

September 1, 2021

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on September 1, 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 Ades, seconded by Commissioner Simhon and carried that the minutes of the previous meeting held on August 4, 2021 be approved as recorded.

Ordinance 1241 to amend Chapter VI Beach Regulations was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on October 6, 2021 at 9:00 A.M.

ORDINANCE #1241

AN ORDINANCE AMENDING CHAPTER VI OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982" Beach Regulations

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:

Section 1. That Chapter VI, Beach Regulations, of the "Revised General Ordinances of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 6-1 **W. Stanley Conover Pavilion** is amended to read as follows:

6-1.4 Conover Pavilion Rates; Charges; Qualifications of Use

a. Bathhouse – Season Rate

1. Two (2) members	\$850
4. Senior Citizens (62 and older)	\$775

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

6-2.3 Membership Fee Schedule

2022 Membership Fees

(1) SMALL BATHHOUSE – Two (2) members	\$2,300.00
(2) DELUXE BATHHOUSE – Two (2) members	\$3,000.00
(3) CABANAS SOUTH TERRACE – Two (2) members	\$3,900.00
(4) CABANAS NORTH POOL – Two (2) members	\$4,000.00

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(5) CABANAS SOUTH POOL – Two (2) members	\$3,900.00
(6) CABANAS NORTH AISLE A – Two (2) members	\$4,000.00
(7) BEACH CABANAS – Two (2) members	\$4,500.00

Section 4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon passage and publication according to law.

The following Resolutions were discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 21-117

WHEREAS, the Borough of Deal has received bids for the Deal Casino Snack Bar; and

WHEREAS, the Borough solicited proposals and received bids from two (2) vendors that includes the lease of the concession at the Deal Casino Snack Bar; and

WHEREAS, proposals were received ranging in cost from a low of \$73,000.00 from Rivers Edge Cafe, Oakhurst, NJ and a high bid of \$80,800.00 from TM Foods, Cranford, NJ; and

Whereas, the Commissioners have determined that due to the superior pricing and the grander quality and variety of menu items that it is in the best interests of the Borough to award the contract for the snack bar concession at the Deal Casino for 2022 to Rivers Edge Cafe; and

Whereas, based thereon, Rivers Edge Cafe is the responsible bidder for the snack bar concession at the Deal Casino for 2022.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Rivers Edge Cafe be awarded the snack bar concessions for 2022 at the Deal Casino Snack Bar at a cost of \$14,000.00; and

BE IT FURTHER RESOLVED that the contract for the future years be determined at the close of business each year at the bid price 2023: \$14,300.00, 2024: \$14,600.00, 2025: \$14,900.00, and 2026: \$15,200.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-118

WHEREAS, the Borough of Deal has received bids for the W. Stanley Conover Snack Bar; and

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WHEREAS, the Borough solicited proposals and received bids from two (2) vendors that includes the lease of the concession at the W. Stanley Conover Pavilion Snack Bar; and

WHEREAS, proposals were received ranging in cost from a low of \$63,000.00 from Rivers Edge Cafe, Oakhurst, NJ and a high bid of \$92,619.00 from TM Foods, Cranford, NJ; and

WHEREAS, based thereon, TM Foods is the responsible bidder for the snack bar concession at the Conover Pavilion for 2022.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Rivers Edge Cafe be awarded the snack bar concessions for 2022 at the Deal Casino Snack Bar at a cost of \$18,310.00; and

BE IT FURTHER RESOLVED that the contract for the future years be determined at the close of business each year at the bid price 2023: \$18,444.00, 2024: \$18,544.00, 2025: \$18,644.00, and 2026: \$18,677.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-119

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, the Borough of Deal has a need to obtain the following Professional Services, and their services will be provided as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5* as appropriate; and,

WHEREAS, the Borough Clerk/Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is for the remainder of this calendar year; and

WHEREAS, each of the following business entities have completed and submitted a Business Entity Disclosure Certification which certifies that they have has not made any reportable contributions to a political or candidate committee serving individually or collectively as the Board of Commissioners in the Borough of Deal in the previous one year, and that the contract will prohibit each from making any reportable contributions through the term of the contract, and

WHEREAS, funds have been made available in the Annual Budget of the Borough of Deal to support these services,

NOW, THEREFORE, BE IT RESOLVED that:

1. The following appointments are hereby ratified and confirmed for the remainder of year 2021 with the amounts charged for these services in accordance with any contracts.

