

June 3, 2020

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on June 3, 2020 at 9:00 A.M. This meeting was conducted via Teleconference only due Federal and State Executive Orders not allowing gatherings of more than 10 people from the COVID-19 pandemic.

Mayor Cohen lead the salute to the flag.

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.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon
Also Present: Rob Moore, Borough Attorney

It was moved by Commissioner Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on May 6, 2020 and May 19, 2020 be approved as recorded.

Ordinance 1220 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 July 1, 2020 at 9:00 A.M.

ORDINANCE 1220

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 11-4 Trees is added as follows:

11-4.1 Purpose.

It is the intent of this chapter to promote the general welfare of the people of the Borough by providing for the protection, regulation and planting and cutting of trees in such a way as to protect and preserve the environment by conserving to the maximum extent possible the tree life in the Borough.

11-4.2 Trees on Public Right of Way.

Where a person desires to control the growth of trees on a public highway, street or road or right-of-way by removing them or pruning the trees, then the person shall apply for approval to the Borough Administrator and shall outline the work to be performed. If the applicant fails to comply with the order of the Borough Administrator, the applicant shall be subject to the penalties as hereinafter provided.

June 3, 2020

11-4.3 Violations; Penalties.

Each tree cut, damaged or destroyed in violation of this chapter shall be deemed to be a separate and distinct violation. Any person convicted of violating any of the provisions of this chapter shall be liable to the penalty stated in Chapter 5, Section 9.1

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 1218 to amend Chapter XXX Development Regulation was introduced on April 1, 2020 and the public hearing is scheduled for today, June 3, 2020. Mayor Cohen moved to open the meeting to public comment on Ordinance #1218, 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 NO. 1218

**AN ORDINANCE AMENDING CHAPTER X OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"
Development Regulations**

Commissioner Simhon moved to adopt Ordinance 1218, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1219 to rescind Capital Ordinance 1213 was introduced on May 6 2020 and the public hearing is scheduled for today, June 3, 2020. Mayor Cohen moved to open the meeting to public comment on Ordinance #1219, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked if this Ordinance will be in effect for next year. Ms. Coffey was advised that this ordinance is rescinded, it no longer exists and if the Board of Commissioners were to issue a Capital Ordinance for next year, they would need to introduce a new ordinance. There were no further comments from the public and the public session was closed by the same vote.

ORDINANCE NO. 1219

**AN ORDINANCE TO RESCIND CAPITAL ORDINANCE 1213
OF THE BOROUGH OF DEAL IN THE
COUNTY OF MONMOUTH, NEW JERSEY**

Commissioner Ades moved to adopt Ordinance 1219, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

June 3, 2020

Resolution 20-96

WHEREAS, Fernandes Construction, Inc., Monroe, NJ has been awarded a contract for the FY 2019 Road Improvements at a cost of \$472,587.32; and

WHEREAS, Fernandes Construction Inc. has requested payment #1 in the amount of \$225,435.98; and

WHEREAS, the Borough Engineer has verified that the work to date has justified this payment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the payment #1 of \$225,435.98 be made to Fernandes Construction Inc. for the FY 2019 Road Improvements.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-97

WHEREAS, the United States of America, the State of New Jersey, Monmouth County and the Municipality have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

WHEREAS, Monmouth County has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse Monmouth County due to economic damage caused to them by the Coronavirus; and

WHEREAS, as the recipient of the "Stimulus Funds" it will be the responsibility of Monmouth County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments; and

NOW, THEREFORE, it is stipulated and agreed as follows:

1. The Borough of Deal approves the Municipal Coronavirus Relief Fund Program Reimbursement Agreement; and
2. That the Mayor and Borough Administrator are authorized to sign the grant agreement with Monmouth County.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-98

WHEREAS, several requests have been made for refunds for 2020 membership to the Deal Casino and Conover Pavilion; and

June 3, 2020

WHEREAS, these refunds are being requested due to the COVID-19 pandemic over the concern for their health and safety, removing of an additional member or overpayment.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for their membership to the Deal Casino or Conover Pavilion:

Deal Casino

1. MaryKay Vehling, Wayside, NJ	\$2,875.00
2. Kate Peck, Little Silver, NJ	\$1,175.00
3. Michael Stima, Bridgewater, NJ	\$375.00
4. Bob Singer, Wayside, NJ	\$375.00
5. Nicole Oakley, West Long Branch, NJ	\$500.00
6. Charles Sutton, Brooklyn, NY	\$1,600.00
7. Annette Gough, Long Branch, NJ	\$500.00
8. Cyrisse Haddad, Brooklyn, NY	\$385.00
9. Susan Finkelstein, Oakhurst, NJ	\$375.00
10. Jack Zarif, Brooklyn, NY	\$175.00
11. John Luthin, Wanamassa, NJ	\$1,950.00

Conover Pavilion

1. Lucille Levy, Farmingdale, NJ	\$650.00
2. Marilyn Grad, Lake Worth, FL	\$650.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-99

WHEREAS, 136 Brighton Avenue Developers LLC, 136 Brighton Avenue, Block 31 Lot 7 has made an overpayment in taxes in the amount of \$3,969.68; and

WHEREAS, this overpayment has been requested to be refunded to 136 Brighton Avenue Developers LLC.

