

A special meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on August 6, 2024 at 09:00 A.M. This meeting was conducted in the Court Room at Borough Hall.

Flag salute led by Mayor Cohen.

OPEN PUBLIC MEETING STATEMENT: *Read by temp. Sandra Martin-* Pursuant to the provisions of New Jersey Open Public Meetings Act, adequate notice of this meeting was properly provided by transmitting the Notice of the meeting for publication in the Asbury Park Press and the Coaster. Notice of this meeting of the Board of Commissioners has been posted in the corridor of the Municipal Building and in the Office of the Municipal Clerk.

Present: Cohen, Simhon & Kassin
Also Present: Acting Clerk/Administrator, Chief Ronen Neuman
Borough Attorney, Ian Goldman
temp. Sandra Martin, RMC

APPROVAL OF THE MEETING MINUTES OF JULY 8, 2024:

Moved by Commissioner Simhon, Seconded by Mayor Cohen

In Favor: Cohen, Simhon, Kassin

Carries: Yes

ORDINANCES:

Public Hearing & Adoption: Ordinance 1289 Regulating the Use of Electric Bikes & E-Scooters

Mayor Cohen opened the floor up to public comment.

Public Comment:

Resident, 85 Norwood Avenue: Expressed concern that children on motorized bikes are not wearing helmets and listening to headphones while operating bikes.

Seeing no additional hands Mayor Cohen closed the public comment session.

ORDINANCE 1289

**ORDINANCE OF THE MAYOR AND BOROUGH COMMISSIONERS OF THE
BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 10 OF THE TRAFFIC CODE 10.37**

An Ordinance Regulating the Use of Electric Bikes and E-Scooters within the Borough of Deal

WHEREAS, the Board Commissioners of the Borough of Deal recognizes the increasing popularity and usage of electric bikes (e-bikes) and electric scooters (e-scooters) within the community; and

WHEREAS, the Board Commissioners seek to promote the safe and responsible use of e-bikes and e-scooters in accordance with New Jersey State Title 39 traffic laws; and

WHEREAS, the Board Commissioners aims to ensure the safe parking and storage of e-bikes and e-scooters to prevent potential fire hazards associated with lithium-ion batteries;

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

Section 1: Definitions

For the purpose of this ordinance, the following terms shall have the meanings indicated:

Electric Bike (E-bike): A bicycle with an integrated electric motor which can be used for propulsion, classified as follows:

Class 1: Pedal-assist e-bike providing assistance only when the rider is pedaling and ceasing to assist at 20 miles per hour.

Class 2: Throttle-assist e-bike that can be used exclusively to propel the bicycle up to 20 miles per hour.

Class 3: Motorized bicycles requiring a license and following more stringent regulations.

Electric Scooter (E-scooter): A scooter with an integrated electric motor, capable of a maximum speed of 19 miles per hour, used primarily for short-distance travel.

Section 2: Applicability

This ordinance applies to all operators of e-bikes and e-scooters within the municipal boundaries of the Borough of Deal.

Section 3: General Regulations

1. Compliance with State Law:

All operators of e-bikes and e-scooters must comply with New Jersey State Title 39 traffic laws and any other applicable state regulations regarding the operation of bicycles and e-scooters.

2. Licensing and Registration:

Operators of Class 1 and Class 2 e-bikes and e-scooters are not required to have a license, registration, or insurance. Class 3 e-bikes require a license, and operators must be at least 15 years old and wear a helmet.

3. Helmet Requirement:

All operators and passengers of e-bikes and e-scooters under the age of 17 must wear a properly fitted and fastened bicycle helmet.

4. Operation on Public Roadways and Paths:

E-bikes and e-scooters may be operated on public roadways, bicycle lanes, and multi-use paths where traditional bicycles are permitted unless otherwise posted by the Town. E-bikes and e-scooters are prohibited from being operated on sidewalks unless explicitly permitted by local rules.

5. Speed Limits:

E-bikes and e-scooters must not exceed a speed of 20 miles per hour. Class 3 e-bikes, which can exceed this speed, must adhere to additional restrictions and requirements.

6. Equipment Requirements:

E-bikes and e-scooters must be equipped with a white front headlamp and a red rear taillight visible from 500 feet during nighttime or low visibility conditions. They must also have a bell or horn audible from 100 feet away. The brakes must be capable of making the wheels skid on dry, clean, level pavement.

Section 4: Parking and Storage

1. Parking Regulations:

E-bikes and e-scooters must be parked in designated bicycle or e-scooter parking areas. They must not obstruct pedestrian walkways, driveways, or building entrances.

Parking on sidewalks is prohibited unless explicitly permitted by local signage.

