

April 7, 2021

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on April 7, 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 Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on March 3, 2021 be approved as recorded.

Ordinance 1235 to amend Chapter VI Beach Regulation 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 May 5, 2021 at 9:00 A.M.

ORDINANCE #1235

AN ORDINANCE AMENDING CHAPTER VI OF "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982" Beach Regulations

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:**

Section 1. That Chapter VI, Beach Regulations, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 6-1 **Conover Pavilion** is amended to read as follows:

6-1.4 Conover Pavilion Rates; Charges; Qualifications for Use

Rates and charges at the Conover Pavilion are fixed as follows:

- | | |
|---|-----------|
| b. Children under 11 years of age | No Charge |
| c. Seasonal walk-on fee (12 years of age and older) | \$150.00 |

Section 3. Subsection 6-6 **Public Beach** is amended to read as follows:

6-6.3 Pass / Bracelet Required; Transferability and Loss.

- a. No person twelve (12) years of age and over shall bathe at or otherwise use or be upon the beaches or areas set forth in subsection 10-6.2 without having first acquired and then having in his or her possession a proper and effective season pass, daily bracelet or other insignia to use the beaches, which shall be worn conspicuously by such person during said use, so that it shall be visible at all times and shall be exhibited on demand to the beach

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inspectors, gate tenders, Police of the Borough of Deal or other duly authorized representative of the Borough.

6-6.4 Fees and Charges.

In order to provide funds to improve, maintain and police the municipal beach and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged the person using said lands and bathing facilities for access to the beaches and bathing and recreational facilities during the normal bathing season:

- a. Daily admission to the beach:
 - 1. No fee shall be charged of children under the age of twelve (12).
- b. Seasonal admission to the beach:
 - 1. One hundred fifty (\$150.00) dollars for a seasonal pass ages twelve (12) and over for admission to the beach for the entire bathing season for one year.

Section 4. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1236 to amend Chapter X Traffic Regulation 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 May 5, 2021 at 9:00 A.M.

ORDINANCE 1236

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

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:

Section 1. That Chapter X of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2.

Subsection 10-36 A **Handicap Parking in Municipal Parking Lots and Board of Education Property** is amended to read as follows:

Property

Deal Casino
125 Ocean Avenue
Block 28, Lot 1

Subsection 10-36 A 2(a)4 **Permit Parking** is amended to read as follows:

No person shall park a vehicle at the below described location unless said vehicle shall have a valid permit displayed during the open season. In order to be properly displayed, a parking permit must be hung from the rearview mirror facing forward or should be placed face-

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up on the dashboard to the left of the steering wheel. Make sure no other paper or garbage is covering up the placard. A parking permit shall only be valid if the bathhouse lessee to whom it has been issued has paid all charges made in connection with the lessee's bathhouse.

<u>Name of Street or Lot</u>	<u>Time Limit</u>	<u>Days</u>
Entire Paved Lot	All	All

Section 3. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1237 to amend Chapter XXX Development Regulation 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 May 5, 2021 at 9:00 A.M.

ORDINANCE NO. 1237

AN ORDINANCE BY THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER XXX OF THE DEVELOPMENT REGULATIONS

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

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- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Deal in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Deal’s residents and members of the public who visit, travel, or conduct business in the Borough of Deal, to amend the Borough of Deal’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Deal; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to

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unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Deal, except for the delivery of cannabis items and related supplies by a delivery service.

2. Section 86.5 and 87.5 of the Act and in Chapter XXX of the Development Regulations of the Borough of Deal is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any article, section, paragraph, subsection, clause, or other provision of the Development Regulation of the Borough of Deal which is inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Monmouth County Planning Board, and as otherwise provided for by law.

Ordinance 1238 to amend Chapter XII Building and Housing 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 May 5, 2021 at 9:00 A.M.

ORDINANCE 1238

AN ORDINANCE AMENDING CHAPTER XIII OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
Buildings and Housing

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:

Section 1. That Chapter XIII, Building and Housing, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 13-5 **Temporary Structures** is added as follows:

13-5.1 Definitions

TEMPORARY STRUCTURES - Structures utilized on a short-term or intermittent basis, such as tents, canopies or similar structures without a permanent foundation and not classified as a premanufactured garden-type utility shed in accordance with the New Jersey Uniform Construction Code located on the properties of one (1) and two (2) family residents. Structures under 100 square feet or structures commonly known as Sukkah's are excluded from the requirements of this chapter.

FUEL TANKS – Any fueled tank utilized for cooking, heating or similar uses. Residential grade gas grills commonly used for cooking or heating are excluded from the requirements of this chapter.

