

December 2, 2020

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on December 2, 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 Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on November 4, 2020 be approved as recorded.

Ordinance 1223 granting renewal of Municipal Consent to Comcast New Jersey was introduced on November 4, 2020 and the public hearing is scheduled for today, December 2, 2020. Mayor Cohen moved to open the meeting to public comment on Ordinance #1223, seconded by Commissioner Simhon and approved. The Mayor invited public comment. MaryAnne Cronheim, 88 Monmouth Drive, asked if the 2% fee was comparable to other towns, Mrs. Cronheim was advised that this percentage is determined by the Board of Public Utilities. Mrs. Cronheim asked if the rates would be increased. Mrs. Cronheim was advised that it is regulated by Public Hearing to the Board of Public Utilities and approved by them. There were no other comments from the public and the public session was closed by the same vote.

**ORDINANCE NO. 1223**  
**AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NEW JERSEY, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF DEAL, MONMOUTH COUNTY, NEW JERSEY**

Mayor Cohen moved to adopt Ordinance 1223, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1224 adopting Stormwater Management Controls was introduced on November 4, 2020 and the public hearing is scheduled for today, December 2, 2020. Mayor Cohen moved to open the meeting to public comment on Ordinance #1224, seconded by Commissioner Simhon and approved. The Mayor invited public comment. MaryAnne Cronheim, 88 Monmouth Drive, asked if this ordinance only pertained to major developments, Mrs. Cronheim was advised that this ordinance regulates all stormwater management within the Borough. There were no other comments from the public and the public session was closed by the same vote.

**ORDINANCE NO. 1224**  
**AN ORDINANCE ADOPTING STORM WATER MANAGEMENT CONTROLS**  
**BOROUGH OF DEAL, MONMOUTH COUNTY, NEW JERSEY**

Mayor Cohen moved to adopt Ordinance 1223, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

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The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

**Resolution 20-160**

WHEREAS, Brad Kerney was appointed Acting Sergeant for the Deal Police Department effective December 1, 2019; and

WHEREAS, Sergeant Kerney has completed his respective probationary period to the satisfaction of Chief Ronen Neuman, and is the recommendation of Chief Neuman that this officer be appointed as a regular Sergeant.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Sergeant Brad Kerney be appointed as a regular Sergeant of Police in the Deal Police Department, effective December 1, 2019 subject to the provisions of the Statutes of the State of New Jersey, and the Ordinance establishing a Police Department in the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 20-161**

WHEREAS, Tyler Redy, was appointed Probationary Patrolman effective December 16, 2019; and

WHEREAS, Officer Redy 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 Tyler Redy is hereby appointed as a Regular Patrolman in the Police Department of the Borough of Deal, New Jersey, effective December 16, 2020 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 20-162**

WHEREAS, Daniel Maguire, was appointed Probationary Patrolman effective August 16, 2019; and

WHEREAS, Officer Maguire 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.

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NOW THEREFORE BE IT RESOLVED, that Daniel Maguire is hereby appointed as a Regular Patrolman in the Police Department of the Borough of Deal, New Jersey, effective August 16, 2020 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 20-163**

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

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Commissioner David Simhon, 274 Norwood 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, 2021 and to expire December 31, 2021.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 20-164**

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposits, Cash Bonds, and accumulated interest; and

WHEREAS, the Borough of Deal has received deposits for Review, Inspection Fees and Cash Bonds; and

WHEREAS, it has been determined that the various applications and projects listed below have been withdrawn or received approval for release:

<u>Address</u>	<u>Owner</u>	<u>Balance</u>
277 Norwood Ave	Sandra Chabbott	\$1,437.50

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the above applicants be refunded the remaining escrow balances.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 20-165**

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WHEREAS, the Tax Court of New Jersey has ordered a judgment in favor of the below listed properties within the Borough of Deal requiring a credit/refund for taxes due for their 2016, 2017, 2018, 2019 and 2020 tax years.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize that the credit/refund ordered by the Tax Court of New Jersey have been issued in 2020 for the following property owners be approved as issued:

**Year: 2016**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
34/13	Grace Ashkenazi	190 Ocean Ave	24,713,400	16,460,000	-8,253,400

**Year: 2017**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
34/13	Grace Ashkenazi	190 Ocean Ave	26,412,700	16,460,000	-9,952,700

