

February 5, 2021

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on February 5, 2021 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 January 6, 2021 be approved as recorded.

Ordinance 1225 to exceed the Municipal Budget Appropriation limits and establish a CAP Bank was introduced on January 6, 2021 and the public hearing is scheduled for today, February 5, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1225, 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 1225**

#### **CALENDAR YEAR 2021**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Commissioner Simhon moved to adopt Ordinance 1225, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1226 to adopt the Floodplain Management Regulations was introduced on January 6, 2021 and the public hearing is scheduled for today, February 5, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1226, 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 1226**

#### **ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS OF THE BOROUGH OF DEAL**

Commissioner Simhon moved to adopt Ordinance 1226, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1227 to amend Chapter V Police Regulations was introduced on January 6, 2021 and the public hearing is scheduled for today, February 5, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1227, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked what if the homeowners worked during the week. The Board of Commissioners discussed the ordinance and recommended changes to allow homeowners to be able to utilize landscaping equipment. There were no

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further comments from the public and the public session was closed by the same vote.

**ORDINANCE NO. 1227**

**AN ORDINANCE AMENDING CHAPTER V OF  
"REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF DEAL, 1982"**

Commissioner Simhon moved to table Ordinance 1227, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Capital Ordinance 1228 to provide for the various improvements to streets and drains was introduced on January 6, 2021 and the public hearing is scheduled for today, February 5, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1228, 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.

**CAPITAL ORDINANCE NO. 1228**

**CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS AND APPROPRIATING \$1,070,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND AND GRANTS IN AID IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Commissioner Simhon moved to adopt Ordinance 1228, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Capital Ordinance 1229 to provide for the purchase of and improvements to police department equipment was introduced on January 6, 2021 and the public hearing is scheduled for today, February 5, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1229, 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.

**CAPITAL ORDINANCE NO. 1229**

**CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO POLICE DEPARTMENT EQUIPMENT AND APPROPRIATING \$100,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Commissioner Simhon moved to adopt Ordinance 1229, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1230 to authorize the sale of Municipal Property of Block 14 Lot 17 was introduced by Mayor Cohen, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on March 3, 2021 at 9:00 A.M.

**ORDINANCE 1230**

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**ORDINANCE AUTHORIZING THE PRIVATE SALE OF BLOCK 14 LOT 17,  
IN THE BOROUGH OF DEAL, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY,  
AT PRIVATE SALE PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

WHEREAS, the Borough of Deal is the owner of real property known as Block 14 Lot 17, in the Borough of Deal, County of Monmouth, State of New Jersey (collectively the "Property"); and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the Borough to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where the Borough owned Property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of the said real property; and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that the Property is not needed for public use, and the sale of the Property will return the Property to the tax rolls of the Borough of Deal, and it is in the best interests of the Borough to offer the Property for sale at a private sale to an owner of real property contiguous thereto, to the highest bidder; and

WHEREAS, there being two property owners contiguous to the property, Block 14, Lots 16 & 17.01 and Block 14, Lot 11, and the property owner of Block 14, Lot 11 has provided a written statement that they are not interested in purchasing said Property.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey as follows:

SECTION 1. The Borough of Deal is the owner of the following land located within the Borough of Deal (hereinafter referred to as the "Property") and as outlined by the metes and bounds attached hereto:

Block 14, Lot 17 on the Tax Map of the Borough of Deal and located in the R-1 Zone.

SECTION 2. The Board of Commissioners has determined it to be in the public interest to sell said Property at private sale to an owner of real property contiguous thereto, Block 14, Lots 16 & 17.01 in accordance with N.J.S.A. 40A:12-13(b)(5).

SECTION 3. N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of said real property.

SECTION 4. The Board of Commissioners declares the Property to be surplus and not needed for public use.

SECTION 5. There being two contiguous property owners, one of the property owners, Block 14, Lot 11, has provided a written statement that they are not interested in purchasing any portion of said property, therefore leaving only

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one interested contiguous property owner thereby alleviating the need to receive bids.

