

December 12, 2018

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on December 12, 2018 at 9:00 A.M.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon  
Also Present: Paul Fernicola, Borough Attorney & Peter Avakian, Borough Engineer

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 Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on November 9, 2018 be approved as recorded.

Ordinance #1178 to amend Chapter VII, General Licensing, was introduced on November 9, 2018 and the public hearing is scheduled for today, December 12, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1178, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

#### **ORDINANCE #1178**

AN ORDINANCE AMENDING CHAPTER VII OF  
"REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF DEAL, 1982"  
General Licensing

Commissioner Simhon moved to adopt Ordinance 1178, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance #1179 to amend Chapter X, Vehicles and Traffic, was introduced on November 9, 2018 and the public hearing is scheduled for today, December 12, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1179, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

#### **ORDINANCE #1179**

AN ORDINANCE AMENDING CHAPTER X OF  
"REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF DEAL, 1982"  
Vehicles and Traffic

Commissioner Simhon moved to adopt Ordinance 1179, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance #1180 to amend Chapter XXX, Development Regulations, was introduced on November 9, 2018 and the public hearing is scheduled for today, December 12, 2018. Mayor Cohen moved to open the meeting to public comment on Ordinance #1180, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked how everyone will be notified. Commissioner Simhon stated that signs will be posted. There were no additional comments from the public and the public session was closed by the same vote.

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**ORDINANCE NO. 1180**

**AN ORDINANCE AMENDING CHAPTER XXX  
DEVELOPMENT REGULATIONS OF THE BOROUGH OF DEAL  
IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Commissioner Simhon moved to adopt Ordinance 1180, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance #1181 to Vacate a Portion of Neptune Avenue, was introduced on November 9, 2018 and the public hearing is scheduled for today, December 12, 2018.

Mayor Cohen invited Paul Fernicola, Borough Attorney and Peter Avakian, Borough Engineer to present information on the vacation of the property. Mr. Fernicola asked Mr. Avakian described the area that is to be vacated as well as what area will be maintained by the Borough of Deal. Mr. Avakian stated that the land was dedicated from Atlantic Coast in the late 1800's. Mr. Avakian stated that there will be no beach access being closed.

Mayor Cohen moved to open the meeting to public comment on Ordinance #1181, seconded by Commissioner Simhon and approved. The Mayor invited public comment. John Lasota, stated that there will still be access but it is being shrunk to 12'. Mr. Lasota stated you can pull up to the foot of the street and access the beach. Paul Fernicola stated that there is no parking at the foot of the street. Mr. Lasota, stated why sell to the property to the adjacent homeowner, because he doesn't want people there. Mayor Cohen stated it is an eyesore, it will be visually appealing and allow access to the beach. Paul Fernicola stated that this was not a beach access and has never been. Mr. Lasota stated that every public road accessing the beach should be a beach access.

Isadora Chamlin, 5 Poplar Avenue, stated she agreed with the comments made by John, she stated the problem is that you want to sell the property, just put benches there.

Irwin Levine, 29 Richmond Avenue, asked why not add stairs to the beach. Mayor Cohen stated that there are a set of stairs one block north.

MaryAnne Cronheim, 88 Monmouth Drive, asked if there was an existing agreement and when this went out to bid. Paul Fernicola stated that the agreement is prepared but has not been signed and that it was not required to go out to bid.

Barbara Coffey, 85 Norwood Avenue, as what public interest was best served. Paul Fernicola stated that it is an unimproved road that was appraised for \$160,000 and being sold for \$1,000,000. Ms. Coffey asked what community was best being served, Commissioner Simhon stated Deal. Ms. Coffey asked if benches could be placed, Mayor Cohen stated he will look at seeing if benches will be placed there.

Vincent Lepore, Long Branch, asked if the statute could be cited for the sale of property. Paul Fernicola stated that he did not know the exact statute number at this time. Mr. Lepore stated that there was a Howell case for the vacation of municipal street where you would have to look upon outside borders of the municipality to determine public interest. Mr. Lepore also stated that bringing in \$1,000,000 does not supersede the public trust doctrine. Mr. Lepore requested the ordinance be held off. Mr. Lepore also stated that the presentation was not made public.

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Bill Rosenblatt, West Allenhurst, asked in the past 40 years how many streets have been vacated. Commissioner Ades stated maybe one. Mr. Rosenblatt asked what the consequences where of vacating the roadway. Commissioner Ades stated none. Mr. Rosenblatt stated that this limits the realization that you are taking away my access. Paul Fernicola stated that the Borough exceeds the standards for beach accesses.

