed pursuant to subsection 11-1.15.
 - c. Following the period of settlement, the permittee shall be required to mill the excavation work area surface as specified in paragraph d. below and install no less than two (2) inches of Hot Mix Asphalt surface course. The permittee shall also be required to provide a tack coat on all existing bituminous concrete surfaces and hot-poured, rubber asphalt joint sealer per Section 908 of New Jersey Department of Transportation Standard Specifications for Roads and Bridges when appropriate.
 - d. All excavations unless otherwise permitted by the Borough shall require milling and restoration of the excavation work area extending from the curb or edge of pavement to the center line of the road or a minimum of one (1) foot beyond the outer edges of the excavation, whichever is greater. Any trenches across the centerline shall require milling and restoration of the excavation work area extending from the curb or edge of pavement to the opposite curb or edge of pavement.
 - e. Excavations along the center line of the street for more than 50 linear feet shall require full-width milling of the street surface.
 - f. The Borough Engineer or Borough representative has the discretion to extend, modify, or revise milling limits to accommodate existing pavement and drainage conditions.
 - g. Unless otherwise permitted by the Borough, all excavation joints shall be repaired using infrared thermal bond seamless bituminous pavement patching.
 - h. The permittee shall be required to replace any facilities, including but not limited to, curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.
 - i. With Borough approval, the limit of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line striping or markers.
 - j. *Maintenance Procedures.* It shall be the duty of the permittee to guarantee and maintain all site restoration for one (1) year after completion. Performance guarantees will be released one (1) year after final pavement restoration is complete and approved by the Borough. Such release shall be subject to the permittee having adequately maintained the restored excavation work area for a period of one (1) year from the date of final completion and approval of the work. The Borough Clerk shall retain fifty (50%) percent of any cash repair deposit and/or the full amount of any non-cash performance guaranty during the one (1) year period.

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If an inspection reveals that any restored excavation area becomes in need of repair within the maintenance period, the Borough shall notify the permittee that he must repair the area within thirty (30) days from the date of notification or sooner if safety or public convenience is involved. If the permittee fails to repair the trench within this time limit, the Borough may utilize the permittee's maintenance guarantee to pay for the cost of the repairs pursuant to subsection 13-2.18.

Upon termination of the maintenance period, any remaining portion of said performance guarantee that has not been expended shall be returned to the permittee without interest.

11-1.14 Temporary Patching.

The permittee may be required to place a temporary surface over openings made in paved traffic lanes if the street must be reopened before the normal completion of work. Except when the permanent replacement paving is to be placed before the opening of the excavation to traffic, the fill above the bottom of the existing pavement shall be tamped into place, properly graded and topped with a minimum of four (4) inches of bituminous patch material which is suitable to maintain the opening in good condition until permanent restoration can be made, but in no case, shall temporary patch be used for more than seven (7) days without the permission of a representative of the Borough.

11-1.15 Borough's Right to Restore Surfaces or Eliminate Violations.

- a. If the permittee shall have failed to restore the surface of any street or any other improvement to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit or shall fail to adhere to other requirements of this section, the Borough shall have the right to do all work necessary to restore all improvements, to eliminate violations and to complete the work. The permittee shall be liable for the actual cost thereof and twenty-five (25%) percent of such cost, in addition, for general overhead and administrative expenses. The Borough shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply, in payment of the amount due it, any funds of the permittee deposited as herein provided; and the Borough shall also enforce its rights under any non-cash guarantee provided. The Borough will normally give the permittee twenty-four (24) hours notice of its intent to act, under the terms of this section, to eliminate violations of this section or to restore the surface, except that, in the case of immediate danger to public health or safety, certified to by the appropriate officials, no such notice must be provided.
- b. It shall be the duty of the permittee to guarantee and maintain all site restoration for one (1) year after completion.

11-1.16 Trenches in Pipe Laying.

Except by special permission from the Superintendent of Public Works or Borough Engineer, no trench shall be excavated more than one hundred fifty (150) feet in advance of pipe laying or left unfilled more than one hundred fifty (150) feet where pipe has

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been laid. The length of the trench that may be opened at any one (1) time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place during that single working day. Except with the written permission of the Superintendent of Public Works or Borough Engineer, no timber bracing, lagging, sheathing or other lumber shall be left in any trench.

