

July 1, 2020

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on July 1, 2020 at 9:00 A.M. This meeting was conducted via Teleconference only due to 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: Paul Fernicola, Borough Attorney

It was moved by Commissioner Ades, seconded by Commissioner Simhon and carried that the minutes of the previous meeting held on June 3, 2020 be approved as recorded.

Ordinance 1220 to amend Chapter XI Streets and Sidewalks was introduced on June 3, 2020 and the public hearing is scheduled for today, July 1, 2020. Mayor Cohen moved to open the meeting to public comment on Ordinance #1220, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, stated that there were a number of trees that appeared to be dead. Mayor Cohen stated that they will be replaced. Jack Kassin, thank the administration for beautifying the town. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE 1220

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

Commissioner Simhon moved to adopt Ordinance 1220, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1221 to rescind Ordinance 1209 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 August 5, 2020 at 9:00 A.M.

ORDINANCE NO. 1221

AN ORDINANCE TO RESCIND ORDINANCE 1209
OF THE BOROUGH OF DEAL IN THE
COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Board of Commissioners adopted Ordinance No. 1209 amending Chapter X Vehicles and Traffic adding to the parking prohibited at all times on certain streets; and

WHEREAS, Ordinance No. 1209 was introduced on March 4, 2020 with a public hearing and adopted on April 1, 2020; and

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WHEREAS, the Board of Commissioners desires to rescind said Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Ordinance No. 1209 is hereby rescinded.

Section 2. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 3. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 20-105

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local

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Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Board of Commissioners of the Borough of Deal, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-106

AUTHORIZING THE FINANCE OFFICER TO CANCEL GRANT APPROPRIATION RESERVES AGAINST GRANTS RECEIVABLE, SURPLUS AND SUCH OTHER ACCOUNTS AS APPROPRIATE

WHEREAS, the Chief Finance Officer has informed the Borough Committee of the need to cancel grant appropriations prior to year-end, and

WHEREAS, the following grants are complete and the appropriation balances no longer needed to be maintained on the books and records of the Borough of Deal, and,

WHEREAS, the Chief Finance Officer recommends that the following adjustments to the books and records of the Borough be made.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Deal, that the adjustments, appearing below, being a permanent part hereto, are hereby made.

2020
CANCELING GRANTS

| <u>NAME OF GRANT</u> | <u>APPROPRIATION</u> | <u>CANCEL TO OPERATIONS</u> |
|----------------------|----------------------|-----------------------------|
| Secure our Schools | 399.07 | 399.07 |
| Post Sandy | 1,065.60 | 1,065.60 |
| Click it or Ticket | .20 | .20 |
| TOTAL | 1,464.87 | 1,464.87 |

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-107

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR RECREATION ACTIVITIES

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WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Deal, County of Monmouth, New Jersey as follows:

1. The Board of Commissioners does hereby request permission of the Director or the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:4-39, as amended by P.L. 1999, c.292, for the exclusive purpose to use payment of police donations to assist in the marshaling of public and private monies dedicated to police projects and programs.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-108

BE IT RESOLVED, that the following persons are hereby appointed for summer positions at the Deal Casino and Conover Pavilion, May 2020 through September 2020 at the hourly salaries set in this resolution unless otherwise noted. Salaries for these positions have been provided for in the Municipal Budget.

2020 Casino Staff hourly salaries

| | |
|-----------------|---------|
| Annalisa Simons | \$18.00 |
| Taylor Sniffen | \$18.00 |

2020 Lifeguard Staff hourly salaries

| | |
|----------------------|---------|
| Elizabeth Welsh | \$13.25 |
| Olivia Starace | \$9.50 |
| Maggie Halsey | \$9.50 |
| Erin Rogers | \$9.50 |
| Mary Catharine Clark | \$9.50 |

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 20-109

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

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 | \$550.00 |
| 2. Shirley Ades, Brooklyn, NY | \$500.00 |
| 3. David Blumetti, Allenhurst, NJ | \$1,150.00 |
| 4. Thomas Pagano, Interlaken, NJ | \$750.00 |
| 5. Jeffrey Steinman, New York, NY | \$175.00 |

Conover Pavilion

- | | |
|---------------------------------|----------|
| 1. Rosy Shamah, Long Branch, NJ | \$100.00 |
| 2. Selma Cohen, Deal, NJ | \$150.00 |

