

March 3, 2021

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on March 3, 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 and Peter Avakian, Borough Engineer

It was moved by Commissioner Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on February 5, 2021 be approved as recorded.

Ordinance 1227 to amend Chapter V Police Regulations was introduced on January 6, 2021, tabled on February 3, 2021 and the public hearing is scheduled for today, March 3, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1227, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners how the landscapers would be notified, she was advised when they obtain their mercantile license, a copy of the ordinance will be provided. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE No. 1227

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

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

Paul Fernicola, Borough Attorney, presented to the Board of Commissioners a synopsis of Ordinance 1230. Mr. Fernicola provided the inaccuracies in a letter sent to the NJ Department of Environmental Protection by Mr. Andrew Chambarry. Mr. Fernicola presented a CAFRA permit for work on the revetment wall at Roosevelt Avenue as well as aerial photographs of the area of Block 14 Lot 17. Mr. Fernicola then presented a question and answer presentation about the public trust doctrine and the sale of municipal property. Mr. Fernicola then asked Peter Avakian, Borough Engineer, about the municipal property being considered for sale and the surrounding area.

Ordinance 1230 to authorize the private sale of Block 14 Lot 17 was introduced on February 3, 2021 and the public hearing is scheduled for today, March 3, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1230, seconded by Commissioner Simhon and approved. The Mayor invited public comment. An email was received from Jordan Robinson, stating that the ordinance was in violation of the terms of a Hazard Mitigation Grant and a Coastal Area Facilities Review Act permit. Jordan Robinson also stated that for some that cannot use stairs, this is the only option for viewing the beach. Jordan Robinson implored the Board of Commissioners to keep the lot public property. An email was received by Dave Hochman, Monmouth Beach, stated that he was against privatization and commercialization of the beach front. Mr. Hochman asked the Board of Commissioners to fight harder

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against state and federal entities adding unwanted sand. An email was received from Ken Robinson, stating that he was against the sale of the property because in time the homeowner would block the south side of the beach. Mr. Robinson stated the sale violates the terms of the \$361,000 grant from DEP. An email was received from Andrew Chambarry asking if the Borough complied with the NJDEP's requirement that a public access conservation easement be recorded with the Monmouth County Clerk's office. Mr. Chambarry also asked if the Borough is aware of any rules or regulations where the Borough would be required to reimburse FEMA or OEM with a percentage of proceeds created with funding from the Hazard Mitigation Grant Program. An email was received from Sheila Bray, Oakhurst NJ, stated why the town would consider selling a limited visual access to view the ocean. Ms. Bray stated that this is normally enjoyed by so many. Ms. Bray also asked how much would the town pay to Real Estate Transfer Fees. Paul Fernicola explained the requirements for the Real Estate Transfer Fees. An email was received from Molly McBain stating that she strongly opposes the sale and that she has used this access regularly for the past 20+ years. Ms. McBain also asked if the Borough has met the requirements of the NJDEP notice of violation issued on February 9, 2021. Ellen B addressed the Board of Commissioners stating that the homeowner has restricted parking in the area. Paul Fernicola stated that parking is provided on street by the town and that Deal is providing visual access. Tim Dillingham, Highlands, stated that a better public policy is to maintain as much public access, and it is not in the best interest to vacate. Mr. Dillingham stated this will violate the CAFRA permit and a conservation easement was not filed. Mr. Dillingham stated he does not see assurances that proposed visual access will be maintained. John Weber, stated the lot was improved and to say that there is no access is untrue, he stated he always access on the south side. Mr. Weber stated that public access is not only State rules but is codified in State law. Mr. Weber stated that this is a good place to put a ramp. Mr. Weber asked if the Borough heard back on Special Condition #10. Paul Fernicola stated that he has had multiple communications with NJDEP and not one was he told he was incorrect. Mr. Fernicola stated that grant was designed to protect the pump station. Jordan Robinson, asked if the Borough can prove the funding was not from the State and asked to add public to the conceptual plan. Andrew Chambarry, asked the Board of Commissioners if the DEP confirmed there is adequate access. Mr. Fernicola stated that should be directed to the DEP. Mr. Chambarry thanked Mr. Fernicola and Mr. Avakian for dispelling information. Mr. Chambarry would like the south side to be stated in perpetuity. Raina Grossman, 5 Poplar Avenue, stated that as a kid she would walk down to the south side. Mrs. Grossman stated that this is a town for visual and physical access. Mrs. Grossman stated that this is a quality-of-life issue and the Borough should give a place for benches and boardwalks. Barbara Coffey, 85 Norwood Avenue, stated that the land on Neptune Avenue was being sold for \$1 million and this land was being sold for the same amount and why is one being overcharged and the other undercharged. Ms. Coffey stated the only bench shown on the conceptual plan is facing toward the rear of the pump house. Joe Coakley, Surfriders Association, asked why the conceptual plan was not included, Paul Fernicola stated it is designed to vacate property. Vincent Lepore, 33 Ocean Place Long Branch, demanded the ordinance be not billed due to flaws in the appraisal. Dan Greenberg, stated that there was visual access of 100'. Mr. Greenberg asked if the town would need to subdivide prior to selling. Mr. Greenberg asked if the town has received confirmation from NJDEP that the notice of violation has been satisfied. Mr. Greenberg also asked if the documents will be available after the property is sold. Paul Fernicola, stated that this ordinance is to vacate the portion of property, not to sell. Mr. Fernicola also stated there were 2 technical violations, record CAFRA permit and conservation permit, which were completed. MaryAnne Cronheim, 88 Monmouth Drive, stated that section 3 stated shall not be less than fair market value and Mrs. Cronheim recommended an independent assessor provide the fair market value. Rene

