

August 8, 2018

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on August 8, 2018 at 5:00 P.M.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon
Also Present: Paul Fernicola, 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 minutes of the previous meeting held on July 6, 2018 be approved as recorded.

Ordinance 1172 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 September 13, 2018 at 5:00 P.M.

ORDINANCE #1172

**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, Vehicles and Traffic, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 10-14 **Parking Prohibited at All Times on Certain Streets** is amended to read as follows:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Jacob Lane	East	From the Northeast curb line of Lawrence Avenue to a point 200 feet northerly therefrom.
Jacob Lane	West	From the Northwest curb line of Lawrence Avenue to a point 150 feet northerly therefrom.
Brighton Avenue	South	From 128 feet east of the easterly corner of Railroad Avenue to a point 128 feet easterly therefrom
Queen Anne Drive	East	From 190 feet north of the North corner of Tiny Lane to a point 165 feet northerly therefrom.

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

Ordinance 1172 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 September 13, 2018 at 5:00 P.M.

ORDINANCE #1173

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:

6-6.8 Rules and Regulations

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

- 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. Property owners abutting the beach are permitted to operate a motorized vehicle, either gas powered or electric within their property boundaries, except for a motor vehicle.
- m. The taking off and landing of all flying vehicles, whether motorized or without motors, including but not limited to ultralight aircraft, paragliders, parasails, parachute-type mechanisms and other man- or machine-powered apparatus, is prohibited on all property within the Borough. This shall not apply to helicopters which are engaged in emergency medical transportation or which have the permission of the appropriate Borough officials to land on Borough property.

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

Brian Walch, Hackensack Meridian, made a presentation to the Board of Commissioners about the new HOPE Tower located at Jersey Shore Medical Center, Neptune, NJ. This tower will be used as an outpatient facility and the Board was advised on the services to be provided.

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The following resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 18-113

WHEREAS, there exists a need for a professional service to provide real property data collection and verification of all taxable and exempt real property within the Borough of Deal; and

WHEREAS, the Borough has been a part of the Assessment Demonstration Program since January 1, 2014. with a completion date of December 31, 2018; and

WHEREAS, the prior proposal is ending on December 31, 2018 and the Borough is required to obtain new request for proposals for a period to begin January 1, 2019 with a completion date of December 31, 2023; and

WHEREAS, the annual performance of real property data collection and verification services shall cover 20% of all properties annually.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that authorization is given to receive requests for proposals for the Assessment Demonstration Program to begin January 1, 2019 with a completion date of December 31, 2023.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-114

WHEREAS, the NJ Department of Transportation has provided beautification to the center island of Norwood Avenue from Roseld Avenue to Roosevelt Avenue with the planting of trees, flowers and grass; and

WHEREAS, the Borough would like to maintain the growth of the islands with the addition of a sprinkler system; and

WHEREAS, the cost to install a sprinkler system would be above the bid threshold set by State Statute.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that authorization is given to receive bids for the installation of a water sprinkler system in the center island of Norwood Avenue from Roseld Avenue to Roosevelt Avenue.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-115

WHEREAS, the Borough is looking to install a sprinkler system in the center islands of Norwood Avenue from Roseld Avenue to Roosevelt Avenue; and

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WHEREAS, the NJ Department of Transportation is requiring trenchless water pipes between each center island and for the water service across Norwood Avenue; and

WHEREAS, the cost to install the sleeves at each intersection and across Norwood Avenue would be above the bid threshold set by State Statute.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that authorization is given to receive bids for the installation of trenchless sleeves to be utilized for the water sprinkler at each intersection on Norwood Avenue from Roseld Avenue to Roosevelt Avenue including the main water feed across Norwood Avenue.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-116

WHEREAS, the Borough of Deal has a need to acquire the services of an Appraiser for property within the Borough; and

WHEREAS, Realty Appraisal Company, 55 White Road, Suite C, Shrewsbury, NJ has been recommended to be the Appraiser for property located at Block 14 Lot 17 at a cost of \$1,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Realty Appraisal be appointed as the Appraiser for property interests located at Block 14 Lot 17 at a cost of \$1,000.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-117

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to cause an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year; and

WHEREAS, the audit for transition year ending December 31, 2017 was presented to the governing body on July 6, 2018; and

WHEREAS, all government units must prepare and submit a Corrective Action Plan as part of the annual audit process; and