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-110

**Approval of Change Order #1 for Improvements to
FY 2019 Road Improvements**

WHEREAS, the Borough of Deal awarded a contract for improvements to FY2019 Road Improvement to Fernandes Construction, Inc., 25 Stonegate Drive, Monroe, NJ at a cost of \$472,587.32; and

WHEREAS, the Borough Engineer recommended the following change to improvements to the FY2019 Road Improvements:

- | | | |
|------------------------------------|-----|-------------------|
| 1. Replace Manhole Frame and Cover | Add | \$3,200.00 |
| Total (ADD) | | \$3,200.00 |

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Improvements to FY2019 Road Improvement as specified by the Borough Engineer changing the contract amount to \$475,787.32.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 20-111

WHEREAS, Fernandes Construction, Inc., Monroe, NJ has been awarded a contract for the FY2019 Road Improvement at a cost of \$475,787.32; and

WHEREAS, Fernandes Construction Inc. has requested payment #2 in the amount of \$192,437.59; 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 #2 of \$192,437.59 be made to Fernandes Construction Inc. for the FY2019 Road Improvement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-112

WHEREAS, Burke Contracting, LLC, Ocean, NJ has been awarded a contract for the Roseld Avenue Storm Drain at a cost of \$490,000.00; and

WHEREAS, Burke Contracting has requested final payment in the amount of \$497,550.00; and

WHEREAS, North American Pipeline Services was needed to clean the existing pipe during construction at a cost of \$7,550.00;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the final payment of \$497,550.00 be made to Burke Contracting LLC for the Roseld Avenue Storm Drain Repair.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-113

WHEREAS, the Deal Casino offers Jr. Lifeguard training and swimming lessons under the Recreational Programs; and

WHEREAS, the new online software utilized to register the participants did not provide the proper discount and requires refunds.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for the overpayment of the recreational program at the Deal Casino:

Jr. Guard

1. Henriette Jemal, Deal, NJ

\$50.00

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2. Paula Sakelaris, Tinton Falls, NJ \$100.00

Swim Lessons

- 1. Angela Faasen, Neptune, NJ \$25.00
- 2. Christine Mayersohn, Lincroft, NJ \$25.00
- 3. Nicholas Tranch, Shrewsbury, NJ \$75.00
- 4. Sally Bachmann, Belford, NJ \$25.00
- 5. Elizabeth Braha, Deal, NJ \$50.00
- 6. Aaron Green, Ocean, NJ \$25.00
- 7. Emily Knight, Oceanport, NJ \$25 .00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 20-114

RESOLUTION APPOINTING ERICK AGUIAR AS MUNICIPAL TAX ASSESSOR OF THE BOROUGH OF DEAL

WHEREAS, due to the retirement of Peter Barnett, who has served as the Borough’s Tax Assessor for 20 years, the Borough of Deal seeks to appoint a Municipal Tax Assessor; and

WHEREAS, the Borough desires to appoint Erick Aguiar as Municipal Tax Assessor for the Borough of Deal; and

WHEREAS, Erick Aguiar is a certified Tax Assessor and has satisfied the continuing education requirements for said certification; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal tax assessor shall hold his office for a term of four years from the first day of July next following his appointment and vacancies other than due to expiration of term shall be filled by appointment for the unexpired term.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, that it hereby appoints Erick Aguiar as Municipal Tax Assessor of the Borough of Deal for the period of July 15, 2020 and June 30, 2021; and

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, that it hereby appoints Erick Aguiar as Municipal Tax Assessor of the Borough of Deal for a first four-year term from July 1, 2021 to June 30, 2025; and

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, Erick Aguiar shall be paid a salary of \$37,500 per year as Municipal Tax Assessor for the Borough of Deal.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Matthew Clark, Monmouth County Board of Taxation, Martin Barger, Borough Attorney and Erick Aguiar.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 20-115

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 July 31, 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

Commissioner Simhon offers the following Resolution:

Resolution 20-116

WHEREAS, multiple companies have conducted yoga classes on the beach; and

WHEREAS, the Board of Commissioners have agreed to authorize to receive bids for yoga classes on the municipal beach.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bids be received on July 30, 2020 for the operation of yoga classes on the municipal beach.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 20-117

WHEREAS, multiple companies have conducted surf camps on the beach; and

WHEREAS, the Board of Commissioners have agreed to authorize to receive bids for surf camps on the municipal beach.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bids be received on July 30, 2020 for the operation of surf camps on the municipal beach.