SECTION 6. The following conditions for the bid of the Property apply:

- (a) The purchase price for the sale of the Property shall be \$1,000,000.00.
- (b) The Borough will only accept payment calling for an all-cash purchase of the Property. The purchasing property owner will be required to pay, by either cash, wire transfer or bank check, a deposit equal to ten (10%) percent of minimum price of the amount of the Property at the adoption of this ordinance, with the balance to be paid by either cash, wire transfer or bank check at closing of the title.
- (c) The sale of the Property is being made subject to the terms, conditions, restrictions and limitations of a Contract of Sale, which is on file with the Municipal Clerk, including but not limited to the following terms and conditions:
  - 1) The Property is being sold in an "AS IS" WHERE-IS" condition. The successful purchaser is responsible for conducting any and all inspections and testing of the Property at its own cost and expense.
  - 2) The successful purchaser shall pay prorated real estate taxes for the balance of the current year as of the date of closing of title.
  - 3) The closing of title to the Property is "TIME OF THE ESSENCE" and must take place on a date as described above, and the failure of the successful purchaser to close title as agreed shall result in the successful purchaser's forfeiture of any and all money deposited with the Borough.
  - 4) The successful purchaser shall consolidate the Property purchased with their contiguous lots identified as Lots 16 and 17.01 of Block 14 so as to be part of a reconfigured lot in conformance with the zoning requirements.
  - 5) The successful purchaser agrees that they and any successor to title shall be precluded from seeking to subdivide the consolidated property. A deed restriction precluding a future subdivision of the consolidated property shall be recorded with the Monmouth County Clerk's Office.
  - 6) The deed must be recorded within thirty (30) days of closing or title to the Property shall automatically revert back to the Borough of Deal without the necessity of entry or reentry.
  - 7) In the event that the successful purchaser fails to close title to the Property, the purchaser shall forfeit all deposit monies made to the Borough. No refunds whatsoever will be made by the Borough of Deal in the event that the successful bidder fails to complete the purchase of the Property within thirty (30) days from the adoption of this ordinance.
  - 8) The purchaser shall pay the cost of recording fees.
  - 9) The purchaser shall pay any and all realty transfer and "mansion" taxes assessed in connection with the sale of the Property.
  - 10) With respect to the sale of the Property herein, NO real estate commission is owed.

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- 11) The Property is being sold "AS IS" "WHERE IS." The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by the prospective purchaser, at its discretion, and at its sole cost and expense, as part of its due diligence.
  - 12) No representations are made by the Borough as to the utility, usability or environmental condition of the Property.
  - 13) The purchaser will pay at the time of closing the fee to change the tax map.
- (d) The purchaser must satisfy any requirements and meet any terms and conditions of the Contract of Sale. The successful purchaser will execute the Contract upon adoption of this ordinance and its payment of the required deposit. To execute the Contract, the purchaser shall properly execute the Contract in the signature spaces at the end. Failure to execute the Contract properly shall not affect the obligation of the successful purchaser or the validity of the sale. The deed given by the Borough of Deal for the Property will be a Quit Claim Deed. No title contingencies or conditions are permitted.
- (e) The sale shall be subject to adjournment or cancellation by the Board of Commissioners.
- (f) It is suggested and recommended that potential purchasers perform title searches and/or last owner and lien searches on the properties that they are interested in bidding upon prior to the date of purchase submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential purchaser exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Borough of Deal shall not be responsible for the costs associated with such searches in the event that the Borough of Deal is unable to convey title and/or if a bid is rejected.

SECTION 7. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 9. This Ordinance shall take effect upon final passage and publication in accordance with law.

Ordinance 1231 to authorize the execution of a deed of dedication and perpetual public access easement was introduced by Mayor Cohen, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on March 3, 2021 at 9:00 A.M.