Public Defender
\$20,000.00

Donald Greer Jr, Esq.

Not to exceed

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2. A copy of the Resolution shall be published in The Coaster within 10 days of its passage.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-120

WHEREAS, N.J.S.A. 40A:11-6 permits the Borough of Deal to award an emergency contract when the performance required affects the public health, safety or welfare of the public; and

WHEREAS, the Borough Engineer has determined that there is an unknown blockage of the storm sewer pipe form in front of 54 Parker Avenue, south to Runyan Avenue is an emergency; and

WHEREAS, the Borough has requested the services of Sewer Rat Trenchless Solutions LLC, Ocean NJ to inspect the piping and make any necessary repairs; and

WHEREAS, inspections of this line determined that there was a large amount of debris and inlets covered up by property owners.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the inspection repair and cleaning of the storm sewer line from Sewer Rat Trenchless Solutions, LLC, Ocean, NJ at a cost not to exceed \$50,000.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-121

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of September; 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 September 30, 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

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

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

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

A notice of public hearing from Jersey Central Power & Light was received for the 2021/2022 Annual Compliance Filings for the Universal Service Fund Program and provisions of Basic Generation Service.

A notice of public hearing from NJ Natural Gas was received for the approval of an increase in Gas Base Rates.

The NJ League of Municipalities provided the League's Annual Audit Statement for fiscal year July 2020 -June 2021

A letter was received from the NJ League of Municipalities advising their annual conference will be held in Atlantic City from November 16-18, 2021.

A letter was received from the Monmouth County Historical Commission providing the Historic Preservation Grant Program.

A letter was received from Brittany Cogan, The Ellie Ruby Foundation, requesting permission to hold their 2nd Annual Warrior Walk on October 17 from 12-3pm on Ocean Avenue. The Board of Commissioners approved the walk subject to a traffic plan.

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 \$616,921.79.

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.

Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners why they had received an award from the Special Children's Center at the Concert at the Deal Casino. Mayor Cohen stated it was from allowing them to have the concert at the Deal Casino. Ms. Coffey stated that she would provide pictures of the garbage and debris left behind from the concert. Ms. Coffey stated that the DSN does not have parking as of a June 7 email and no summonses were issued for parking in the Deal Casino parking lot. Ms. Coffey stated that on July 20th, 362 cars were parked in the Conover parking lot and the new plans don't show that many spaces and asked how that was going to work. Commissioner Simhon stated that the proposed parking plan is preliminary. Ms. Coffey asked the Board of Commissioner why the DSN was using the Deal Casino pool when they originally were not going to be using the pool. Commissioner Simhon stated that the DSN paid for the use, it was positive and was not adverse to the Deal Casino. Ms. Coffey

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suggested to the Commissioners to advise them to find another location. Mayor Cohen stated that he did not agree. Ms. Coffey asked how their minds could be changed, if she received a petition that members did not want the use. Mayor Cohen stated a majority of the members, Ms. Coffey stated what about a minority, Mayor Cohen stated no a majority. Ms. Coffey asked if there were any plans on the renovations to the Deal Casino, Mayor Cohen stated that we are in the preliminary stages meeting with DEP about CAFRA regulations to see what can be allowed to be constructed. Ms. Coffey asked to be at the next planning meeting. Mayor Cohen stated that he would not allow that at would provide plans when he deemed it to be appropriate to release any plans.

MaryAnne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that when two members meet, it constitutes a quorum and is considered a meeting and must be public. Mayor Cohen stated that he is the only one that meets with the Planner at this time. Mrs. Cronheim asked when a public meeting will be conducted with the plans, Mayor Cohen stated when he has something worthy to provide, and that it has taken too long because of CAFRA which has held up the process.

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, October 6, 2021 at 9:00 A.M.

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

SC _____

MA _____

DS _____

Clerk