2. Storage Requirements:

E-bikes and e-scooters must be stored in a safe place to prevent fire hazards associated with lithium-ion batteries. This includes:

- Storing e-bikes and e-scooters away from flammable materials and in well-ventilated areas.
- Avoiding overcharging batteries and following manufacturer guidelines for battery maintenance.
- Regularly inspecting batteries for damage and properly disposing of defective batteries.

Section 5: Penalties

Any person who violates any provision of this ordinance shall be subject to a fine not exceeding \$100 for each offense.

Section 6: Enforcement

This ordinance shall be enforced by the Deal Police Department and other designated municipal officials.

Section 7: Severability

If any section, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 8: Effective Date

This ordinance shall take effect immediately upon final passage and publication as required by law.

Moved by : Mayor Cohen
Seconded by: Commissioner Simhon
Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes
Carries: Yes

Re-introduction (with changes): Ordinance 1290 10-17 Parking of Certain Trucks, Vehicles, And Trailers Prohibited

Chief Ronen announced Ordinance 1290 is listed for a re-introduction due to changes made from the previous introduction on July 8, 2024. Changes include Mayor Cohen’s suggestion for renaming Alleyway to Carasia Way (between Brighton Avenue and Campell Court & between Campbell Court and Phillips Avenue).

Public Comment:

Resident, 85 Norwood Avenue: Inquired what issue does this ordinance solve. Seeing no additional hands Mayor Cohen closed the public comment session

Moved by : Mayor Cohen
Seconded by: Commissioner Simhon
Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes
Carries: Yes

**ORDINANCE 1290
10-17 PARKING OF CERTAIN TRUCKS, VEHICLES, AND TRAILERS PROHIBITED**

No person shall park any commercial vehicle, pickup truck, truck, van, a school bus, any other type of bus, recreational vehicle, camper, boat or trailer between the hours specified upon any of the streets or parts of streets described below.

Definitions as Used in this subsection:

Commercial vehicle shall mean any motor vehicle, truck, pickup truck or van licensed or designated for use or used for the transportation of property or other commercial purposes on the streets and highways of New Jersey such as the regular providing and delivery of goods, wares, merchandise and services.

Pickup truck shall mean a truck or other motor vehicle with an open back designed, used or maintained primarily for the regular transportation of property or delivery of services.
Truck shall mean every motor vehicle designed, used or maintained primarily for regular transportation of property or delivery of services.

Van shall mean an enclosed motor vehicle designed, used or maintained primarily for regular transportation of property or delivery of services.

Exceptions. Nothing herein shall be deemed to prohibit the parking of commercial vehicles, pickup trucks, trucks, vans, a recreational vehicle, camper, busses, boat or trailer or equipment related thereto, on a residential street while it is being used in the transaction of business with the owner or occupant of residential property in the area or is in the area for the purpose of installing, maintaining or performing public utility services.

Trailer: The use of a trailer or camper for living purposes as heretofore stated is prohibited within the jurisdictional limits of the Borough of Deal.

An unoccupied commercial vehicle, trailer or camper may be parked or placed on any private property within the jurisdictional limits of the Borough of Deal only if the commercial vehicle, trailer or camper is kept in a garage or other building completely enclosed and not readily visible to adjoining property owners or to the general public. Except in commercial zones designated by the Borough of Deal.

Trailers used or intended to be used temporarily for educational use are not included in the above definition of trailer.

Street	Hours	Days
All Streets (except Commercial and R4 zones)	10p-6a	all
All streets in R4 zones (except the eastern side of Railroad Avenue)	10p-6a	Between Memorial Day October 1st.

10-20 ONE WAY STREETS

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
Alleyway (1st west of Route NJ 71 (Norwood Avenue)	South	Between Phillips Ave & Campbell Court
Poplar Avenue	East	Between Railroad Avenue & Route NJ 71 (Norwood Ave)
Carasia Way (2nd West of Route NJ 71 Norwood Avenue)	North	Between Brighton Avenue and Campbell Court
Carasia Way (2nd West of Route NJ 71 Norwood Avenue)	North	Between Campbell Court and Phillips Avenue

This ordinance shall take effect immediately upon final passage and publication as required by law. NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Board of Commissioners on first reading at a regular meeting of the Board of Commissioners of the Borough of Deal held on the 6th day of August, 2024 and will be considered for second reading and final passage at a regular meeting of the Board of Commissioners to held on the 5th day of September, 2024 at 9:00 am in the Court Room of Borough Hall, 190 Norwood Avenue, Deal, New Jersey at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

RESOLUTIONS (24-118) – (24-122): *Chief Neuman read by title for the record to be voted on as a consent agenda.*

**BOROUGH OF DEAL
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Kassin offers the following Resolution:

**Resolution 24-118
Resolution Appointing Barbara Coffey as a Deal Lake Commission Representative**

WHEREAS, the Borough of Deal is required to appoint a representative(s) to the Deal Lake Commission; and

WHEREAS, Barbara Coffey of Deal expressed an interest in becoming the representative for the Borough of Deal on the Deal Lake Commission.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Barbara Coffey be appointed as the representative to the Deal Lake Commission to commence August 6, 2024 and to expire December 31, 2024.