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**ORIDINANCE 1231**

**AN ORDINANCE AUTHORIZING EXECUTION OF A DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT OVER STREET ENDS AND BEACH FOR PUBLIC ACCESS TO TIDAL WATERS IN THE BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the State Department of Environmental Protection ("DEP") is requiring a Deed of Dedication and Perpetual Public Access Easement for municipally owned right of ways providing visual or actual public access to the tidal waterways in the Borough of Deal; and

WHEREAS, these easements are a part of the Municipal Public Access Plan (MPAP) between the Borough of Deal and the DEP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the easement be granted and allow the Mayor to sign the easement on behalf of the Borough of Deal

Section 1. The terms and conditions of the easement is hereby as follows:

**WITNESSETH**

**WHEREAS**, Grantor is the owner of that certain tract of land, located in the Borough of Deal, County of Monmouth, State of New Jersey, and/or identified as public street ends located at Roosevelt Avenue, Phillips Avenue, Darlington Road, Deal Esplanade, Marine Place, Hathaway Avenue and Neptune Avenue as identified in Addendum A (Street End Descriptions) and Addendum B (Key Map on the official 2010 tax map of the Borough of Deal, hereinafter the "Property(s)," and Grantor holds the requisite interest to grant this Deed of Easement; and

**WHEREAS**, the Grantee recognize that tidal waterways and their coastlines at the Borough of Deal, New Jersey are valuable economic resources to the municipality and the State of New Jersey; and

**WHEREAS**, access to tidal waterways at the Borough of Deal, New Jersey is a right provided to the public under the Public Trust Doctrine; and

**WHEREAS**, in order for the public to access tidal waterways, perpendicular access to these areas must be secured for public use; and

**WHEREAS**, in order to ensure public access, Grantees need a Perpetual Public Access Easement on portions of said Property(s) herein described; and

**WHEREAS**, the Borough of Deal shall consider this Deed of Easement in establishing the assessed value of any lands subject to such restrictions; and

**WHEREAS**, this Deed of Dedication and Perpetual Public Access Easement shall be subject to and consistent with any existing public access agreement or easement entered into by the Municipality with the United States Army Corps of Engineers; and

**WHEREAS**, this Deed of Easement will also serve to implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of tidal waterways and their shores.

**NOW, THEREFORE**, the Grantor grants and conveys to Grantee an irrevocable, assignable, perpetual and permanent easement as set forth herein:

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**GRANT OF EASEMENT:** A perpetual and assignable easement and right-of-way across that land of the Property(s) described as public street ends located at Roosevelt Avenue, Phillips Avenue, Darlington Road, Deal Esplanade, Marine Place, Hathaway Avenue and Neptune Avenue as identified in Addendum A (Approximate Street End Descriptions) and Addendum B (Key Map on the official 2010 tax map of the Borough of Deal, hereinafter the "Property(s)," and Grantor holds the requisite interest to grant this Deed of Easement listed above for use by the State of New Jersey and the Borough of Deal, their representatives, agents, contractors and assigns to:

- a. Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public access area to allow the public access to tidal waterways;
- b. Post signs;

The easement reserves to the Grantor, the Grantor's, successors and assigns the right and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Grantee, subject however to existing easements for utilities and pipelines, existing public highways, existing paved public roads and existing public streets.

**Duration of Easement:** The easement granted hereby shall be in perpetuity, and in the event that the Borough of Deal or the State of New Jersey shall become merged with any other geopolitical entity or entities, the easement granted hereby shall run in favor of surviving entities. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective representatives, successors and assigns and shall continue as a servitude running in perpetuity with the land.

**Municipality to Maintain Public Access:** The Municipality agrees, consistent with all Federal, State and local statutes and regulations, that at all times it shall use its best, good-faith efforts to preserve, cause and ensure the public access areas to be maintained, consistent with all applicable Federal, State or local laws or regulations, notwithstanding any action or inaction of the State of New Jersey.

**Character of Property(s):** Notwithstanding the foregoing, nothing herein is intended or shall be deemed to grant the Grantees or otherwise permit the Grantee to any other person to cross over or use any part of the Property(s) which is not within the Easement Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property(s).

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the Property(s) burdened by the easement herein described shall not be excluded from the calculations of minimum square footage requirements when construing applications under the Zoning Ordinance of the Municipality.

**Miscellaneous:**

1. The enforcement of the terms of this Easement shall be at the discretion of the Grantee and any forbearance by Grantee to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent violation or of any of Grantee rights under this Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any violation

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by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.

2. The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.
3. If any provisions of this Deed of Easement or the application thereof to any person or circumstance is found to invalid, the remainder of the provision of this Easement or the application of such provisions to person or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
4. Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first-class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocation party shall notify the other, in writing.
5. The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.
6. Structures no part of the project are not authorized.