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Levine, 28 Richmond Avenue, asked the Board of Commissioners why this is happening, and how is the town benefiting. Mayor Cohen stated the town will receive \$1 million for property that has no use for the Borough and will increase and collect taxes on the property. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE 1230

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

Mayor Cohen moved to adopt Ordinance 1230, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1231 to authorize execution of a Deed of Dedication and Perpetual Public Access was introduced on February 3, 2021 and the public hearing is scheduled for today, March 3, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1231, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Tim Dillingham asked the Board of Commissioners if there is a requisite, Mr. Fernicola stated that this is public property. There were no further comments from the public and the public session was closed by the same vote.

ORDINANCE 1231

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

Commissioner Simhon moved to adopt Ordinance 1231, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-36

RESOLUTION TO INTRODUCE THE 2021 MUNICIPAL BUDGET

WHEREAS, the 2021 budget of the Borough of Deal has been reviewed by the Board of Commissioners and is scheduled to be introduced at this meeting; and

WHEREAS, a copy of same will be made available to each person requesting it during said week and during the public hearing scheduled for April 7, 2021.

NOW, THEREFORE BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021:

General Appropriations for:

Appropriations within "CAPS"
Municipal Purposes

\$ 9,370,002.00

Appropriations excluded from "CAPS":

	March 3, 2021
Municipal Purposes	\$ 1,138,335.26
Capital Improvement	\$ 1,450,000.00
Deferred Charges	\$ 309,567.44
Reserve for Uncollected Taxes	\$ 1,004,350.50
Total General Appropriations	\$ 13,272,255.20
Less: Anticipated Revenues other than current property tax	\$ 5,237,300.26
Difference: Amount to be raised by Taxes for Support of Municipal Budget as follows:	
Local tax for Municipal Purposes including Reserve for Uncollected Taxes	\$ 8,034,954.94
Sewer Utility:	
Total Appropriations	\$1,595,650.00

BE IT ALSO RESOLVED, that said Budget be published in the Asbury Park Press and the Coaster in the issue of March 11, 2021; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Borough of Deal does hereby approve the following as the Budget for the year 2021.

BE IT FINALLY RESOLVED that a Hearing on the Budget will be held at Deal Borough Hall on April 7, 2021 at 9:00 a.m. at which time and place comments or objections to said Budget for the year 2021 may be presented by taxpayers or other interested persons.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Capital Ordinance 1232 to provide for the various improvements to streets and drains 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 April 7, 2021 at 9:00 A.M.