13-5.2 Permit Application

Prior to the issuance of a permit, the applicant shall file an application with the Code Official providing the following information. For any temporary structure which requires a construction permit or Uniform Fire Code permit; the applicant shall also be required to make an application for and obtain the required permits from the appropriate enforcing agency.

- A. The name, address and telephone number of the applicant seeking the permit.
- B. The name, address and telephone number of the property owner where the temporary structure is to be erected, constructed or placed.
- C. A plot plan of where the proposed temporary structure is to be erected, constructed or placed on the property. A plan for means of egress from within the temporary structure.
- D. The need for the temporary structure and the period of time the proposed structure will be present on the property.
- E. A description, including the dimensions and the materials to be utilized for the construction of the temporary structure which is to be erected, constructed, or placed upon the property.
- F. A certificate of flammability from the manufacturer.

13-5.3 Time Limitations

Upon approval of the Zoning Official, the Code Official and payment of the permit fee, the Code Official shall issue a permit to the applicant. The permit shall be issued for a maximum period of 30 days or upon approval to extend the time limit from the Zoning and Code Officials.

13-5.4 Permit Fee

The permit fee shall be the following:

Temporary Structure: \$50 each tent when application is received 7 days prior to the inspection. An additional \$50 late fee shall be required if the application is received within 7 days of the required inspections.

Fuel Tanks: \$50 when application is received 7 days prior to the inspection. An additional \$50 late fee shall be required if the application is received within 7 days of the required inspection

13.5.5 Certificate of Inspection and Provisions

- A. A certificate of inspection is required on all temporary structures or use of fueled tanks.
- B. Cooking under an occupied temporary structure is strictly prohibited. Temporary Structures where cooking is performed must be separated from other tents by a minimum of 20 feet.
- C. A fire extinguisher (minimum 8 lb. ABC) shall be placed at each egress. A fire (minimum 8lb. ABC-k) shall be placed in each cooking temporary structure.
- D. Fueled tanks used for cooking or heating shall be kept outside the temporary structure and secured to prevent damage and tipping.

13-5.6 Enforcement; Violations and Penalties.

- A. The provisions of this Ordinance shall be enforced by the Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Board of Commissioners, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.
- B. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Ordinance.

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.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-49

A RESOLUTION TO UTILIZE THE THREE-YEAR AVERAGE METHOD IN COMPUTING CERTAIN REVENUES IN THE 2021 MUNICIPAL BUDGET

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WHEREAS, State of NJ P.L. 2020, Chapter 74, Section 1 amends N.J.S.A 40A:4-26 to state that “when a public health emergency pursuant to the “Emergency Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID-19, the Director of the Division of Local Government Services may promulgate general guidance modifying the standard for anticipated revenues when the amount realized in cash from the same source during the next preceding fiscal year experienced reductions due to COVID-19.”; and

WHEREAS, the Director of the Division of Local Government Services has issued guidance allowing for the use of a three-year average of prior year revenue realized for miscellaneous revenues anticipated in the 2021 budget; and

WHEREAS, the need to use the three-year average method to compute certain anticipated revenues in the 2021 Budget Year is beneficial to the Borough, as well as necessary; and

WHEREAS, the selected anticipated revenues, and the three-year average amounts are as follows:

Miscellaneous Revenue Anticipated Average Revenue Realized – Prior 3 Years (Maximum Allowable in 2021 Budget)

Court Fees \$131,040.76

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that it approves the utilization of the three-year average method in computing certain anticipated revenues in the Borough’s 2021 Municipal Budget;

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be forwarded 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 21-50

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Deal has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Deal that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

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1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen moved to open the meeting to public comment on the 2020 Municipal Budget, seconded by Commissioner Simhon. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked what the percentage in increase was in the budget. Ms. Coffey was advised the tax rate was .301 and is proposed at .308. Ms. Coffey asked what the increase is contributed too. Ms. Coffey was advised due to salary increases and the increase in Capital Budget projects. Ms. Coffey asked how much was in the bank in surplus to reduce the rate. Mayor Cohen stated that our tax rate has not increased in several years. Ms. Coffey asked how much the municipal budget was increased. Ms. Coffey was advised on the figures from the 2019 and 2020 budget.