11-1.17 Drains and Sump Pump Discharges.

- a. No person will discharge roof drains, area drains, yard drains or sump pump drains into the public right-of-way; connect them to any portion of the stormwater drainage system or discharge them outside of the public right-of-way in a manner to cause concentrated flow into the public right-of-way without obtaining a permit.
- b. A permit to discharge roof drains, area drains and other facilities, which do not convey groundwater and only flow during or immediately after rainfall, into the public right-of-way or to connect them to the municipal storm drainage system will be issued if the Borough Clerk determines that:
 1. No groundwater will be conveyed; and
 2. No hazard to public health or safety will result; and
 3. No damage to any public infrastructure or to any portion of the right-of-way will result; and/or
 4. All disturbed portions of the public infrastructure will be adequately replaced or repaired.
- c. A permit to discharge sump pump drains or other facilities which convey groundwater into the public right-of-way or connect them to the municipal drainage system is subject to the following:
 1. No permit will be issued if:
 - (a) The Board of Commissioners, on the advice of the Borough Clerk or other Borough official(s), finds that the proposed discharge will create significant, unacceptable public safety or public health issues; or
 - (b) The Borough Clerk determines that a reasonable alternative other than discharge into the public right-of-way exists. Reasonable alternatives include modifications of the system to reduce or eliminate the volume of discharge and/or discharging into ponds, water courses or landscaped or natural areas on or adjacent to the property.
 2. The Borough Clerk will only issue a permit subject to use of the following options, when available:
 - (a) Connection to a stormwater drainage system or adequate receiving piping available or to be made available on or adjacent to any portion of the permittee's property; or
 - (b) Connection to a stormwater drainage system or adequate receiving piping available or to be made available not more than one (1) property away from the permittee's property which can be reached within the public right-of-way without crossing a street; or
 - (c) Any other reasonably available alternative.
 3. When issuing a permit to allow discharge into the public right-of-way or a connection to the stormwater drainage system, the Borough Clerk may designate the location of the discharge or connection.

- d. Drains and sump pump discharges in the public right-of-way legally existing on the date of adoption of this section may be continued without a permit and will not constitute violations of this ordinance until:
 - 1. The property owner is notified by the Borough Clerk that a permit must be obtained for the existing discharge; and
 - 2. One (1) year elapses from the date of notice by the Borough Clerk without the applicant obtaining a permit.

11-1.18 Prompt Completion of Work.

The permittee shall prosecute with diligence all excavation work covered by the permit and shall promptly complete such work and restore the street and other improvements as soon as practicable and, in any event, not later than the date specified in the permit.

11-1.19 Urgent Work.

If traffic conditions, the safety or convenience of the public or the public interest require that the work be performed as emergency work, the Borough shall have full power to order, at the time the permit is granted, or at such subsequent time that the need becomes apparent, that a crew of sufficient size and adequate facilities be employed by the permittee for extended periods up to twenty-four (24) hours a day, for the duration of the project so that such excavation and repair work may be completed as soon as possible. In enforcing this provision, the Borough does not assume under any circumstances the responsibility for the health and safety of the permittee's employees, contractors, subcontractors, or other agents acting on behalf of the permittee, the public or other third parties.

11-1.20 Emergency Action.

In the event of an emergency, any person, otherwise subject to this section, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient, unhealthy or obnoxious conditions resulting from the emergency may, without first applying for and obtaining a permit under this section, take any lawful action which requires excavation and/or occupancy of any street. However, such person, or the agent or designee of such person shall apply for an excavation permit not later than the end of the second succeeding business day after any excavation or occupancy takes place and may not proceed with permanent restoration until a permit is obtained.

11-1.21 Persons Exempt.

This section shall not apply to excavation or occupancy by:

- a. The Borough or those acting under the control and direction of the Borough including any person acting pursuant to a specific agreement or contract approved by the Board of Commissioners.
- b. Federal, State or County agencies or those acting under their control and direction.

