

June 2, 2021

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on June 12, 2021 at 9:00 A.M. This meeting was conducted via Teleconference with the Board of Commissioners only meeting in person.

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 May 5, 2021 be approved as recorded.

Ordinance 1239 to amend Chapter X Traffic Regulations was introduced on May 5, 2021. The Board of Commissioners postponed the public hearing on Ordinance 1239.

ORDINANCE #1239

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

Mayor Cohen moved to table Ordinance 1239, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1240 to amend Chapter VI Beach Regulations was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on July 7, 2021 at 9:00 A.M.

ORDINANCE #1240

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:

6-1.6 Rules and Regulations.

- f. No person shall smoke any cigarettes, cigars, or other tobacco products in the Conover Pavilion and on the Beach. In addition thereto, no person shall smoke cannabis or other cannabis based products as defined by P.L. 2021, c. 16, commonly known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), in the Conover Pavilion and on the beach at any time.

“Smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, vaporizer, or any other matter or substance which contains tobacco, cannabis, or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Section 3. Subsection 6-2 **Deal Casino Beach Club** is amended to read as follows:

6-2.2 Club Rules and Regulations

25. SMOKING

No person shall smoke any cigarettes, cigars, or other tobacco products in the Deal Casino and on the Beach. In addition thereto, no person shall smoke cannabis or other cannabis based products as defined by P.L. 2021, c. 16, commonly known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), in the Deal Casino and on the beach at any time.

“Smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, vaporizer, or any other matter or substance which contains tobacco, cannabis, or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Section 4. Subsection 6-6 **Public Beach** is amended to read as follows:

6-6.8 Rules and Regulations.

- o. No dogs, pets or other animals are permitted on any beaches during the bathing season, with the exception of service animals.
- r. No person shall smoke any cigarettes, cigars, or other tobacco products on the any beach. In addition thereto, no person shall smoke cannabis or other cannabis based products as defined by P.L. 2021, c. 16, commonly known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), on any beach at any time.

“Smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, vaporizer, or any other matter or substance which contains tobacco, cannabis, or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Section 5. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply

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only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect upon passage and publication according to law.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 21-86

WHEREAS, it is necessary to have a change fund available for the operation of the Deal Casino and Conover Pavilion during the summer months while the beaches are open.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the Borough Administrator to draw \$1,000.00 total from the general account for the beach clubs to use to make change at the Deal Casino and Conover Pavilion beach clubs, returning this fund after the close of the season in September.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-87

Approval of Change Order #1 for Improvements to Roosevelt Avenue

WHEREAS, the Borough of Deal awarded a contract for improvements to Roosevelt Avenue to Earle Asphalt Company, Farmingdale, NJ at a cost of \$237,713.13; and

WHEREAS, the Borough Engineer recommended the following change to improvements to Roosevelt Avenue:

SA1-1 Tree Removal	Add	\$2,100.00
SA1-2 Pave Berringer Road	Add	\$24,601.20
Total (ADD)		\$26,701.20

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Improvements to Roosevelt Avenue as specified by the Borough Engineer changing the contract amount to \$264,414.33.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 21-88

WHEREAS, Earle Asphalt Company, Farmingdale, NJ has been awarded a contract for the Roosevelt Avenue Road Improvements at a cost of \$264,414.33; and

WHEREAS, Earle Asphalt Company Inc. has requested payment #1 in the amount of \$198,367.95; and

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payment #1 of \$198,367.95 be made to Earle Asphalt Company for the Roosevelt Avenue Road Improvements.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-89

WHEREAS, West End – KB, LLC, Oceanport, NJ has been awarded a contract for the installation of a 60x120 steel building at the Borough Garage at a cost of \$298,826.60; and

WHEREAS, West End – KB, LLC. has requested payment #3 in the amount of \$68,500.00; 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 payment #3 of \$68,500.00 be made to West End – KB, LLC for the 60x120 steel building at the Borough Garage.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-90

WHEREAS, the Borough wishes to hire a part-time laborer within the Department of Public Works; and

WHEREAS, Logan Franklin, has been recommended for the position of part-time laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Logan Franklin be appointed a part-time Laborer effective May 15, 2021 at an annual hourly rate of \$12.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Logan Franklin is to be assigned his duties by the Superintendent of Public Works consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-91

BE IT RESOLVED, that the following persons are hereby appointed for summer positions at the Deal Casino and Conover Pavilion, May 2021 through September 2021 at the hourly salaries set in this resolution unless otherwise noted. Salaries for these positions have been provided for in the Municipal Budget.

2021 Casino Staff hourly salaries

Kailin Burke	\$9.00
Avalon Fiori	\$13.00
Owen Mumm	\$9.00
Christopher Sano	\$10.00

2021 Lifeguard Staff hourly salaries

Carlia Caamano	\$12.00
Connor Caamano	\$11.00
Brian Delia	\$17.00
Ellie Hershkowitz	\$12.00
John Kelly	\$17.00
Victoria Lee	\$12.00
Sophie Masonius	\$11.00
Madison Mastando	\$13.00
Garrett O’Hara	\$12.00
Charles Paparella	\$12.00
Alexis Pickett	\$13.00
Timothy Shea	\$14.50
Olivia Starace	\$12.00
Logan Szuwalski	\$12.00
Tyler Wengiel	\$13.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-92

RESOLUTION AUTHORIZING RENEWAL OF CLUB LIQUOR LICENSES FOR THE 2021 – 2022 LICENSE TERM

WHEREAS, The Deal Golf and Country Club has applied for a Club License on the premises south of Roseld Avenue. The State assigned license No. is 1310-31-006-001. The application has forwarded their municipal fee of \$150.00 to the Borough of Deal.