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

WHEREAS, the Board of Commissioners of the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough") has determined to provide for the various improvements to streets and drains; and

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WHEREAS, the Borough has available \$200,000 in the Borough's Capital Improvement Fund.

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:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 2, there is hereby appropriated \$200,000, said sum being inclusive of \$200,000 from the Borough's Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the various improvements to Streets and Drains necessary for the safety of employees and efficiency of maintaining the various systems of the Borough of Deal, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2021 capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$40,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 6. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1233 to provide for the purchase of and various improvements to DPW Equipment 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 April 7, 2021 at 9:00 A.M.

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

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**APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND
IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH,
NEW JERSEY**

WHEREAS, the Board of Commissioners of the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough") has determined to provide for the purchase of and various improvements to DPW equipment; and

WHEREAS, the Borough has available \$100,000 in the Borough's Capital Improvement Fund.

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:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 2, there is hereby appropriated \$100,000, said sum being inclusive of \$100,000 from the Borough's Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and various improvements to DPW Equipment necessary for the safety of employees and efficiency of maintaining the various systems of the Borough of Deal, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2021 capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$0 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 6. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 7. This ordinance shall take effect as provided by law.

Capital Ordinance 1234 to provide for the purchase of and various improvements to Police Department Equipment was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

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

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

WHEREAS, the Board of Commissioners of the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough") has determined to provide for the purchase of and various improvements to Police Department equipment; and

WHEREAS, the Borough has available \$25,000 in the Borough's Capital Improvement Fund.

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:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 2, there is hereby appropriated \$25,000, said sum being inclusive of \$25,000 from the Borough's Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the purchase of and various improvements to Police Department equipment necessary for the safety of employees and efficiency of maintaining the various systems of the Borough of Deal, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2021 capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$0 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

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Section 6. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 7. This ordinance shall take effect as provided by law.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-37

**Approval of Change Order #2 for Improvements to
FY 2019 Road Improvements**

WHEREAS, the Borough of Deal awarded a contract for improvements to FY2019 Road Improvement to Fernandes Construction, Inc., 25 Stonegate Drive, Monroe, NJ at a cost of \$472,587.32; and

WHEREAS, the Borough Engineer recommended the following change to improvements to the FY2019 Road Improvements:

7 UNIFORM POLICE TRAFFIC DIRECTOR	Subtract	\$12,669.25
8 ASPHALT PRICE ADJUSTMENT	Subtract	\$9,131.08
9 FUEL PRICE ADJUSTMENT	Subtract	\$8,117.02
11 PAVEMENT MILLING, 3" OR LESS	Subtract	\$152.00
12 HOT MIX ASPHALT 19M64 BASE COURSE.	Subtract	\$2,881.35
13 HOT MIX ASPHALT 9.5M64 LEVELING COURSE	Subtract	\$1.25
14 HOT MIX ASPHALT 9.5M64 SURFACE COURSE	Add	\$1,389.56
16 PRIME COAT	Subtract	\$42.00
17 RESET EXISTING MANHOLE CASTINGS	Add	\$1,614.75
20 DRAINAGE INLET. TYPE "A"	Subtract	\$12,024.75
22 DRAINAGE INLET, TYPE "D"	Add	\$16,833.00
23 CONCRETE SIDEWALK, 4" THICK	Add	\$5,983.92
24 CONCRETE DRIVEWAY REINFORCED 6" THICK	Subtract	\$6,072.48
25 HOT MIX ASPHALT DRIVEWAY, 4" THICK	Subtract	\$0.45
26 DETECTABLE WARNING SURFACES	Add	\$3,600.00
27 RESET PAVERS AND DRIVEWAY APRONS	Subtract	\$0.62
28 6 x 8 x 18" CONCRETE VERTICAL CURB	Subtract	\$825.00
29 TRAFFIC STRIPING THERMOPLASTIC, 4"	Subtract	\$26.66
30 TRAFFIC MARKINGS, THERMOPLASTIC ARROWS	Add	\$193.05
31 TRAFFIC MARKINGS. THERMOPLASTIC "STOP"	Add	\$380.00
SA2-1 Poplar Avenue Sump Pump Collector Pipe	Add	\$31,900.00
SA2-2 Replace sidewalk on Poplar Avenue	Add	\$1,500.00