WHEREAS, the Corrective Action Plan shall cover all findings and recommendations, including state, federal, and general or financial statement findings in the audit report; and

WHEREAS, the Chief Financial Officer shall prepare said Corrective Action Plan with the assistance from other officials affected by the audit recommendations; and

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WHEREAS, the Corrective Action Plan must be approved by the governing body of the local unit and is to be submitted to the Division of Local Government Services no later than sixty days from the receipt of the audit report.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Corrective Action Plan for transition year ended December 31, 2017 is hereby approved; and

BE IT FURTHERRESOLVED, that a copy of the Corrective Action Plan will be placed on file in the Office of the Borough Clerk.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-118

WHEREAS, the Borough of Deal has a need for a tandem axle dump truck for the use of the Department of Public Works; and

WHEREAS, Mid-Atlantic Truck Center, Inc., 525 Linden Avenue West, Linden, NJ 07036 has a used 2001 International Model 2574 Tandem Axle Dump Truck with 38,811 miles and is asking \$16,000.00 for this truck; and

WHEREAS, the Superintendent of Public Works and the Borough Mechanic have examined this vehicle and determined that it is well worth the price and meets the needs of the Borough.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal hereby purchase a 2001 International Model 2574 Tandem Axle Dump Truck, from Mid-Atlantic Truck Center for the amount of \$16,000.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-119

RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Deal for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough of Deal for the joint use of any existing utility poles; and

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WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Borough of Deal and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-120

WHEREAS, the Tax Court of New Jersey has ordered a judgment in favor of 11 Morgan Ave LLC owner of 11 Morgan Ave within the Borough of Deal requiring a credit for taxes due for their 2015, 2016 and 2017 tax years.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize that the credits ordered by the Tax Court of New Jersey have been issued in 2018 for the following property owners be approved as issued:

Year: 2015

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Net Change</u>	<u>Taxes</u>
12/1.03	11 Morgan Ave LLC	11 Morgan Ave	-328,700	-2,350.21

Year: 2016

12/1.03	11 Morgan Ave LLC	11 Morgan Ave	-277,000	-1,936.23
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Year: 2017

12/1.03	11 Morgan Ave LLC	11 Morgan Ave	-187,900.	-1,250.59
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Year: 2018

12/1.03	11 Morgan Ave LLC	11 Morgan Ave	-199,100.	-1,381.75
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Year: 2019

12/1.03 11 Morgan Ave LLC 11 Morgan Ave -199,100. -690.88

Total Adjustment -7,609.66

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 18-121

BE IT RESOLVED, that the following persons are hereby appointed for summer positions at the Deal Casino and Conover Pavilion, June 2018 through September 2018 at the hourly salaries set in this resolution unless otherwise noted. Salaries for these positions have been provided for in the Municipal Budget.

2018 Deal Casino Hourly Lifeguards

Tea Damiano	\$8.75
Carlia Caamano	\$8.75
Nicholas Iacobucci	\$13.00

2018 Deal Casino Hourly Staff

Corey Karpe	\$9.00
Alexandra Alfano	\$7.00
Dominique Sheridan	\$7.00
Hannah Zabe	\$7.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 18-122

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of July; 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 August 31, 2018 be approved in the amount not to exceed \$300,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$300,000.00 be paid at this time.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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

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

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

A report on the activities since July 5th of the Deal Lifeguards was received from Mark Spagnuolo.

The Monmouth County Board Taxation provided the General Tax Rate Certification Schedule for 2018.

The Recorder, the official newsletter for the Monmouth County Clerk's Office was received.

A letter was received from the Monmouth County Historical Commission advising of the Historic Preservation Grant Program.

A letter was received from the Monmouth County Planning Board advising they are accepting applications for the Planning Merit Award Program 2018.

A letter was received from the NJ Department of Transportation initiating the Section 106 process for the ADA contract for Norwood Avenue from Roseld Avenue to the Long Branch border.

The legislative bulletin was received for June 2018 from the NJ League of Municipalities.

A letter was received from NJ District 11 representatives advising of their Legislative updates.

A letter was received from the NJ League of Municipalities advising of the NJLM Annual Conference in Atlantic City on November 13-15, 2018.

A letter was received from the NJ League of Municipalities advising of their annual audit statement.

A letter was received from the NJ Department of Transportation advising they are accepting applications for the FY2019 State Aid Program.

A letter was received from the Township of Ocean approving the Board of Adjustment and Planning Board meeting dates for 2018-2019.