**Year: 2018**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
34/13	Grace Ashkenazi	190 Ocean Ave	27,133,200	16,460,000	-10,673,200
30/3	Louis Massry Trust	62 Brighton Ave	4,796,400	4,700,000	-96,400

**Year: 2019**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
34/13	Grace Ashkenazi	190 Ocean Ave	29,089,600	18,111,000	-10,978,600
30/3	Louis Massry Trust	62 Brighton Ave	5,112,900	5,000,000	-112,900

**Year: 2020**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
34/13	Grace Ashkenazi	190 Ocean Ave	29,491,600	18,111,000	-11,380,000
26/1	Sharon Sutton	106 Almyr Ave	5,377,200	4,800,000	-577,200
27/5	Lara Laboz	68 Phillips Ave	6,425,400	5,850,000	-575,400
30/3	Louis Massry Trust	62 Brighton Ave	5,268,800	5,000,000	-268,800
7/6.02	35 Almyr LLC	35 Almyr Ave	4,326,400	3,500,000	-826,400

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 20-166**

WHEREAS, there is constant standing water located on Poplar Avenue in between 16 Poplar and 20 Poplar creating a hazard; and

WHEREAS, the Borough Engineer has reviewed this area and recommended a 6" drain pipe be installed up to Ocean Avenue inlet; and

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WHEREAS, the Borough Engineer recommended a change order to the 2019 Road Improvement Project for Fernandes Construction at a cost of \$27,500.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the change order for the 2019 Road Improvement project be approved for Fernandes Construction to install a 6" drain pipe on Poplar Ave at a cost of \$27,500.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 20-167**

WHEREAS, the Borough of Deal provides dental coverage for its employees; and

WHEREAS, the Borough has received a proposal from Damian Sylvania, Managing Partner, Retirement Income Solutions; and

WHEREAS, it has been recommended that the Borough sign on with Delta Dental for a 24-month.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that an agreement be made for a 2 year period beginning January 1, 2021 and ending on December 31, 2022 as specified in the Agreement and that the Mayor and Clerk be authorized to sign the agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 20-168**

WHEREAS, the Borough of Deal is required to provide animal control services to the residents of the Borough; and

WHEREAS, there is no one qualified neither in the Borough's employment nor is there any way to handle these animals; and

WHEREAS, the Borough of Deal wishes to enter into a shared service agreement with the Monmouth County SPCA per N.J.S.A. 40A:65-1 et seq which authorizes the Borough of Deal to enter into a contract for the provision of certain governmental services; and

WHEREAS, the Borough and Monmouth County SPCA recognize that a sharing of said services would result in a cost savings for the Borough of Deal.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Deal, that the Mayor is hereby authorized by the governing body of the Borough to execute a Shared Service Agreement for 2021 with the Monmouth County SPCA for the purpose of Animal Control and the Borough Clerk to attest to the Agreement.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 20-169**

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 J Swanton Fuel Oil Company, 37 Center Avenue, Highlands, NJ 07716 for the year 2021 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 2021 from J Swanton Fuel Oil of Highlands, New Jersey at the terms and prices specified in their contract under New Jersey State Contract 19-FLEET-00975.

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 J Swanton Fuel Oil Company.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 20-170**

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 2020 at prices specified in the County Bid Proposal #F-39-2020.

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 2021 from Chemical Equipment Labs the terms and prices specified in their contract with Monmouth County, #F-39-2020.

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

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Commissioner Simhon offers the following Resolution:

**Resolution 20-171**

WHEREAS, the Borough of Deal will be installing a new steel building for Public Works equipment at the Borough Yard; and

WHEREAS, the existing salt shed would need to be relocated to place this new building on the north side of the existing building; and

WHEREAS, quotes were received ranging from a high cost of \$28,000 from Fernandes Construction, Monroe NJ to a low cost of \$25,850 from FCR Enterprises, Red Bank, NJ for the demolition and removal of all concrete.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the demolition of the existing salt shed and removal of all concrete be awarded to FCR Enterprises, Red Bank, NJ at a cost of \$25,800.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 20-172**

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, 2020.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 20-173**

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Tyler O'Brien as a Class II Special Police Officer in the Borough of Deal.

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WHEREAS, Tyler O'Brien has successfully completed his course of instruction at the Ocean County Police Academy in May 2019.

