

December 6, 2019

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on December 6, 2019 at 9:00 A.M.

Mayor Cohen lead the salute to the flag.

It was stated that in conjunction with the "Open Public Meeting Law", p.l. 1975 ch. 231, a notice required by this statute has been satisfied as per a resolution passed on December 9, 1997 at 5:05 P.M. at Borough Hall at a regular meeting of the Board of Commissioners, Borough of Deal, and Monmouth County, New Jersey.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon
Also Present: Paul Fernicola, Borough Attorney

It was moved by Commissioner Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on November 6, 2019 be approved as recorded.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 19-158

WHEREAS, a vacancy exists in the position of Sergeant of Police in the Deal Police Department; and

WHEREAS, the rules specified for filling this position have been followed and the candidate selected, Brad Kerney has been tested and interviewed for the position of Acting Sergeant.

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

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen issued the Oath of Office to Sergeant Brad Kerney.

Commissioner Ades offers the following Resolution:

Resolution 19-159

WHEREAS, Tyler Redy, has applied for the position of Probationary Patrolman with the Deal Police Department; and

WHEREAS, Tyler Redy has successfully completed training as a Special Class II Police Officer graduating from the Monmouth County Police Academy in May, 2018; and

WHEREAS, Tyler Redy has successfully completed his Bachelor's Degree from Stockton University.

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NOW THEREFORE BE IT RESOLVED, that Tyler Redy be hereby appointed as a Probationary Patrolman in the Police Department of the Borough of Deal, New Jersey, effective December 16, 2019 at an annual base salary of \$48,381.00 paid semi-monthly be approved; and

BE IT FURTHER RESOLVED, that this approval is granted subject to the provisions of the statutes of New Jersey and the Ordinance establishing the police department in the Borough of Deal and the rules and regulations governing the Police Department.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen issued the Oath of Office to Patrolman Tyler Redy

Commissioner Ades offers the following Resolution:

Resolution 19-160

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

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

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

NOW THEREFORE BE IT RESOLVED, that Tyler O'Brien be appointed as a Class II Special Police Officer for a term of (1) one-year, effective December 16, 2019, unless removed from office by the Chief of Police before the end of the one-year term. Tyler O'Brien is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 19-161

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

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Commissioner David Simhon, 274 Norwood Avenue, Deal be appointed to a one (1) year term as a Class III member of the Planning Board pursuant to the Municipal Land Use Law, P.L. 1975 to commence January 1, 2020 and to expire December 31, 2020.

Seconded by Mayor Cohen

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 19-162

WHEREAS, N.J.S.A. 40A:9-133 requires every municipality in the State of New Jersey to appoint a Municipal Clerk; and

WHEREAS, the provisions of N.J.S.A. 40A:9-133.2 specify the requirements necessary to be eligible to be a Municipal Clerk and further provides for the successful passing of an examination administered by the Director of the Division of Local Government Services of the Department of Community Affairs in order to be certified to be eligible to be a Municipal Clerk; and

WHEREAS, the Borough of Deal appointed Stephen Carasia, Borough Clerk on January 1, 2013, pursuant to the provisions of N.J.S.A. 40A:9-133; and

WHEREAS, the Board of Commissioners of the Borough of Deal wishes to formally re-appoint Stephen Carasia as the Borough Clerk of the Borough of Deal pursuant to law; and

WHEREAS, N.J.S.A. 40A:9-133 provides that every Municipal Clerk shall be appointed for an initial three (3) year term by the Governing Body of the Municipality and N.J.S.A. 40A:9-133.7 and provides for tenure to a Clerk holding office during good behavior in accordance with law.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that Stephen Carasia be and the same is hereby re-appointed Borough Clerk effective January 1, 2020 pursuant to the provisions of N.J.S.A. 40A:9-133 et seq.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 19-163

WHEREAS, the Borough of Deal has to secure a supplier of gasoline and diesel fuel for the vehicles that service the Borough; and

WHEREAS, the New Jersey State Contract has gasoline and diesel fuel available through state contract from Allied Oil Company, 25 Old Camplain Road #2, Hillsborough Township, NJ 08844 for the year 2019 at prices specified in their bid.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal agrees to purchase the fuel required for the year 2020 from Allied Oil Company of Hillsborough Township, New Jersey at the terms and prices specified in their contract under New Jersey State Contract.

BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by Allied Oil Company.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 19-164

WHEREAS, the Borough of Deal has to secure a supplier of rock salt for snow and ice removal within the Borough; and

WHEREAS, the Borough of Deal as a member of the Monmouth County Cooperative Pricing System can participate in group purchasing for these products; and

WHEREAS, the Monmouth County Department of Purchasing has awarded a bid for rock salt to Chemical Equipment Labs, Walnut Street, Marcus Hook, PA 19061 for the year of 2018 at prices specified in the County Bid Proposal #F-23-2018.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal, as a member of the Monmouth County Cooperative Pricing System, agrees to purchase the rock salt or approved equivalent required for the year 2020 from Chemical Equipment Labs the terms and prices specified in their contract with Monmouth County, #F-39-2020.

BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by Chemical Equipment Labs.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 19-165

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Deal, that the Mayor is hereby authorized by the governing body of the Borough to execute a Shared Service Agreement for 2020 with the Monmouth County SPCA for the purpose of Animal Control and the Borough Clerk to attest to the Agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 19-166

**AUTHORIZING THE BOROUGH OF DEAL TO CANCEL OLD
OUTSTANDING CHECKS AND RECONCILING ITEMS**

WHEREAS, certain checks have been identified in the General Fund, Payroll and Engineering Escrow as outstanding; and

WHEREAS, it is a normal financial practice to review the bank accounts for old outstanding items for cancellation with the balances to be returned to the Current Fund Balance; and

WHEREAS, it is necessary to formally cancel said checks so that the unnecessary balances may be returned to the Surplus Balance in the Current Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the following old outstanding checks, be cancelled;

Current Fund Account	Outstanding Date (prior to)	Check #	Amount
Engineering	1/12/2018	1306	\$160.00
Engineering	1/12/2018	1316	\$452.50
Engineering	1/12/2018	1322	\$1242.50
Engineering	10/15/2018	1350	\$1980.00
Total to Cancel			\$3835.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-167

WHEREAS, the Borough of Deal, as a participating member of the State Health Benefits Program, can offer an incentive to a full time employees to waive the health benefits coverage offered by the Borough of Deal, if the employee is eligible for any other health care coverage, and;

WHEREAS, the Borough of Deal can offer an employee who waives coverage 25 percent of the amount saved by the employer or \$5,000, whichever is less. The amount saved by the employer would be the premium due minus the contribution the employee would have made if the employee did not waive coverage.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Borough agrees to provide payment in lieu of benefits to qualified employees in the amount of 25 percent of the cost of the employees appropriate State Health Benefits Program presently enrolled in, minus the contribution the employee would have made if the employee did not waive coverage, or \$5,000.00 whichever is less. Payment to be made upon the completion of the required forms, payable on December 15, 2019.

Seconded by Commissioner Simhon

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Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-168

WHEREAS, Local budget Law provides that between November 1st and December 31st of the current budget year, and January 1st and March 31st of each year of the next succeeding year, transfers may be made from one budget appropriation to another by resolution; and

WHEREAS, it has become necessary to expend more for some purposes than provided for in the 2019 budget, as adopted.

NOW, THEREFORE BE IT RESOLVED that the following transfers be made between appropriations in the 2019 budget for the Borough of Deal,

Transfer To:		
Public Works, Sanitation, OE		\$8,000.00
Transfer From:		
Public Works, Sanitation, S&W		\$8,000.00
Transfer To:		
Parks & Playgrounds, Tree Maintenance, OE		\$20,000.00
Transfer From:		
Administrative & Executive, OE		\$20,000.00
Transfer To:		
Park & Recreation, Beach Front, OE		\$60,000.00
Transfer From:		
Park & Recreation, Beach Front, S&W		\$60,000.00
Transfer To:		
Unclassified, Accumulated Leave, OE		\$100,000.00
Transfer From:		
Insurance, Employee Group Health, OE		\$100,000.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-169

WHEREAS, the Borough of Deal, is in need of tree maintenance throughout the Borough to help alleviate unsafe conditions, and;

WHEREAS, the Borough of Deal wishes to utilize our existing shared service agreement with Monmouth County per N.J.S.A. 40A:65-1 et seq; and

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

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that the Borough utilize the Monmouth County Public Works & Engineering for tree maintenance at a cost of \$22,260.93.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 19-170

WHEREAS, the Borough of Deal, is looking to update the current Kubota fleet utilized by the sanitation, public works and the sewer departments, and;

WHEREAS, these vehicles are offered by the U.S. Communities Government Purchasing Alliance; and

WHEREAS, the Borough Mechanic has spent countless hours with representatives of club car to provide an electrical version that would satisfy the requirements of these departments; and

WHEREAS, the Borough of Deal wishes to purchase four (4) new Club Car Carryall 710 Electric Utility Vehicle.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the purchase of four (4) new Club Car Carryall 710 Utility Vehicle from the U.S. Communities Government Purchasing Alliance Co-Op at a cost of \$28,513.00 per unit.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 19-171

WHEREAS, the Borough of Deal, is looking to utilize a third-party vendor for payroll, and;

WHEREAS, the Borough has researched 3 different vendors and received quotes from each vendor; and

WHEREAS, the Borough has determined that the best option to utilize is Paychex, Piscataway, NJ; and

WHEREAS, the Local Finance Board of the State of New Jersey adopted formal rules regarding "Electronic Disbursement Controls for Payroll Purposes" in order to provide formal authority for local governments to hire third-party payroll services/disbursing services to disburse funds to payroll agencies; and

WHEREAS, in order to have a payroll servicer provide disbursement services, the Board of Commissioners of the Borough of Deal must formally approve the principle of a third-party having access to Borough funds, formally assigning responsibility to an official to oversee the process and approving all contracts.