Isadora Chamlin, 5 Poplar Avenue, stated that it has nothing to do with making money, it is all about making land private.

John Weber, Surfrider Association, stated that the DEP lists Neptune Avenue as an access on their website. Paul Fernicola stated the Borough's Municipal Public Access Plan shows as a visual access point. Mr. Weber stated that the town has vacated about ½ dozen streets since 1980.

Patty Verrechia, Oakhurst, stated that this is limiting the beach access.

Thomas Colan, 3<sup>rd</sup> Ave Bradley Beach, asked how high the shrubbery can be placed, Mayor Cohen stated no higher that 2' north to south. Mr. Colan asked if this could expand his building coverage, Mayor Cohen stated that it can but no construction will be permitted on the vacated portion. Mr. Colan stated that this money should be used to build access points.

John Lasota, stated on the picture we are being limited, the area was deeded to the town to be open.

Patty Verrechia, stated that with the population growing we should increase access points, Mayor Cohen stated that he was very carefull to make sure that the visual access point remained.

David Hochman, stated that he has the ability to scale down the rocks at Neptune Avenue, Paul Fernicola stated there will stils be access thai is currently there. Mr. Hochman stated that he doesn't have to use a parking spot near the stairs.

Joe Coakley, Surfrider Association, asked if the access point will be marked. Mayor Cohen stated if it is required.

MaryAnne Cronheim, stated it is an eyesore, why hasn't the town done anything to repair. Mrs. Cronheim objected to the fact that a presentation was made without the public knowing, there was no public notice. Paul Fernicola stated that this is not a land use ordinance, it was done for public information due to misinformation being disseminated.

Cary Ferrentino, stated that if the town wanted information out, use twitter, it is saying that the town is taking away access. Mayor Cohen stated that we are not taking away access.

David Hochman, stated that he wanted to say something positive about Deal, we have seen how bad it can be and don't want to see this happen here.

There were no other comments from the public and the public session was closed by the same vote.

### **ORDINANCE #1181**

AN ORDINANCE VACATING A PORTION  
OF NEPTUNE AVENUE, IN THE BOROUGH OF DEAL  
PURSUANT TO N.J.S.A. 40:67-1 et seq.

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Commissioner Simhon moved to adopt Ordinance 1181, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

**Resolution 18-148**

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 6, 2019; 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 Simhon offers the following Resolution:

**Resolution 18-149**

WHEREAS, Christina Corrado and Luis Alvarado-Reina, 500 Hathorne Court, Freehold, NJ has requested the rental of the W. Stanley Conover Pavilion for an event on September 7, 2019; 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 Christina Corrado and Luis Alvarado-Reina for the use of the W. Stanley Conover Pavilion on September 7, 2019.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-150**

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A SHARED SERVICE AGREEMENT REGARDING LAW ENFORCEMENT AND MUNICIPAL COURT SERVICES**

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WHEREAS, N.J.S.A. 49:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and

WHEREAS, the Borough of Deal and the Village of Loch Arbour have negotiated to amend the current Shared Service Agreement for police services and municipal court services; and

WHEREAS, the Borough of Deal and the Village of Loch Arbour wish to enter into an agreement whereby the Borough of Deal will provide police services and municipal court services to the Village of Loch Arbour with an effective date commencing January 1, 2019 through December 31, 2030 with contractual provisions renewal options for two subsequent ten (10) year periods; and

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Deal hereby agrees to the attached shared service agreement and all contractual provisions held within.
2. The Mayor and Municipal Clerk are hereby authorized to execute said agreement.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-151**

WHEREAS, the Borough of Deal owns the property located at 111 Poplar Avenue, Block 17 Lot 8, on which the cell tower smoke stack is currently located

WHEREAS, T-Mobile Northeast LLC., has inquired about placing a generator next to the cell tower for their equipment; and

WHEREAS, Our Municipal Attorney has reviewed the proposed amended lease agreement and found to be in order; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the agreement with T-Mobile Northeast LLC for the leasing of space next to the cell tower stack for the installation, operation, and maintenance of a generator equipment be approved.

BE IT FURTHER RESOLVED, the Mayor and Borough Clerk are hereby authorized and directed to execute the attached lease agreement with T-Mobile Northeast LLC.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-152**

WHEREAS, an opening has occurred for a Class III member of the Planning Board due to the expiring of the term.