NOW THEREFORE BE IT RESOLVED, that Tyler O'Brien be appointed as a Class II Special Police Officer for a term of (1) one-year, effective December 16, 2020, unless removed from office by the Chief of Police before the end of the one-year term. Tyler O'Brien is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 20-174**

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

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

WHEREAS, Christopher Conti 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 Christopher Conti be and is hereby appointed to take the January 2021 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 20-175**

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

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

WHEREAS, Michael Zak 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 Michael Zak be and is hereby appointed to take the January 2021 Course at the Monmouth County Police Academy for Class II Special Police Officers.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon



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Commissioner Ades offers the following Resolution:

**Resolution 20-176**

WHEREAS, the Borough of Deal has received bids for the Deal Casino Snack Bar for the 2021 season; and

WHEREAS, the Borough solicited proposals and received bids from one (1) vendors that includes the lease of the concession at the Deal Casino Snack Bar; and

WHEREAS, the sole proposal was received from Nicole Reale, Rivers Edge Café at a cost of \$15,000.00 for the 2021 season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Rivers Edge Cafe be awarded the snack bar concessions for 2021 at the Deal Casino Snack Bar at a cost of \$15,000.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 20-177**

WHEREAS, the awning on the north pool side of the Deal Casino is need of repair; and

WHEREAS, three (3) quotes were received for the replacement of ninety feet (90') of blue and white striped awning; and

WHEREAS, the quotes ranged from a high cost of \$15,200 from Majestic Awning & Sign Edison, NJ to a low of \$7,685.00 from Opdyke Awning Inc Wall, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the replacement of ninety feet (90') of blue and white striped awning from Opdyke Awning Inc, Wall, NJ at a cost of \$7,685.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 20-178**

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, 2020 be approved in the amount not to exceed \$300,000.00; and

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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 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 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 the month of November was received from Krystal Reiner.

A letter was received from the Monmouth County Library providing their 2019 Annual Report.

A resolution was received from the Monmouth County Board of Chosen Freeholders to allow counties and municipalities to regulate the sale and use of marijuana within their borders.

A letter was received from the Monmouth Municipal Joint Insurance Fund providing the 2021 Budget.

A notice of public hearing was received from the Township of Ocean Sewerage Authority for the Authorities connection fees.

A letter was received from the NJ Department of Transportation advising the Borough has been selected to receive funding for the NJDOT FY 2021 Municipal Aid program in the amount of \$230,000.

An email was received from Joe Jorgensen, ECRDA, requesting permission to use the Conover Pavilion on April 17 and April 18, 2021 for their 2-day metal detecting event. The Board of Commissioners approved the event.

An email was received from Donna Funk, Deep Search Metal Detecting, requesting permission to use the Conover Pavilion on May 2, 2021 for their club's family picnic. The Board of Commissioners approved the event.

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 20-12 of the Warrant Register in the amount of \$736,079.67.

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.

No communications were received 24 hours prior to the meeting to be read during the public comment.

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MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners if they could explain a little about the snack bar bid at the Deal Casino. Mayor Cohen advised that only one bid was received from Rivers Edge Café and that he will be meeting with them to discuss the 2021 season. Mrs. Cronheim also asked about the vehicle on fire in the Deal Casino parking lot several days ago. Chief Neuman gave a synopsis on where the vehicle came from and explained the possibilities of the fire.

Isaac Dweck, Poplar Avenue, thanked the Board of Commissioners for the drainage pipe being installed on Poplar Avenue. Mr. Dweck also asked the policy on limbs and leaves being piled in the roadways. Mr. Dweck was advised that it is the homeowners responsibility to have removed and that the Superintendent of Public Works and the Police Department are enforcing the ordinance.

Peggy Nitka, Woodford Road, thanked the Board of Commissioners for what they do and asked if Woodford Road will be paved in the near future. Mrs. Nitka was advised that the road projects for 2021 are being put together at this time and final determination by the Board of Commissioners will be in January. Mrs. Nitka also asked if Harry Franco park was open to the public for anyone to utilize, she was advised that yes it was open to the public and funds were obtained through the Monmouth County Park System.

MaryAnne Cronheim, also asked what the construction times were in the Borough, Mrs. Cronheim was advised 8am-6pm daily. Mayor Cohen stated that he is looking to modify the construction on the weekends and will introduce a new ordinance in January.

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, January 6, 2021 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 9:29 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

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Clerk