SECTION 2. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with law.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

**Resolution 21-29**

WHEREAS, a request has been made for a refund for 2021 membership to the Deal Casino; and

WHEREAS, these refunds are being requested due to the inability to attend the Deal Casino for 2021 or making an overpayment for their membership.

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:

- |                                       |          |
|---------------------------------------|----------|
| 1. Lisa Whitacre, West Allenhurst, NJ | \$500.00 |
| 2. Thomas Peretti, Oakhurst, NJ       | \$500.00 |
| 3. Nicole Tardio, Asbury Park, NJ     | \$200.00 |

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-30**



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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 2020 tax years.

WHEREAS, the Tax Court of New Jersey has ordered judgements in favor of the below listed properties within the Borough of Deal requiring a credit/refund for taxes due on added assessments only for their 2019, 2020 and preliminary 2021 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:

**Tax Appeals**

**Year: 2020**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
15/2	Levy, Maurice	84 Ocean Ave	\$5,366,600	\$4,850,000	-\$516,600

**Added Assessment Tax Appeal**

**Year: 2019**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
28/4	Terzi, Rochelle	21 Wallace Rd	\$634,600	\$0	-\$634,600
15/13.02	Cohen, Solomon	(8)14 Poplar Ave	\$3,387,600	\$2,693,500	-\$694,100

**Year: 2020**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
28/4	Terzi, Rochelle	21 Wallace Rd	\$1,903,800	\$1,783,700	-\$120,100
29.01/1	Chehebar, Gail Trustee	205 Ocean Ave	\$4,399,000	\$ 2,199,500	-\$2,199,500
29.01/8	21 Roseld Ave, LLC	21 Roseld Ave	\$1,060,292	\$ 556,500	-\$503,792
32.01/8	Lati, Raymond	91 Lehman Ave	\$672,542	\$416,667	-\$614,000
6/4	2 Beringer Rd, LLC	2 Beringer Rd	\$4,309,600	\$2,874,700	-\$1,434,900
15/13.02	Cohen, Solomon	(8)14 Poplar Ave	\$6,775,200	\$5,387,000	-\$1,388,200

**Year: 2021 Preliminary**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Net Change</u>
28/4	Terzi, Rochelle	21 Wallace Rd	\$1,903,800	\$1,783,700	-\$120,100
29.01/8	21 Roseld Ave, LLC	21 Roseld Ave	\$1,060,292	\$ 556,500	-\$503,792
32.01/8	Lati, Raymond	91 Lehman Ave	\$672,542	\$416,667	-\$614,000
6/4	2 Beringer Rd, LLC	2 Beringer Rd	\$4,309,600	\$2,874,700	-\$1,434,900
15/13.02	Cohen, Solomon	(8)14 Poplar Ave	\$6,775,200	\$5,387,000	-\$1,388,200

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 21-31**

WHEREAS, bids were received for the Roosevelt Avenue Road Improvements within the Borough of Deal; and

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WHEREAS, the Borough solicited proposals and received bids from five (5) vendors that includes the milling and paving of Roosevelt Avenue from Norwood Avenue to Ocean Avenue along with some concrete work; and

WHEREAS, proposals were received ranging in cost from a high of \$321,391.80 from L&L Paving Company, Farmingdale, NJ, and a low bid of \$237,713.13 from Earle Asphalt Company, Farmingdale, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the Roosevelt Avenue Road Improvements for the mill and paving and concrete work to Earle Asphalt Company, Farmingdale, NJ in the amount of \$237,713.13.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 21-32**

WHEREAS, bids were received for the FY2021 Various Road Improvements within the Borough of Deal; and

WHEREAS, the Borough solicited proposals and received bids from nine (9) vendors that includes the milling and paving of the listed streets along with some concrete work; and

WHEREAS, proposals were received ranging in cost from a high of \$1,371,336.25 from Abhzeen Design, Marlboro, NJ, and a low bid of \$408,473.58 from Fiore Paving Company, Oceanport, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the FY 2021 Various Road Improvements for the mill and paving and concrete work to Fiore Paving Company, Oceanport, NJ in the amount of \$408,473.58 for the following bid items:

1. Base Bid – Monmouth Drive (Atlantic Ave to Roseld Ave)
2. Alternate 1 – Roseld Avenue (Stratford Pl to Ocean Ave)
3. Alternate 2 – Woodford Road (Richmond Ave to Norwood Ave)
4. Alternate 3 – Whitehall Avenue (Ocean Ave to Dead End)
5. Alternate 4 – Wallace Road (Ocean Ave to Dead End)
6. Alternate 5 – Ocean Lane (Ocean Ave to Dead End)

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-33**

WHEREAS, due to the age and mileage of a police car 6103 and 6109 Chevy Caprice, which has made it necessary to purchase a replacement for these vehicles; and

WHEREAS, the Board of Commissioners had approved bids to be received on purchasing two (2) 2021 Chevy Tahoe's; and

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WHEREAS, the Borough has received one proposal for two (2) 2021 Chevy Tahoe's at a cost of \$84,400.00 from SeaCoast Chevrolet, Ocean, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the purchase of two (2) 2021 Chevy Tahoe's from SeaCoast Chevrolet, Ocean, NJ at a cost of \$84,400.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-34**

WHEREAS, the Borough of Deal adopts the 2021 Emergency Operations Plan in compliance with the NJ Office of Emergency Management guidelines requiring recertification; and

WHEREAS, the Emergency Management Coordinators have reviewed and amended the local Emergency Operation Plan and recommends the approval of the amendments by the Board of Commissioners; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the amended local Emergency Operations Plan be approved.

BE IT FURTHER RESOLVED that the appropriate officials be authorized to execute the updated Emergency Operations Plan and provided to the NJ State Office of Emergency Management and the Monmouth County Office of Emergency Management.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-35**

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of February; 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 February 28, 2021 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 January was received from Chief Ronen Neuman.

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

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

A Notice of Public Hearing was received from NJ Natural Gas for the annual review and revision of Societal Benefits Charge Factors.

A letter was received from Monmouth Custom Builders requesting permission to demolish the single-family residence at 112 Ocean Avenue. The Board of Commissioners approved the demolition.

An email was received from Clean Ocean Action requesting to conduct the 36<sup>th</sup> Annual Beach Sweep on Saturday, April 17<sup>th</sup> and Saturday October 23, 2021. The Board of Commissioners approved the beach sweep.

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 21-01 of the Warrant Register in the amount of \$617,550.40.

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.

Don Greenberg, Bradley Beach, asked the Board of Commissioners why the ordinance was not provided prior to the meeting. Paul Fericola, Borough Attorney, stated that it is not required in the event changes are made.

Raina Grossman, 5 Poplar Avenue, thanked the Board of Commissioners for getting rid of the noise. Mrs. Grossman also asked to add in limiting music not being as loud during the day. Mayor Cohen stated there is an ordinance for noise. Mrs. Grossman stated she was looking for consideration and compromises. Mrs. Grossman also stated that parking near Sarah's Tent is tough and asked that parking be opened up in the shul parking lot.

Jack Kassin, 29 Morgan Avenue, stated that there should be different levels for daytime and nighttime noises. Mr. Kassin stated that he recommended no landscaping on Friday and he stated he spoke to his gardener who stated that would be very difficult and not practicle.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that bicyclists are riding the wrong way on Norwood Avenue, motorists are driving on the wrong side of the road in the left lane which is only for passing. Mrs. Chamlin stated she called the police and they never showed up. Mrs. Chamlin also stated drivers must use indicators.

MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners the status of the crosswalks on Ocean Avenue. Mayor Cohen stated he found flashing lights that he would like to see installed and that the Police Department is looking into it.

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Roger Jennings, lifelong surfer, asked the Board of Commissioners not to restrict access. Mayor Cohen stated no access will be restricted.

Vincent Lepore, 33 Ocean Avenue Long Branch, asked the Board of Commissioners if there was an appraisal available for the lot being proposed for sale. Mayor Cohen stated that there was, Mr. Lepore stated he would file an OPRA request.

Ellen Beck, Fort Lee, asked the Board of Commissioners if the ordinance will restrict parking on the block. Mayor Cohen stated nothing more than currently.

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, March 3, 2021 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 9:47 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

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Clerk