**BOROUGH OF DEAL
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Simhon offers the following Resolution:

Resolution 24-119

Re-Appointing Chief Ronen Neuman for a Second, one (1) Year Term as Acting Administrator/Clerk

WHEREAS, Ronen Neuman has been the Acting Administrator/Clerk since August 11, 2023; and

WHEREAS, it is a desire of the Board of Commissioners of the Borough of Deal to renew Chief Neuman's appointment(s) for an additional term of one (1) year.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, that Ronen Neuman, Acting Administrator/Clerk be re-appointed for a second term for one (1) year and authorize a continued stipend of \$5,000 to be paid bi-monthly for said position.

**BOROUGH OF DEAL
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Simhon offers the following Resolution:

Resolution 24-120

Authorizing Salary Increases for Certain 2024 Seasonal Staff

WHEREAS, the Acting Borough of Deal Administrator recommends salary increases for certain individuals for various position for the 2024 Season; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Deal to confirm the appointments and salary adjustments.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, as the salaries for certain individual(s) listed on SCHEDULE A is hereby increased for pursuant to the current salary Ordinance.

**Schedule A:
August June – Salary Increases**

Mike Hughes-	\$14.00, Opener
Dom Gervolino-	\$14.00, Gate/Security Staff
Casey Gardiner-	\$17.00, Satellite
Shane Corson-	\$17.00, Satellite
William Perski-	\$17.00, Satellite

Kyle Moore-	\$17.00, Satellite
Derek Valesi-	\$17.00, Satellite
Nic Critelli-	\$14.00, Gate/Security
Ryan Ippolito-	\$14.00, Gate
Gianna Canavan-	\$14.00, Gate
Ryleigh Cerco-	\$14.00, Gate

**BOROUGH OF DEAL
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Simhon offers the following Resolution:

Resolution 24-121

Resolution Authorizing the Award of Improvements to Poplar Avenue to Black

WHEREAS, bids were received for the Improvements to Poplar Avenue within the Borough of Deal; and

WHEREAS, the Borough solicited proposals and received bids from six (6) vendors; and

WHEREAS, proposals were received ranging in cost from a high of \$302,047.00 from S. Brothers Construction, South River, NJ, and a low bid of \$237,500.00 from Black Rock Enterprises LLC, Old Bridge, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the improvement project for Poplar Avenue to Black Rock Enterprises LLC, Old Bridge, NJ in the amount of \$237,500.00.

**BOROUGH OF DEAL
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Simhon offers the following Resolution:

Resolution 24-122

Resolution Adopting Technology Risk Management Standards In Compliance With The New Jersey Municipal Excess Liability Joint Insurance Fund's Cyber Risk Management Plan's Tier One & Tier 2 Requirements

Whereas, the Borough of Deal is a member of the Monmouth County JIF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

Whereas, through its membership in the Monmouth County JIF, the Borough of Deal enjoys cyber liability insurance coverage to protect the Borough of Deal from the potential devastating costs associated with a cyber related claim; and

Whereas, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

Whereas, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Deal; and

Whereas, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Borough of Deal to claim a reimbursement of a paid insurance deductible in the event the member files a claim against the Borough of Deal's cyber insurance policy, administered through the Monmouth County JIF and the Municipal Excess Liability Joint Insurance Fund; and

Now Therefore Be It Resolved that the Borough of Deal does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 1 & Tier 2 of the NJ MEL Cyber Risk Management Plan; Information

Backup Password Management Security Patches and Updates Email Warning Defensive Software Incident Response Plan Security Awareness Training Technology Practice Policy Government Cyber Membership; and

Be It Further Resolved, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

Moved by : Commissioner Kassin
Seconded by: Mayor Cohen
Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes
Carries: Yes

MONTHLY REPORTS: - *temp.* Sandra Martin RMC., CMR announced the monthly reports for the Municipal Court & Police Department were provided to the Board of Commissioners prior to the meeting.

The Board of Commissioners engaged in a brief discussion concerning the mass influx of police calls since the summer season began. Lt. Hulse explained that car thefts are significantly down in comparison to other municipalities.