NOW, THEREFORE, BE RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorize the refund of the Tax overpayment for Block 31 Lot 7 in the amount of \$3,969.68 made payable to 136 Brighton Avenue Developers LLC.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-100

WHEREAS, the Borough of Deal approved the purchase of 3 fixed Automatic License Plate Readers as outline in Resolution 20-54; and

WHEREAS, it has been determined that extra equipment would be needed to enhance the operation and locations of the readers; and

June 3, 2020

WHEREAS, this additional consists of three (3) cameras and accessories to be installed at a cost of \$17,850.00

NOW, THEREFORE, BE RESOLVED, by the Board of Commissioners of the Borough of Deal hereby authorize the additional purchase of equipment from Selex ES, Inc in the amount of \$17,850.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-101

WHEREAS, the Borough of Deal currently has an Ordinance, 30-11, construction moratorium which commences on June 24th; and

WHEREAS, due to the pandemic and restriction on construction within the Borough of Deal, the Board of Commissioners are amenable to extending the moratorium; and

WHEREAS, after careful consideration for the quality of life and the need for additional work days the moratorium will be extended until July 24th only from Monday through Friday 8 am – 6pm.

NOW, THEREFORE, BE RESOLVED, by the Board of Commissioners of the Borough that the construction moratorium is extended until July 24th on Monday through Friday from 8am – 6pm.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-102

WHEREAS, the Borough of Deal has opened the beaches for the 2020 season under regulations outlined in the Governor's Executive Orders; and

WHEREAS, the Borough is in need of a UTV to utilize for monitoring the beach for social distancing and transporting personnel to different stations on the beach front; and

WHEREAS, it has been determined that the Polaris XP 1000 would be the best option for these tasks; and

WHEREAS, the Borough has obtained a cost for this unit at \$18,350.95 from Ledgewood Powersports Inc., 1368 US-46, Roxbury Township, NJ 07852.

NOW, THEREFORE, BE RESOLVED, by the Board of Commissioners of the Borough that the Polaris XP 1000 be purchased from Ledgewood Powersports Inc., Roxbury Township, NJ at a cost of \$18,350.95.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

June 3, 2020

Commissioner Simhon offers the following Resolution:

Resolution 20-103

WHEREAS, Fiore Paving Company, Inc., Oceanport, NJ has been awarded a contract for the FY 2020 Road Improvements at a cost of \$436,309.60; and

WHEREAS, Fiore Paving Company Inc. has requested payment #1 in the amount of \$391,098.65; and

WHEREAS, the DPW Superintendent has verified that the work to date has justified this payment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the payment #1 of \$391,098.65 be made to Fiore Paving Company Inc. for the FY 2020 Road Improvements.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-104

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of June; 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 June 30, 2020 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

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

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

A report of the disbursement checks for the Municipal Court for the month of May was received from Krystal Reiner.

An email was received from Sarah Rosenfeld, Barkai Yeshiva, requesting permission to use the Deal Casino Parking Lot on June 15th at 6 pm to hold their graduation ceremony due to the COVID pandemic. The Board of Commissioners approved the use of the parking lot.

June 3, 2020

An application to amend the raffle license was received from Meridian Health Foundation to amend the time of the raffle at the Deal Golf and Country Club on July 10, 2020. The amended application was approved by the Board of Commissioners.

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 20-06 of the Warrant Register in the amount of \$1,180,368.65.

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.

MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners if the rental of the Deal Casino Parking Lot will be charged a fee. Mayor Cohen stated that they will be charged a fee for the parking lot and the cost of the attendant for the bathrooms. Mrs. Cronheim stated that the bathrooms would need to be cleaned and disinfected. Mrs. Cronheim stated that the opening of the beach club went very well but there were 5 employees gathered together with no mask on and were not social distancing. Mrs. Cronheim stated that the south gate attendant would only ask for a locker number and did not ask for a name. Mrs. Cronheim was explained how the software program works for entry into the Deal Casino.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners where the rate card was located and where it was online. Ms. Coffey was advised the rate card was not online.

Lisa Sockol, Sun Yoga, explained to the Board of Commissioners their business and how they utilized the Casino South public access last year to host their yoga classes on the beach prior to the beach club opening and after the beach club closes. Mrs. Sockol asked permission of the Board of Commissioners to hold their yoga classes on the beach again. Mayor Cohen stated that the Commissioners are looking into creating an ordinance to regulate the activities on the beach due to the increase in demand.

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, which will be on Wednesday, July 1, 2020 at 9:00 A.M.

There being no further business or comments, it was moved by Commissioner Simhon and seconded by Commissioner Ades that the meeting be adjourned at 9:36 A.M.

SC _____

MA _____

DS _____

Clerk