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11-1.22 Authority to Stop Work.

The Borough, through its Police Department, the Borough Engineer, or agent of the Borough, shall have the authority to stop work at the site if any nuisance or safety hazard exists and is not corrected by the permittee. In order to abate any nuisance or safety hazard, the Borough shall have the authority to remove equipment, vehicles, materials and other property within the street right-of-way, backfill open excavations and perform any other related work necessary to correct a hazardous condition or violation of this chapter. In such event, the applicant shall be responsible to reimburse the Borough for all expenses incurred by it.

SECTION 3. If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

SECTION 4. Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

SECTION 5. This Ordinance shall take effect upon final passage and publication in accordance with Law.

Ordinance 1158 to amend Chapter XIII, Streets and Sidewalks 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 October 4, 2017 at 9:00 A.M.

ORDINANCE 1158

AN ORDINANCE AMENDING CHAPTER XIII OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
Buildings and Housing

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

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

Section 2. Subsection 13-4 **Short Term Rental Property** is added as follows:

13-4.1 Definitions

ADVERTISE OR ADVERTISING - Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of

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establishing occupancies or uses of rental property, for Consideration, which are prohibited by this Ordinance.

CONSIDERATION - Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT - Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Occupants and/or guest(s), for Consideration, for a period of thirty (30) days or less.

HOUSEKEEPING UNIT - Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT - Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER - Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license(including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON - An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY - The use of a Dwelling Unit by an Occupant(s).

13-4.2 Short Term Rental Property Prohibited Uses

A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representatives and other persons(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated Consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or

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occupancy of any Dwelling Unit, as defined herein, for a period of sixty (60) days or less.

- B. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than sixty (60) days.

13-4.3 Permitted Uses

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of sixty (60) days or less by any person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as house guests, is permitted.

13-4.4 Advertising Prohibited

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Ordinance.

13-4.5 Enforcement; Violations and Penalties.

- A. The provisions of this Ordinance shall be enforced by the Building Code Official, Fire Official, Health Department, other Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Board of Commissioners, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.
- B. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Ordinance.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Monmouth County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

SECTION 3. If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

SECTION 4. Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

SECTION 5. This Ordinance shall take effect upon final passage and publication in accordance with Law.

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The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution

Resolution 17-101

WHEREAS, the Borough of Deal has arranged financing for the Deal Casino and Conover Pavilion through the sale of external Bond Anticipation Notes in the amount of \$649,780.00, which are due on September 30, 2017; and

WHEREAS, the Borough of Deal has appropriated a payment of \$649,780.00 plus the interest of \$8,122.25 in the 2017 budget toward the original External BAN's which will be paid on September 30, 2017; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal authorizes the payment of the outstanding External BAN's in the amount of \$649,780.00 in principal and \$8,122.25 in interest as agreed; and

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution

Resolution 17-102

WHEREAS, an opening has occurred for a fire driver within the Deal Fire Department; and

WHEREAS, the Board of Commissioners have decided to fill this position with part-time personnel; and

WHEREAS, the following have been recommended for the position of part-time fire driver within the Deal Fire Department.

John Hansen
Alan Roussell
Steven Hudson
Dean Stoppiello
Russell Williams
Fred Fritz
John Burmeister
Sandra Lynch
Jeffrey Sawasky

NOW THEREFORE BE IT RESOLVED, that the above listed personnel be appointed as part time fire drivers at an hourly rate of \$15.009, paid bi-monthly.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution

Resolution 17-103

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Michael Herzog, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Michael Herzog will be appointed a Laborer effective September 16, 2017 at an annual base salary of \$30,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Michael Herzog is to be assigned his duties by the Superintendent of Public Works consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution

Resolution 17-104

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Benjamin Turetkzin, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Benjamin Turetkzin will be appointed a Laborer effective September 16, 2017 at an annual base salary of \$30,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Benjamin Turetkzin is to be assigned his duties by the Superintendent of Public Works consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution

Resolution 17-105

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2018; and

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

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

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NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Ocean Avenue- Phase III-00174 to the New Jersey Department of Transportation on behalf of the Borough of Deal; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Deal and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen made the following Planning Board Appointments:

Ruby Antebi – Class IV, unexpired term ending 12/31/17
Jack Senior – Alternate I, unexpired term ending 12/31/17
Max Zeevi – Alternate II, unexpired term ending 12/31/18

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

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

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

The June 2017 edition of the Legislative Bulletin was received from the NJ League of Municipalities.

