

August 4, 2021

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on August 4, 2021 at 9:00 A.M. This meeting was conducted via Teleconference with the Board of Commissioners only meeting in person.

Mayor Cohen led 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 July 7, 2021 be approved as recorded.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-108

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

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R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Board of Commissioners of the Borough of Deal, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-109

WHEREAS, in accordance with the provisions of N.J.S.A. 54:4-67, on January 1, 2021 the governing body adopted Resolution 21-09 which established a ten (10) day grace period following the date upon which real estate property taxes become payable; and

WHEREAS, this grace period provides that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became payable; and

WHEREAS, due to delays in the Borough's 2021 Tax Rate being certified by the State of New Jersey, the Borough Tax Collector anticipates 2021 Final Property Tax Bills which include the 3rd Quarter payment amount will be mailed as soon as possible; and

WHEREAS, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time the tax bills are mailed to the date taxes are due; and

WHEREAS, the Borough Tax Collector has recommended the grace period be extended to provide the minimum required period for the payment of taxes after the bills are mailed.

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

1. The grace period for the 3rd quarter 2021 Tax installment for real estate property taxes is hereby extended so that no interest shall be charged if payment of the 3rd quarter Tax installment is made 25 days from mailing date. Payments received after the 25 days which shall be August 23, 2021, shall be charged interest from the August 1, 2021 due date.
2. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Borough Tax Collector.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 21-110

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

WHEREAS, these refunds are being requested due to the inability to attend for 2021 or purchasing of the wrong type of pass.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for their membership to the Conover Pavilion and Season Badge:

- | | |
|----------------------------------|----------|
| 1. Scott Klayman, Manalapan, NJ | \$325.00 |
| 2. Ilyasah Byfield, Freehold, NJ | \$150.00 |
| 3. Jeffrey Znaty, Brooklyn, NYJ | \$150.00 |
| 4. Ester Yedid, Deal, NJ | \$150.00 |

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-111

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, FOR BODY-WORN CAMERA GRANT PROGRAM

WHEREAS, the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG) received funds from the SFY21 Budget to administer the Body-Worn Camera Grant Program, and

WHEREAS, the State of New Jersey Law and Public Safety Office of the Attorney General has given notice of availability of funds for Body-Worn Camera Grant Program, and

WHEREAS, the name of the program is "SFY21 Body-Worn Camera Grant Program" (BWC Grant Program), Grant Number 21-BWC-045, and

WHEREAS, the award period for this grant is January 1, 2021 through December 31, 2025, and

WHEREAS, the BWC Grant Program is designed to provide eligible law enforcement agencies with State funding to aid in the purchase of body-worn cameras, ancillary equipment and storage, and

WHEREAS, the Borough of Deal wishes to apply for the funding for the 2021 program in the amount of 50,950.00 from the State of New Jersey with no required local match, and

WHEREAS, the Borough of Deal must certify that all grant funds will be used exclusively for the purposes specified in the grant award; and it will pay for all costs in excess of the grant award.

NOW, THREERFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, that the Borough of Deal approves of the submission of a grant application and authorizes to accept the Award from the State of New Jersey, Department of Law & Public Safety, Office

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of the Attorney General, for the 2021 Body-Worn Camera Grant Program, Grant Number 21-BWC-045, and

BE IT FURTHER RESOLVED, that the Borough of Deal is accepting the grant of funds for the purpose specified in the grant application, and

BE IT FURTHER RESOLVED, that the Borough Administrator is the Authorized Official and is authorized to endorse all required documents.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-112

BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the following persons are hereby approved the amended salary for their summer positions at the Deal Casino and Conover Pavilion, August 16, 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 Lifeguard Staff hourly salaries

Cameron Helmers	\$13.25
Benjamin Zic	\$14.50
Amy White	\$18.00
Sean Donohue, Special Event	\$65.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-113

WHEREAS, due to the expiration of the current lease for the operation of the Snack Bar at the Deal Casino; and

WHEREAS, the Board of Commissioners wish to obtain bids for the 2022 summer season with options for 2023, 2024, 2025 and 2026.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bidding be obtained for the operation of the Deal Casino Snack Bar with bids due by August 26, 2021 at 10:00 am.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-114

WHEREAS, due to the expiration of the current lease for the operation of the Snack Bar at the W. Stanley Conover Pavilion; and

WHEREAS, the Board of Commissioners wish to obtain bids for the 2022 summer season with options for 2023, 2024, 2025 and 2026.

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NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bidding be obtained for the operation of the W. Stanley Conover Pavilion Snack Bar with bids due by August 26, 2021 at 10:00 am.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-115

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of August; 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 August 31, 2021 be approved in the amount not to exceed \$350,000.00; 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 July was received from Chief Ronen Neuman.

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

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

A notice of public hearing from Jersey Central Power & Light was received seeking review and approval of its deferred balances to the solar renewable energy certificates financing component.

A letter was received from the Prevention Coalition of Monmouth County and the Tigger House Foundation advising that International Overdose Awareness Day is August 31st.

A letter was received from the Prevention Coalition of Monmouth County advising that August 31 is International Overdose Awareness Day.

A notice of public hearing was received from the Monmouth County Board of Chosen Freeholders that Monmouth County Division of Transportation for the Senior Citizens and Disabled Residents Assistance Program and the 5311 grant.

The Monmouth County Board of Taxation provided the General Tax Rate Certification Schedule for 2021.

An email was received from the Lung Cancer Research Foundation requesting approval for Elliot's Legacy Kites for Cure on August 15th at 1

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Jerome Avenue, and to utilize Jerome Avenue east of Ocean Avenue for some of their activities. The Board of Commissioners approved the event.

An email was received from David Belhassen requesting use of the Deal Casino for the Deal First Aid members dinner on August 18th. The Board of Commissioners approved the use.

A letter was received from Lt. William Hulse, Deal Police Department, requesting the use of the Deal Casino for their end of the summer 2021 season gathering. The Board of Commissioners approved the event.

An application for a raffle license was received from the Marine Corp Scholarship Foundation at the Deal Golf Club on October 7, 2021. The Board of Commissioners approved the raffle.

An application for a raffle license was received from the Deep Search Metal Detecting Club at the W. Stanley Conover Pavilion on September 25, 2021 and September 26, 2021. The Board of Commissioners approved the raffle.

Under new business, it was mentioned that the DSN requested permission to utilize a tent on the northside of their building for the campers to have a place to eat lunch out of the sun. Commissioner Simhon stated that he met with the DSN to work out the best area for the tent. The Board of Commissioners approved the temporary tent. The DSN also requested use of the Deal Casino pool for the summer season for 2 small groups of campers at 10 am and 10:30 am on Monday through Thursday. The Board of Commissioners approved the use of the pool.

The Special Children's Center requested use of the Deal Casino parking lot to host their electric Concert on August 17th. Several Municipal Departments have been meeting with outside agencies to discuss the logistics of the event. The Board of Commissioners approved the event.

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 21-08 of the Warrant Register in the amount of \$746,778.82.

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.

MaryAnne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that driveways are being blocked on Richmond Avenue. Chief Neuman asked that the homeowners call the police due to several residents blocking their own driveway. Mrs. Cronheim also stated that Monday night there was loud music and how is the noise enforced. Chief Neuman stated that it goes by decibels and the Police Department has shut down a few parties so far this summer.

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

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The following resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-116

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 9:23 A.M.

The Commissioners returned to open session at 10:04 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, September 1, 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 10:04 A.M.

SC _____
MA _____
DS _____

Clerk