Total (ADD)

\$11,450.37

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Improvements to FY2019 Road Improvement as specified by the Borough Engineer changing the contract amount to \$487,237.69.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-38

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WHEREAS, Fernandes Construction, Inc., Monroe, NJ has been awarded a contract for the FY2019 Road Improvement at a cost of \$487,237.69 with change orders; and

WHEREAS, Fernandes Construction Inc. has requested final payment in the amount of \$69,364.12; 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 the final payment of \$69,364.12 be made to Fernandes Construction Inc. for the FY2019 Road Improvement.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-39

WHEREAS, Fernandes Construction, Inc., Monroe, NJ has been awarded a contract for the Brighton Avenue Drainage at a cost of \$767,109.22 with change orders; and

WHEREAS, Fernandes Construction Inc. has requested final payment in the amount of \$15,342.18; 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 the final payment of \$15,342.18 be made to Fernandes Construction Inc. for the FY2019 Road Improvement.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-40

RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF DEAL

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

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WHEREAS, the Borough of Deal is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-41

WHEREAS, a request has been made for a refund for 2021 membership to the Conover Pavilion; and

WHEREAS, these refunds are being requested due to the payment for the 2021 prior to becoming a member.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for their payment of a Conover Pavilion Membership:

- | | |
|------------------------------|----------|
| 1. Liza Elkin, Manalapan, NJ | \$250.00 |
|------------------------------|----------|

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-42

WHEREAS, the Borough will be expanding the lifeguard services along the beachfront; and

WHEREAS, this expansion requires the construction of new additional lifeguard stands; and

WHEREAS, Katin Builders, West Long Branch, NJ has provided a proposal to construct four (4) lifeguard stands at a total cost of \$2,000.00

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NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Katin Builders, West Long Branch, NJ be awarded the contract to construct four (4) new lifeguard stands at a total cost of \$2,000.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-43

WHEREAS, the Borough of Deal recognizes a need for a way for residents to purchase beach tags with a credit card or debit card without fees being paid by the municipality; and

WHEREAS, the Borough of Deal recognizes the need to award a concession contract, as defined by Local Public Contract Law, to allow for citizens to have access to the purchasing of beach badges through alternative and convenient methods; and

WHEREAS, the Borough of Deal believes that such a concession will benefit the public by providing increased access to beach badges and the Borough of Deal beaches; and

WHEREAS, the Borough of Deal wishes to allow a company, with the requisite technological capabilities, to sell beach badges to the public by way of mobile application; and

WHEREAS, the Borough of Deal wishes to enter into an agreement with such a company for the purpose of granting them the right to provide those services to the citizens and visitors to the Borough of Deal who wish to use the beaches; and

WHEREAS, the Borough of Deal has estimated the total value of the concession, as defined by the regulations of New Jersey Department of Community Affairs to be under the quote threshold of \$6,000; and

WHEREAS, the Borough of Deal anticipates promoting and making the public aware of potential concession holder's services;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Borough hereby endorses this concession contract with VIPLY,LLC and that sales of beach tags can commence immediately with the mobile application.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-44

WHEREAS the Borough of Deal desires to award a contract for an Umbrella and Chair Rental Concession along the beachfront; and

WHEREAS N.J.S.A. 40A:12-14 authorizes the Borough to use open public bidding to award a contract for Concessions; and

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WHEREAS N.J.S.A 40A:12-14 requires the adoption of a resolution authorizing the use of open public bidding when the Borough desires to contract for the types of goods or services described under N.J.S.A. 40A:12-14, et seq

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that it hereby authorizes the use of open public bidding contracting pursuant to N.J.S.A. 40A:12-14 et seq is authorized for awarding a lease for an Umbrella and Chair Rental Concession along the beachfront.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-45

SHARED SERVICE AGREEMENT WITH THE CITY OF LONG BRANCH REGARDING LIFEGUARD SERVICES

WHEREAS, N.J.S.A. 49:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and

WHEREAS, the Borough of Deal and the City of Long Branch have negotiated to a Shared Service Agreement for lifeguard services; and