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NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal that Third-Party Payroll Disbursement is hereby authorized:

A. The Township is authorized to use a payroll service to prepare payment documentation, take possession of Township funds, and make such disbursements itself on behalf of the Township.

B. The following payroll service providers shall be required to comply with these regulations:

- (1) Payroll service providers who use their own customized programming process to execute disbursements for the Township;
- (2) Payroll service providers who use a third-party processor to execute disbursements for the Township.

C. The Borough Administrator is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service. The Chief Financial Officer along with the Borough Treasurer shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization.

D. If required by the contract between the Township and the payroll service, the payroll service is permitted to hold Township funds pending transmittal to a payee.

E. A payroll service must meet all of the following requirements:

- (1) Report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of the approval officer;
- (2) Report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Township.

F. A payroll service must meet the requirements of N.J.A.C. 5:30-17.5, requiring that the approval officer be assured that the servicer has its own internal controls and appropriately guard against theft and other adverse conditions.

G. All contracts entered into pursuant to these regulations and the laws authorizing the same shall comply with the requirements of N.J.A.C. 5:30-17.6, which sets out a series of mandatory contractual terms and conditions.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the use of Paychex as a third party payroll provided, and allowing the Borough Administrator, with the assistance of the Chief Financial Officer and Township Attorney, as necessary, is hereby authorized and directed to enter into a contract for payroll service.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

Resolution 19-172

WHEREAS, the Borough is looking to upgrade the software utilized for the Beach Clubs; and

WHEREAS, Edmunds & Associates software is currently used for all financial matters within the Borough; and

WHEREAS, Edmunds & Associates will customize their software to handle all beach and recreation needs for the Borough; and

WHEREAS, Edmunds & Associates will provide this separate module to our existing software at a cost of \$9,000.00 per year for three years and reduce the cost to \$6,600 in year four.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Borough utilize the software from Edmunds & Associates for Beach and Recreation and completed for the 2021 season; and

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 19-173

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

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending December 31, 2019 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

Commissioner Ades offers the following Proclamation

Proclamation

A Proclamation Commemorating the Borough of Deal School Choice Week

WHEREAS, all children in DEAL should have access to the highest-quality education possible; and,

WHEREAS, The Borough of Deal recognizes the important role that an effective education plays in preparing all students in the Borough of Deal to be successful adults; and,

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WHEREAS, quality education is critically important to the economic vitality of the Borough of Deal; and,

WHEREAS, the Borough of Deal is home to a multitude of high-quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS, the Borough of Deal has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Samuel Cohen do hereby recognize January 26 – February 1, 2020 as **THE BOROUGH OF DEAL SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen made the following Planning Board / Zoning Board Appointments: Nicole Cohen as Class IV Members for 4 years. Irwin Levine as an Alternate I member for 2 years.

A report of the monthly activities, time and sick use for the Police Department in November was received from Chief Ronen Neuman.

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

A report of the disbursement checks for the Municipal Court for November was received from Mary Ellen Supon.

The NJ League of Municipalities provided the Legislative Bulletin for November 2019.

A letter was received from the Borough of Allenhurst advising of an Ordinance amending Chapter XXVI entitled Development Regulation.

A letter was received from the Department of Transportation advising that the Borough was selected to receive funding under the Transportation Trust Fund grant in the amount of \$270,000.00 for the Roosevelt Avenue Project.

A letter was received from the Deal Fire Department advising of their election of Executive Officers and Line Officers.

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 19-12 of the Warrant Register in the amount of \$593,202.70.

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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.

Tom Rogers, Deal Fire Chief, spoke to the Board of Commissioners about the calls for service during the 2019 year as well as training and special events. Chief Rogers gave an overview of 2 fires that could have become serious if not for the action of the members of the Deal Fire Department, location being 24 Monmouth Drive and 48 Roosevelt Avenue. Chief Rogers advised the Commissioners on the multiple mutual aid calls that they have received. Chief Rogers thanked the Board of Commissioners for hiring Alan Roussell as a full-time fire driver and the equipment that has been purchased throughout the year. Chief Rogers also asked that the Board of Commissioners to consider filing the third remaining fire driver position with Charlie Rivera, that is currently being filled with part-time drivers. Chief Rogers thanked Police Chief Ronen Neuman for the support from the police department. Chief Rogers invited the Board of Commissioners to the swearing-in ceremony on January 1.

Mary Anne Cronheim, 88 Monmouth Drive, asked about the fire at 24 Monmouth Drive and if this was a rental property with college kids. Chief Rogers was not sure.

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, will be the re-organization meeting in January, date to be determined.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Ades that the meeting be adjourned at 9:24 A.M.

SC _____

MA _____

DS _____

Clerk