Seconded by Commissioner Ades

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 June was received from Chief Ronen Neuman.

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

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

An letter was received from Jersey Central Power & Light advising of a notice of public hearing proposing establishment of a new rate component of its Rider RRC to recover costs incurred pursuant to NJ's TREC Program.

A notice of public hearing was received from NJ Transit for its intent to appl for Federal FY2020 federal financial assistance.

A letter was received from Monmouth Medical Center providing their Spring 2020 edition of the RWJ Barnabas Health Policy & Government Affairs Journal.

A letter was received from the Monmouth County Clerk providing the 2020 Election Dates brochure.

An email was received from Abe Douek, The Safe Foundation, requesting permission for a 5k race on August 16th. The Board of Commissioner approved the race subject to a Police Traffic review.

An email was received from Jack Terzi, requesting permission for a block party on Neptune Avenue between Norwood and Richmond Avenue on July 19th. The Board of Commissioners approved the event subject to the traffic safety review.

Commissioner Ades brough up under new business about a problem with the plantings on Norwood Avenue. Commissioner Ades was advised Public Works was working on clearing the intersections. Commissioner Ades asked if the drainage project has been completed, he was advised that it was completed. Commissioner Ades asked about bypassing Poplar Brook. Mayor Cohen stated we need to find a way to alleviate the flooding. It was determined to have Peter Avakian, Borough Engineer to attend the next meeting to discuss.

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 20-07 of the Warrant Register in the amount of \$3,473,403.19.

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.

Jack Kassin, stated to the Board of Commissioners that traffic has tremendously increased on Ocean Avenue and two traffic lights should be added, one being at Lawrence Avenue. Mr. Kassin stated that he recently attended the Police meeting and expressed his thanks to the police during these trying times.

John Lasota, Tinton Falls, asked about the surf camps operating and the legalities and stated there are zero regard for Covid. Mr. Lasota stated that

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these camps are going to well known surf spots and it is becoming dangerous. Mr. Lasota stated that the camps should be run near the beach clubs due to the amenities. Mayor Cohen stated that Borough is looking into the camps. Paul Fernicola, Borough Attorney, stated the camps need to be registered with the NJ Department of Health.

Peggy Nitka, Woodford Road, stated that she was very disturbed with the construction moratorium extension. Mrs. Nitka stated that the construction should not have been extended for the homes that are not going to be completed for the summer. Mayor Cohen stated that he had made a mistake and the extension should not have been given. Mrs. Nitka stated that many of the roads are being repaved and all the construction on Woodford Road has caused standing water. Mayor Cohen stated we will look into it. Mrs. Nitka also stated that the trains this year seemed to be very loud blowing their horns. Commissioner Simhon stated that have to for safety. Paul Fernicola stated that she should contact NJ Transit.

MaryAnne Cronheim, 88 Monmouth Drive, stated that she was concerned with the traffic and that there are no crosswalks. Mrs. Cronheim was advised the PD will study the crosswalks. Mrs. Cronheim asked if the railroad tracks were open on Roseld Avenue, she was advised the construction has completed and the roadway is open. Mrs. Cronheim stated that she disagreed with the extension of the construction moratorium. Mayor Cohen stated that there was nothing that could be done at this time. Mrs. Cronheim stated that she disagreed with the changes to the agenda. Mrs. Cronheim was advised that changes could be made up to the meeting.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners if the COVID banner could be updated on the webpage. Ms. Coffey stated that there was a ton of double parking on Norwood Avenue. Ms. Coffey stated that she was walking and a young black man was looking for directions and no one would help him. Ms. Coffey asked the Board of Commissioners what they were going to do about it. Paul Fernicola, Borough Attorney stated that Commissioners do not control the residence and also stated that it is reprehensible.

Isadora Chamlin, 5 Poplar Avenue, asked about the noise ordinance, she stated last Sunday she could not hear anything because of the noise, and the decibel needs to be lowered. Commissioner Simhon asked Mrs. Chamlin if she contacted the police, she stated she called 6 times. Mrs. Chamlin also stated that she could not make a left turn on Norwood Avenue due to the center islands.

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, August 5, 2020 at 9:00 A.M.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Simhon that the meeting be adjourned at 10:04 A.M.

SC _____

MA _____

DS _____

Clerk