CORRESPONDENCE

Chief Ronen read for the record:

Authorizations:

Request to hold Merchandise Raffle from Deep Search Metal Detecting Club to be held 9/21/24 & 9/22/24 at the Conover Pavilion 9am-3pm. Request from Deep Search Metal Detecting Club to be charged the previous off-season cost of \$250.00 per day for the Conover Pavilion scheduled for September 21st & 22nd.

The Commissioners approved. Next season the new prices will apply.

Request to hold a Raffle from PBA Local 101 to be held Aug. 29, 2024 7pm-11pm

The Commissioners approved with no conditions.

Request to hold Cash Raffle from the Marine Corps Scholarship Foundation at the Deal Country Club on Oct 10, 2024 8am-8pm

The Commissioners approved with no conditions.

Request from Ocean Twp. United Soccer Association to hold their 50th Anniversary beach bonfire on Sept 21st 6pm-9pm.

The Commissioners approved the gathering but the bonfire is not permitted.

Request from Maritza Ibrahim for the use of the Deal Casino lot for parking on August 14th starting at 5:30pm until midnight for an event at the Sitt residence located at 71 Ocean Ave.

The Commissioners approved with no conditions.

Request from Deal Fire Co. for use of the borough's streets and facilities at the Deal Casino to hold Trick or Trot Run Thru Deal on Sun. Oct. 27, 2024

The Commissioners approved with no conditions.

Request from the Deal First Aid Squad for use of the casino for their annual membership party on Mon. evening Aug 19th. They come in after the beach club closes.

The Commissioners approved with no conditions.

Request APC Hospitality for use of Casino or Conover parking lot on Aug 18th Sunday at 3pm.

The Commissioners denied in whole.

Request from DSN for use of beach & bonfire on the beach.

The Commissioners denied the bonfire but approved use of the beach.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Lt. Hulse explained a new system has been developed for the residents to report street light outages. A form is available on the Deal Police Department's webpage to report out streetlights. Mayor Cohen feels it is important to research the past shared service agreement with Ocean Township to trim the trees blocking streetlights.

Chief Ronen discussed a shared service with the County to clean out the storm drains. The Army Corps of Engineers installed the outflow pipe too short and are aware of it. The Army Corps of Engineers will address the issues when they revisit the next beach replenishment project.

Commissioner Simhon explained that there is an issue with stones popping up on Poplar Avenue while bike riding requesting the street sweeper clean up the road.

The Department of Public Works will trim the trees and paint SLOW on the corner of Monmouth Drive- for safety reasons. Commissioner Simhon suggests a stop sign installed. Mayor Cohen further suggests a four-way stop. A discussion ensued concerning the issue with a four-way stop. Lt. Hulse reported the Department of Public Works will replace the stop sign located at Jerome Avenue and Pleasant Place.

AUTHORIZATION TO PAY ALL BILLS APPROVED BY THE FINANCE COMMITTEE:

Read by *temp.* Sandra Martin: Be It Resolved: By the Board of Commissioners of the Borough of Deal, NJ that the following bills reported by the Finance Committee be ordered paid and the vouchers drawn through August 30th.

Moved by : Commissioner Kassin
Seconded by: Mayor Cohen
Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes
Carries: Yes

PUBLIC COMMENT

Mayor Cohen opened the session for public comment.

Resident, 85 Norwood Avenue: Expressed concern that allowing the Sweky concert at the end of the month will take away from the beach & casino goers and experience. Feels free guest passes should be issued. Explained opinion that having concerts does not benefit the town. Expressed concern about sound checks.

There being no further business or comments, Acting Administrator Neuman explained the Board of Commissioners will enter an Executive (Closed) Session excluding the public. No official action will take place once the meeting is adjourned and reopened into public session.

Chief Neuman read Resolution 24-123 in its entirety into the record.

Executive (Closed) Session began at 09:45 am.

**BOROUGH OF DEAL
MONMOUTH COUNTY, NEW JERSEY**

Resolution 24-123

Authorizing The Board Commissioners to Meet in Closed Executive Session

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 and Personnel Matters; and

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.

August 6, 2024

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

Motion to close executive session and reenter into public session made by Commissioner Simhon, seconded by Mayor Cohen.

All in Favor: Ayes
Any Opposed: None
Carried: Yes

The Board of Commissioners returned to open session at 10:20 am.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Kassin that the meeting be adjourned at 10:25 am.

SC _____

DS _____

JK _____

Respectfully Submitted,

Ronen Neuman,
Acting Municipal Clerk/Administrator

APPROVED: 09.05.2024