WHEREAS, the Borough of Deal and the City of Long Branch wish to enter into an agreement whereby the City of Long Branch will provide lifeguard services to the existing lifeguards along the beachfront.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Deal hereby agrees to the attached shared service agreement and all contractual provisions held within.
2. The Mayor and Municipal Clerk are hereby authorized to execute said agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-46

WHEREAS, certain matters have arisen pertaining to employment within the Borough of Deal ("Borough"); and

WHEREAS, these employees have agreed to a Settlement Agreement and Release and executed same on the dates described within; and

WHEREAS, the Borough Administrator executed the Settlement Agreement and Release with said employees; and

WHEREAS, the Board of Commissioners has reviewed the Settlement Agreement and Release and seeks to accept and agree to the terms of same.

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

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- 1) The Borough hereby accepts and ratifies the terms and conditions of the Settlement Agreement and Release executed by the following employees on the listed dates; and
 - a. B.K – June 18, 2020
 - b. D.K. – October 26, 2020
 - c. D.L. – October 26, 2020
 - d. B.E. – February 8, 2021
 - e. V.V – February 22, 2021
- 2) That this resolution shall take effect immediately.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-47

WHEREAS, the Deal Police Department has received a donation of 24 winter uniform jackets for the police department use; and

WHEREAS, this donation was made anonymously to the Deal Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the generous donation of the 24 winter uniform jackets be approved from the anonymous source.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-48

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of March; 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 March 31, 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 February was received from Chief Ronen Neuman.

March 3, 2021

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

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

The Municipal Excess Liability Joint Insurance Fund provided the Annual report.

A letter was received from the State of NJ Department of Transportation awarding funding for under the Transportation Trust Fund for improvements to Lawrence Avenue.

A letter was received from the Monmouth Municipal Joint Insurance Fund providing the meeting dates for 2021.

A notice of public hearing from JCP&L was received for the approval of an Advanced Metering Infrastructure program.

A letter was received from the Monmouth Barracudas Swim Team requesting use of the Deal Casino Pool prior to the pool being open to members. The Board of Commissioners approved the use.

A letter was received from the Monmouth County Planning Board approving the Borough's revised Stormwater Control Ordinance.

A letter was received from the Township of Ocean Sewerage Authority establishing the meeting dates for 2021.

Two ordinances were received from the Borough of Allenhurst for their stormwater control ordinance and changes to their development regulations.

A letter was received from the Monmouth County Historical Commission advising they are requesting applications for the historic preservation award.

A letter was received from the NJ League of Municipalities advising they are requesting applications for their 27th Annual Scholarship Competition.

A letter was received from the NJ SEM advising of the electric supply contract price adjustment.

A letter was received from Rutgers University advising of the NJH Poison Information and Education system.

Four raffle applications were received from Deep Search Metal Detecting Club for raffles to be held on April 17, April 18 and May 2 at the Conover Pavilion. The Board of Commissioners approved the raffle application.

Two raffle applications were received from East Coast Research and Discovery Association to be held on April 17 and April 18 at the Conover Pavilion. 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 21-03 of the Warrant Register in the amount of \$722,759.93.

March 3, 2021

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.

Joelle Levine, stated to the Board of Commissioners that she went into the Police Department the other day and there was a one way mirror and it was very uninviting. The Board of Commissioners would look into the entry.

MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners if there were any other requests to use the pool, Mrs. Cronheim was advised there have not been any other requests. Mrs. Cronheim also asked what VIPLY was. Mrs. Cronheim was advised this would be the software utilized to purchase season and daily public access passes.

Vincent Lepore, 33 Ocean Avenue Long Branch, stated that it was disgraceful the way Mr. Weber was treated and how Mr. Fernicola shut him down on all his questions. Mr. Lepore stated to the Board of Commissioners to have a shameful morning and shameful rest of the meeting.

Raina Grossman, 5 Poplar Avenue, stated to the Board of Commissioners there is loud music during the day. Commissioner Simhon stated there is currently an ordinance. Mrs. Grossman stated that it is our power to restructure the ordinance.

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

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, April 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 11:12 A.M.

SC _____

MA _____

DS _____

Clerk