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NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Commissioner Morris Ades, 74 Almyr Avenue, Deal be appointed to a one (1) year term as a Class III member of the Planning Board pursuant to the Municipal Land Use Law, P.L. 1975 to commence January 1, 2019 and to expire December 31, 2019.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-153**

WHEREAS, Zacharia Bell, was appointed Probationary Patrolman effective January 1, 2018; and

WHEREAS, Officer Bell has completed his respective probationary period to the satisfaction of Chief Ronen Neuman and has graduated from the course of instruction at the Monmouth County Police Academy. It is the recommendation of Chief Neuman that this officer be appointed as a regular Patrolman.

NOW THEREFORE BE IT RESOLVED, that Zacharia Bell be hereby appointed as a Regular Patrolman in the Police Department of the Borough of Deal, New Jersey, effective January 1, 2019 subject to the provisions of the statutes of New Jersey and the Ordinance establishing the police department in the Borough of Deal and the rules and regulations governing the Police Department.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-154**

**Supporting the *Drive Sober or Get Pulled Over*  
*2018 Year End Holiday Crackdown***

WHEREAS, impaired drivers on our nation's roads killed 10,874 people in 2017; and

WHEREAS, 20% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 7, 2018 through January 1, 2019; and

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WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE BE IT RESOLVED that Borough Of Deal declares it's support for the *Drive Sober or Get Pulled Over 2018 Year End Holiday Crackdown* from December 7, 2018 through January 1, 2019 and pledges to increase awareness of the dangers of drinking and driving.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-155**

WHEREAS, the Borough of Deal has arranged financing for a variety of capital improvements within the Borough through Internal Bond Anticipation Notes in the amount of \$1,333,777.02, which are due on December 13, 2018; and

WHEREAS, the Borough of Deal has appropriated a payment of \$1,333,777.02 in the 2018 budget toward the Internal BAN's which will be paid on December 13, 2018; and

WHEREAS, this payment will eliminate all internal BAN's requiring no additional BAN's to be rolled over.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal authorizes the payment of outstanding Internal BAN's in the amount of \$1,333,777.02 as agreed; and

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 18-156**

WHEREAS, the Borough of Deal has to secure a supplier of gasoline and diesel fuel for the vehicles that service the Borough; and

WHEREAS, the New Jersey State Contract has gasoline and diesel fuel available through state contract from Allied Oil Company, 25 Old Camplain Road #2, Hillsborough Township, NJ 08844 for the year 2019 at prices specified in their bid.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal agrees to purchase the fuel required for the year 2019 from Allied Oil Company of Hillsborough Township, New Jersey at the terms and prices specified in their contract under New Jersey State Contract.

BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by Allied Oil Company.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

**Resolution 18-157**

WHEREAS, the Borough of Deal has to secure a supplier of rock salt for snow and ice removal within the Borough; and

WHEREAS, the Borough of Deal as a member of the Monmouth County Cooperative Pricing System can participate in group purchasing for these products; and

WHEREAS, the Monmouth County Department of Purchasing has awarded a bid for rock salt to Chemical Equipment Labs, Walnut Street, Marcus Hook, PA 19061 for the year of 2018 at prices specified in the County Bid Proposal #F-23-2018.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal, as a member of the Monmouth County Cooperative Pricing System, agrees to purchase the rock salt or approved equivalent required for the year 2019 from Chemical Equipment Labs the terms and prices specified in their contract with Monmouth County, #F-23-2018.

BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by Chemical Equipment Labs.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 18-158**

WHEREAS, the Borough of Deal, as a participating member of the State Health Benefits Program, can offer an incentive to a full time employees to waive the health benefits coverage offered by the Borough of Deal, if the employee is eligible for any other health care coverage, and;

WHEREAS, the Borough of Deal can offer an employee who waives coverage 25 percent of the amount saved by the employer or \$5,000, whichever is less. The amount saved by the employer would be the premium due minus the contribution the employee would have made if the employee did not waive coverage.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Borough agrees to provide payment in lieu of benefits to qualified employees in the amount of 25 percent of the cost of the employees appropriate State Health Benefits Program presently enrolled in, minus the contribution the employee would have made if the employee did not waive coverage, or \$5,000.00 whichever is less. Payment to be made upon the completion of the required forms, payable on December 15, 2018.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:



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**Resolution 18-159**

**AUTHORIZING THE BOROUGH OF DEAL TO CANCEL OLD  
OUTSTANDING CHECKS AND RECONCILING ITEMS**

**WHEREAS**, certain checks have been identified in the General Fund, Payroll and Engineering Escrow as outstanding; and

**WHEREAS**, it is a normal financial practice to review the bank accounts for old outstanding items for cancellation with the balances to be returned to the Current Fund Balance; and

**WHEREAS**, it is necessary to formally cancel said checks so that the unnecessary balances may be returned to the Surplus Balance in the Current Fund;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the following old outstanding checks, be cancelled;

<b><u>Current Fund Account</u></b>	<b><u>Outstanding Date (prior to)</u></b>	<b><u>Check #</u></b>	<b><u>Amount</u></b>
Payroll	6/15/17	59565	\$72.00
Payroll	6/15/17	59571	\$35.75
Payroll	6/15/17	59572	\$24.75
Payroll	8/15/17	60167	\$138.84
<b>Total to Cancel</b>			<b>\$271.34</b>

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-160**

**WHEREAS**, Ronen Neuman has been the Chief of Police since September 1, 2013; and

**WHEREAS**, it is the desire of the Borough of Deal and Chief Ronen Neuman that the terms of employment be set forth in writing and be binding on all concerned.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of Deal, Monmouth County allow the Mayor and Borough Administrator to sign the Employment Agreement with Chief Ronen Neuman for a period beginning January 1, 2019 through December 31, 2024.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-161**

**WHEREAS**, the police department is in the need of upgrading their body cameras due to failures with the current equipment; and

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WHEREAS, the police department has researched several different vendors and obtained quotes from 2 vendors; and

WHEREAS, the police department has recommended the purchase of the AXON Body 2 Camera at a cost of \$30,795.00

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County approves the purchase of the Axon Body 2 Camera at a cost of \$30,795.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 18-162**

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

WHEREAS, Broderick Heron, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Broderick Heron be appointed a Laborer effective December 16, 2018 at an annual base salary of \$34,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Broderick Heron 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 18-163**

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

WHEREAS, Brandon Catley, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Brandon Catley be appointed a Laborer effective December 16, 2018 at an annual base salary of \$34,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Brandon Catley 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:

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**Resolution 18-164**

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

WHEREAS, Zachary Lemme, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Zachary Lemme be appointed a Laborer effective December 16, 2018 at an annual base salary of \$34,000, paid bi-monthly.

BE IT FURTHER RESOLVED, that Zachary Lemme 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 18-165**

WHEREAS, there exists a need for a professional service to handle labor matters within the Borough of Deal; and

WHEREAS, Matthew Giacobbe, 169 Ramapo Valley Road Oakland, New Jersey, has been recommended by the Borough Attorney; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for Professional Services without competitive bidding must be publicly advertised; and

WHEREAS, funds have been and/or will be made available in the Annual and Capital Budgets of the Borough of Deal to support this service.

NOW, THEREFORE, BE IT RESOLVED that:

1. The aforementioned appointments are hereby ratified and confirmed.
2. The said contracts were awarded without public bidding as "Professional Services" under the provisions of said Local Public Contract Law.
3. A copy of the Resolution shall be published in The Coaster within 10 days of its passage.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 18-166**

WHEREAS, the Borough has proposed vacating a portion of Neptune Avenue; and

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WHEREAS, the Borough is amenable to creating an Agreement Consideration for the purchase of the vacated property that no longer serves any public purpose; and

WHEREAS, the Agreement Consideration will be executed between the Borough of Deal and ICC Neptune Avenue LLC as outlined in the Agreement Consideration.

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 ICC Neptune Avenue LLC for the consideration in the manner outlined in the agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 18-167**

WHEREAS, the Borough has proposed vacating a portion of Neptune Avenue; and

WHEREAS, the Borough has executed an agreement with ICC Neptune Avenue LLC for the consideration of the vacated portion of Neptune Avenue; and

WHEREAS, the Agreement requires the Borough to execute a Quitclaim Deed to ICC Neptune Avenue LLC.

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 Quitclaim Deed to ICC Neptune Avenue LLC.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 18-168**

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 Borough has received requests for proposals for the annual performance of real property data collection and verification services; and

WHEREAS, two (2) proposals were received ranging in a cost from a high of \$28,560 from Realty Data Systems, and a low bid of \$24,085 from Appraisal Systems Inc.

WHEREAS, the Borough Attorney has reviewed the proposals and found the low bid to be acceptable with stipulations.