Three notices of public hearing were received from NJ Natural Gas for approval of the base rate adjustment, annual review and revision of its basic gas supply service and annual compliance filing for the universal service fund program.

A letter was received from the Borough of Allenhurst authorizing the adoption of the Master Plan Re-Examination Report.

A letter was received from T-Mobile providing notice to renew the agreement for another term, effective September 3, 2018.

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A letter was received from Andrew Chambarry, Chapter Chair, Surfrider Association, thanking the Deal Police Department for assisting with the beach cleaning at Roosevelt Avenue on July 22nd.

A letter was received from the Township of Woodbridge advising of the annual NJ Senior Olympic games on September 7th – 9th.

A letter was received from RunAPalooza, requesting permission for their road race on April 6, 2019. The Board of Commissioners approved the race subject to traffic approval from the Police Department.

A letter was received from The Center in Asbury Park, requesting permission for their bike ride on September 15, 2018. The Board of Commissioners approved the bike ride subject to traffic approval from the Police Department.

A letter was received from Renee Levine, 28 Richmond Avenue, advising of her concern that bicycles need to have lights on them at night. The letter was forwarded to the Police Department.

A raffle application was received from the Deal PBA Local #101 at the Deal Casino on August 25, 2018. The Board of Commissioners approved the raffle.

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 18-07 of the Warrant Register in the amount of \$570,330.24.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen moved to open the floor to public comments, seconded by Commissioner Simhon and approved.

Mary Ann Cronheim, 88 Monmouth Drive, asked the Board of Commissioner if the remainder of Richmond Avenue will be repaved. Mayor Cohen stated that it will be added to the list to be repaved. Mrs. Cronheim also mentioned that residents in Belmar are providing B&B for driveways.

Isadora Chamlin, 5 Poplar Avenue, thanked the Board of Commissioners for cleaning up the residence on Poplar Avenue from the construction. Mrs. Chamlin also stated that Norwood Avenue looks beautiful but some of the intersections she can't see when making a turn. NJ Department of Transportation will be notified.

Joe Coackley, Surfrider Foundation, publicly thanked Chief Neuman for the assistance with the cleanup at the beach. Mr. Coackley stated that he did not have an issue with Ordinance 1173 as long as they remained on private property. Mr. Coackley asked from Resolution 18-116 if it was the intention to sell the property. Mayor Cohen stated he wanted to receive an additional appraisal and that if the property is sold, there will still be access. Mr. Coackley stated that the lands were created with public funds. Paul Fernicola, Borough Attorney, stated that that is not accurate.

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Barbara Coffey, 85 Norwood Avenue, thanked the Board of Commissioners for keeping the Deal Casino opened for an additional week. Ms. Coffey asked for people to stop walking four abreast in the streets. Chief Neuman stated we advise people all the time. Ms. Coffey stated that she sees officers drive past them all the time. Mayor Cohen asked that the police department advise them. Ms. Coffey asked what the process was to use town land. Commissioner Simhon stated the carnival paid \$1,800 for use of the property and cleaned the area completely after their event. Ms. Coffey stated that money is being taken away from taxpayers. Paul Fernicola stated that any future requests for use of municipal property will be outlined in a resolution and if a request comes in after a meeting, an approval will be granted and a resolution adopted at the next meeting. Ms. Coffey asked on the policy of beach homeowners and paying for badges, Paul Fernicola stated he sent a letter to NJDEP for clarification and is awaiting a response. Ms. Coffey asked Commissioner Ades to resign from the Planning Board, Commissioner Ades stated that he will not. Paul Fernicola will reach out to Eric Anderson, Planning Board Attorney, and discuss the ordinance.

Mary Ann Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that the buses are getting out of control. Mrs. Cronheim stated that the buses are waiting several minutes for the kids to walk out. Chief Neuman will speak with the bus companies. Mrs. Cronheim asked who pays for the employees at the DSN, Mayor Cohen stated that no borough employees work at the DSN. Mrs. Cronheim stated that the PBA requested permission for a raffle license, but others are not following the rules, Mayor Cohen stated that the DSN was advised.

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 18-123

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 5:58 P.M.

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The Commissioners returned to open session at 6:27 P.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, September 13, 2018 at 5:00 P.M.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Ades that the meeting be adjourned at 6:27 P.M.

SC _____

MA _____

DS _____

Clerk