Commissioner Ades moved to adopt the 2021 Municipal Budget, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Capital Ordinance 1232 to provide for the various improvements to the Streets and Drains was introduced on March 3, 2021 and the public hearing is scheduled for today, April 5, 2021. Mayor Cohen moved to open the meeting

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to public comment on Ordinance #1232, 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. 1232

CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS AND APPROPRIATING \$200,000 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 1232, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Capital Ordinance 1233 to provide for the purchase of and various improvements to DPW Equipment was introduced on March 3, 2021 and the public hearing is scheduled for today, April 5, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1233, 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. 1233

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO DPW EQUIPMENT AND APPROPRIATING \$100,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND

Commissioner Ades moved to adopt Ordinance 1233, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Capital Ordinance 1234 to provide for the purchase of and various improvements to Police Equipment was introduced on March 3, 2021 and the public hearing is scheduled for today, April 5, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1234, 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. 1234

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF AND VARIOUS IMPROVEMENTS TO POLICE DEPARTMENT EQUIPMENT AND APPROPRIATING \$25,000 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 1234, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 21-51

WHEREAS, the Borough is in need of replacing a single axle dump truck due to age and condition; and

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WHEREAS, the Borough has obtained a quote from Allegiance Trucks, Linden, NJ which utilizes the Sourcewell / Navistar Cooperative Purchasing Contract #060920-NVS; and

WHEREAS, the Borough mechanic has examined the dump truck spec and determined it to be suitable for our needs.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a 2021 HV507 SFA Single Axle Dump Truck with Plow be purchased utilizing the Sourcewell / Navistar Cooperative Purchasing at a cost of \$167,218.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-52

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 of a member to attend 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. Neil Greenstein, West Long Branch, NJ | \$375.00 |
| 2. Hiram Haddad, Deal, NJ | \$75.00 |

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-53

WHEREAS, the Borough of Deal is interested in providing chair and umbrella rentals to the patrons of the beaches within the Borough of Deal; and

WHEREAS, the Board of Commissioners had approved bids to be received on providing this rental service; and

WHEREAS, the Borough has received one proposal for the rental of beach chairs and umbrellas from Jersey Shore Beach Rentals LLC, Long Branch, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal award the bid for beach chair and umbrella rental services to Jersey Shore Beach Rentals LLC, Long Branch, NJ with the Borough receiving the amount of \$2500 for the 2021 season, \$3,000 for the 2022 season, \$3,300 for the 2023 season, \$3,630 for the 2024 season and \$4,000 for the 2025 season.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 21-54

WHEREAS, Fiore Paving Company, Inc., Oceanport, NJ has been awarded a contract for the FY 2021 Road Improvements at a cost of \$408,473.58; and

WHEREAS, Fiore Paving Company Inc. has requested payment #1 in the amount of \$104,112.26; 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 \$104,112.26 be made to Fiore Paving Company Inc. for the FY 2021 Road Improvements.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-55

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of April; 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 April 30, 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 March was received from Chief Ronen Neuman.

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

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

A report of the 2020 tax receivables was received from Theresa Davis.

A letter was received from the 11th District Representatives providing their legislative updates.

A notice of public hearing was received from NJ American Water for approval to change the levels of its purchased water adjustment.

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A letter was received from NJ Natural Gas advising that April is National Safe Digging Month.

A letter was received from Comcast advising they have received the Borough's Ordinance granting municipal consent and they will be petitioning the NJ Board of Public Utilities for final approval.

A resolution was received from the Monmouth County Board of Chosen Freeholders denouncing the publication of a sexist and anti-Semitic caption in the Asbury Park Press.

A letter was received from the Monmouth County Division of Transportation advising they are providing free SCAT bus rides for vaccine appointments for seniors and disabled population.

A letter was received from the Monmouth County Clerk advising of the 2021 Election dates.

A letter was received from the Monmouth County Mosquito Control Division distributing pesticide materials.

An ordinance was received from the Borough of Allenhurst for the amendment to their Development Regulation.

An email was received from Kaitlyn Daly requesting permission for a beach cleanup on April 24th from 10am-6pm as part of their Big Event. The Board of Commissioners approved the event.

A raffle application was received from Georgian Court University for raffles to be held on May 3 at the Deal Golf & Country Club. The Board of Commissioners approved the raffle application.

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 21-04 of the Warrant Register in the amount of \$3,826,513.40.

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.

Barbara Coffey, 85 Norwood Avenue, stated to the Board of Commissioners that a drone was flying over her house and she feels very uncomfortable with the drones. Ms. Coffey was advised that an ordinance is in place and the Borough would look into the use of the drones.

MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners how long the construction will be occurring on Roseld by the Railroad tracks. Mrs. Cronheim was advised it was a NJ American Water and Township of Ocean Sewerage Authority project and may be awhile. Mrs. Cronheim also congratulated the Police Department on their accreditation.

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

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The following resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-56

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss contract matters.

WHEREAS, Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal hereby exclude the public from this meeting.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss an contractual matters at 9:26 A.M.

The Commissioners returned to open session at 9:48 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, May 5, 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 9:48 A.M.

SC _____

MA _____

DS _____

Clerk