WHEREAS, the officers and directors of the Club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the Club maintains all records required by N.J.A.C. 13:208.8,

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NOW THEREFORE BE IT RESOLVED that the application of the Deal Golf and Country Club, state assigned license #1310-31-006-001 located at the south of Roseld Avenue also known as 1 & 2 Golf Lane, for the licensed term 2021-2022 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-93

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL LIQUOR LICENSES FOR THE 2021 – 2022 LICENSE TERM

WHEREAS, the license application for Deal Food & Liquor Store, Inc. trading as Deal Food & Liquor has applied for a Plenary Retail Liquor License state assigned license number 1310-44-002-005 located at 112 Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$1,036.00; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE BE IT RESOLVED, that the application of Deal Food & Liquor Store, trading as Deal Food & Liquor Sore, state assigned license No. 1310-44-002-005, for the license term 2021-2022 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-94

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE 2021 – 2022 LICENSE TERM

WHEREAS, the license application for The Bar Room, L.L.C. has applied for a Plenary Retail Consumption License state assigned license number 1310-33-004-007 located at 100 ½ Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2,000.00; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE BE IT RESOLVED, that the application of The Bar Room, L.L.C. trading as The Bar Room state assigned license No. 1310-33-004-007, for the license term 2021-2022 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 21-95

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE 2021 – 2022 LICENSE TERM

WHEREAS, Smilen, Inc. has applied for a Plenary Retail Consumption license which the state has assigned license No. 1310-33-007-011 on the premises located at 118 Norwood Avenue including the building at 105 Brighton Ave.; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2,000.00; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and governmental ABC laws and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the application of Smilen, Inc. state assigned license #1310-33-007-011, for the license term 2021-2022 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-96

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

WHEREAS, payroll and miscellaneous expenses must be approved for payment.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending June 30, 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 May was received from Chief Ronen Neuman.

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

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

A resolution from the Township of Berkley was received commending Fulfill Food Bank of Monmouth and Ocean Counties.

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A letter was received from CASA, Court Appointed Special Advocates for Children, explaining what they offer for children in the NJ Family Court System.

A letter was received from the NJ Department of Transportation advising that applications are being accepted for the 2022 Safe Routes to School program.

A letter was received from the District 11 Legislatures asking the Board of Commissioners reassess approving Ordinance 1139.

A letter was received from Split Second Racing requesting permission for the War at the Shore Triathlon on June 26 and the Jersey Girl Triathlon on July 31. The Board of Commissioners approved the races subject to a traffic plan being approved by the Police Department.

An application for a raffle license was received from the Jersey Shore University Medical Center Foundation at the Deal Golf Club on July 12. The Board of Commissioners approved the raffle.

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 21-06 of the Warrant Register in the amount of \$884,866.52.

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.

Renee Levine, 28 Richmond Avenue, asked the Board of Commissioners the status of the lawsuit with the Littoral Society, Paul Fernicola, Borough Attorney, stated that we are waiting on a decision from the judge. Mrs. Levine asked how much the legal fees are for the lawsuit, Mr. Fernicola did not know. Mrs. Levine asked what the parking for the DSN will be at the Deal Casino, Mayor Cohen stated it will be the same as last year.

Irwin Levine, 28 Richmond Avenue, asked the Board of Commissioners how long the construction would be on Roseld Avenue. Mr. Levine was advised that it is a Township of Ocean Sewerage Authority project and they are stating approximately 3 more weeks. Mr. Levine asked how many handicap parking spaces are at the Casino, Mayor Cohen stated it was unknown the exact amount but it is the same amount as last year. Mr. Levine asked when the Deal Casino Parking permits will be handed out, he was advised in the next week or so.

John Weber, Surfriders Association, read a letter from the NJ Department of Environmental Protection dated May 27, 2021. Mr. Fernicola asked when he received this letter, Mr. Weber stated this morning from Senator Gopal's office. Mr. Fernicola stated that the Borough is unaware of any letter.

Patty Cronheim, 88 Monmouth Drive, asked the Board of Commissioners on behalf of the Conservation Voters for the permit parking ordinance to be withdrawn, not tabled. Mrs. Cronheim asked the Board of

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Commissioners to reconsider the ordinance for walking dogs on the beach, there are many early walkers in the morning on the beach.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners if hazards on the beach can be marked. Ms. Coffey also asked if the beach can be delineated for swimmers and where the swimming areas are located. Ms. Coffey also stated that there is a lot of construction on the weekends and the Board should not pass laws that are not going to be followed.

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

The following resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-97

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 potential litigation 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 potential litigation at 9:27 A.M.

The Commissioners returned to open session at 10:05 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, July 7, 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 10:05 A.M.

SC _____

MA _____

DS _____

Clerk