A letter was received from Insurance Services Office advising they will be working on the construction classification for the Borough for building code enforcement.

A resolution was received from the Township of Ocean Sewerage Authority setting the Authorities Connection Fee.

A letter was received from the NJ League of Municipalities about the 2017 NJ Mayor's Legislative Priorities survey.

A letter was received from Jersey Central Power & Light advising of a public hearing for Basic Generation Charges on September 28, 2017.

A letter was received from Jersey Central Power & Light advising of a public hearing for review and approval of costs incurred for environmental remediation of manufactured Gas Plant Sites.

A letter was received from NJ Natural Gas advising of a public hearing for approval of base rate adjustments pursuant to its NJ Rise and Safe II programs.

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A letter was received from the Anti-Defamation League advising of the launch of the Mayor's Compact to Combat Hate, Extremism and Bigotry.

A letter was received from Monmouth Ocean Regional Realtors advising of the hosting of the NJ State Candidate Debate for District 11 on September 19th at the Axelrod Performing Arts, Grant Ave, Ocean Township.

A thank you letter was received from the Deal Fire Department for the generous donation to the 5th Annual Deal Firemen's Ball.

The Board of Public Utilities provided a copy of the Office of Cable Television & Telecommunications "Guide to Franchise Renewal".

The Monmouth County Division of Planning, Office of Community Development provided the HOME Housing Production Program Request of Proposals for FY 2018.

Old Business, Mayor Cohen stated that the State will be paving Norwood Avenue and repairing curb within the near future. Mayor Cohen asked about the paving of Philips Avenue, we are awaiting a time from Fiore. Mayor Cohen asked for priorities on repaving other areas within the Borough, Joseph Santorelli, Superintendent of Public Works is putting together a estimate of paving jobs.

Commissioner Ades asked the status of other flooding areas in the Borough, Commissioner Ades was advised that Peter Avakian, Borough Engineer, has completed the preliminary cost for the Brighton Brook, no preliminary plans have been designed for Poplar Brook.

Mayor Cohen stated that the Borough is going to look into video inspecting the sewer system.

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 17-09 of the Warrant Register in the amount of \$622,595.79.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen requested comments from the floor.

Irwin Levine, 28 Richmond Avenue, asked the Board of Commissioners about the paving on Richmond Avenue, where it appears that the trolley tracks are visible. Mayor Cohen stated that we are working on a cost estimate to repave the roadway. Mr. Levine also stated that in Florida he observed stop signs with led lights around the perimeter. Mayor Cohen stated the Borough does not want them.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that the Deal Casino is falling apart. Mrs. Chamlin stated that the flag poles are violently moving, the propane tank needs painting and there is a lot of broken pavement. Mrs. Chamlin asked about the letter sent out to residents about the residents leaving on lights in the winter time, Commissioner Simhon stated that he spoke at the Synagogue about leaving

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them on. Mrs. Chamlin also asked for the basketball hoop to be hooked up at the Deal Casino.

Mary Ann Cronheim, 88 Monmouth Drive, concurred that the Deal Casino needs to be freshened up, and that Maria, who maintained the bathrooms did a great job. Mrs. Cronheim advised if the outsource of the fire drivers was eliminated. Mrs. Cronheim also stated that other towns are proposing ordinances about banning tents on the beach. Mayor Cohen stated that he would consider a similar ordinance.

Patty Verrochi, 246 Jerome Ave, Ocean Twp., asked the Board of Commissioners about any ordinance to ban vehicles on the beach. Mayor Cohen stated that he is working on an ordinance to introduce.

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, October 4, 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 8:07 P.M.

SC _____

MA _____

DS _____

Clerk