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NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, hereby award the annual performance of real property data collection and verification services under the Assessment Demonstration Program to Appraisal Systems Inc., subject to the provision of a certification that no commissioner or employee of the Monmouth County Board of Taxation, no employee of the County of Monmouth, no assessor of a taxing district within Monmouth County and no official or employee of the Municipality shall have an interest whatsoever directly or indirectly, as an officer, stockholder, employee or any other capacity in the Company or its affiliates.

BE IT FURTHER RESOLVED, neither the Company nor any of its or its affiliates' members, employees, officers, or stockholder shall represent any property owner or taxpayer within the Borough filing a tax appeal in the State of new Jersey during the term of the Contract.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-169**

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Robert Tomaino as a Class II Special Police Officer in the Borough of Deal.

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

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Robert Tomaino be and is hereby appointed to take the January 2019 Course at the Monmouth County Police Academy for Class II Special Police Officers.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 18-170**

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of December; 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 December 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.

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Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Proclamation:

**Proclamation**

*A Proclamation Commemorating the Borough of Deal School Choice Week*

WHEREAS all children in Borough of Deal should have access to the highest-quality education possible; and,

WHEREAS Borough of Deal recognizes the important role that an effective education plays in preparing all students in Borough of Deal to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Borough of Deal; and,

WHEREAS Borough of Deal is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS Borough of Deal has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Samuel Cohen do hereby recognize January 20-26, 2019 as **THE BOROUGH OF DEAL SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

Seconded by Mayor Cohen

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen made the following Planning Board / Zoning Board Appointments: Kathleen Jannarone and Richard Fetaya as Class IV Members for 4 years. Max Zevi as a Alternate II member for 2 years.

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

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

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

A letter was received from the NJ Department of Environmental Protection advising of a Compliance Advisory for Beach Maintenance.

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A letter was received from 11<sup>th</sup> District Senator and Assembly advising of their legislative updates.

A notice of public hearing was received from NJ Transit in order to gather information and receive comments concerning programs developed pursuant to the Senior Citizens & Disabled Residents Transportation Assistance Program.

The November 2018 Legislative Bulletin was received from the NJ State League of Municipalities.

A letter was received from Maraliese Beveridge to show her opposition to ordinance 1181.

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

John Lasota, stated to the Board of Commissioners that this limits public access and views and this is not right.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that the whole thing is to purchase a piece of land, it is greed.

Vincent Lepore, 33 Ocean Terrace, Long Branch, stated that he has a concern on how the meetings are run, they should never be run by the Borough Attorney and should be run by the Commissioners. Mr. Lepore also stated that the presentation should be added to the agenda, Mayor Cohen stated that it was added at the last second to clarify misconceptions. Mr. Lepore also stated that he has a problem with Paul Fernicola that he cannot cite the statute for handling Ordinance 1181.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners if the different beach fees for residents and non-residents have been looked at. Paul Fernicola stated that he has not completed it yet. Ms. Coffey asked if a rate card has been created for rentals, Mayor Cohen stated he will work on fixed rates. Ms. Coffey asked that no more beach houses be added without additional parking spots. Ms. Coffey stated there are still Air Bnb's. Ms. Coffey asked if additional cabanas are being installed, Mayor Cohen stated he was working on a more luxurious cabanas. Ms. Coffey asked if we had a dune and beach maintenance plan with the NJ DEP, Paul Fernicola stated that we do and will comply. Ms. Coffey asked if we enforce beach badges for Roseld Avenue. Mayor Cohen stated that a letter was sent to NJ DEP for clarification and the Borough has not received a response.

Irwin Levine, 28 Richmond Avenue, stated to the Board of Commissioners that there is flooding in the area as he walks around.

Isadora Chamlin, stated that there needs to be white lines painted at the Deal Casino parking lot with wood blocks placed back there. Mrs. Chamlin also mentioned that it is difficult to pull on to Norwood Avenue, she stated the shrubs needed to be pulled.

John Lasota, asked the Board of Commissioners what was going on with Roosevelt Avenue. How much property is owned by property owners on the beach. Atv's during the summer where riding next to people on the beach and the 2 hour parking west of Ocean Avenue. Mayor Cohen stated that no parking has been changed.

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

December 12, 2018

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 18-12 of the Warrant Register in the amount of \$518,552.41.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, January 9, 2019 at 9:00 A.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 10:34 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

\_\_\_\_\_  
Clerk