

October 1, 2021

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

Ordinance 1241 to amend Chapter VI Beach Regulations was introduced on September 1, 2021 and the public hearing is scheduled for today, October 1, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1241, seconded by Commissioner Simhon and approved. The Mayor invited public comment. MaryAnne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that an increase of \$300 is substantial. Mayor Cohen stated that he is looking to have common phone number for people to call to setup lounges. Mrs. Cronheim advised that there should be additional services. Barbara Coffey, 85 Norwood Avenue, asked the Board of Commissioners why she would have to ask for traditional services. Ms. Cronheim asked that the Casino be cleaned better from the weeds growing. Katherine Williams, Wanamassa, asked the Board of Commissioners about other fees that were not listed. Mrs. Williams was advised that there would be no increase to the other fees, only the listed fees would be changed. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE 1241

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

Commissioner Simhon moved to adopt Ordinance 1241, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1242 to adopt new Employee Personnel Practices 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 November 3, 2021 at 9:00 A.M.

ORDINANCE #1242

An Ordinance Establishing Procedures to Adopt Personnel Practices and authorizing the Borough Administrator to implement Said Practices with all Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the Borough of Deal

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

Section 1. The Board of Commissioners shall by ordinance establish titles for public employment by the Borough of Deal and salary ranges for the Borough employees.

Section 2. The Board of Commissioners shall by resolution adopt and amend from time-to-time personnel policies and procedures including rules concerning the hiring and termination of employees, terms and conditions of employment, and regulations required to comply with applicable Federal and State employment related law. The personnel policies and procedures adopted pursuant to said resolution(s) shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the Borough of Deal.

Section 3. The Borough Administrator shall be responsible to implement and enforce the personnel practices adopted by ordinance or resolution authorized pursuant to this section. If there is a conflict between said personnel practices and any duly adopted and lawful collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the practices adopted pursuant to this ordinance shall prevail.

Section 4. This ordinance shall take effect immediately upon passage and publication as required by law.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 21-122

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 a collapsed storm sewer pipe located on Block 31, Lot 8.01 on the property of 77 Parker Avenue, north of Parker Avenue is an emergency; and

WHEREAS, the Borough has requested the services of Sewer Rat Trenchless Solutions LLC, Ocean NJ to replace 350' of pipe and 2 inlets at a cost of \$52,890.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the replacement of the storm sewer line from Sewer Rat Trenchless Solutions, LLC, Ocean, NJ at a cost of \$52,890.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-123

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Logan Franklin, has been recommended for the position of laborer within the Department of Public Works.

October 1, 2021

NOW THEREFORE BE IT RESOLVED, that Logan Franklin be appointed a Laborer effective October 1, 2021 at an annual salary of \$35,030.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Logan Franklin is to be assigned his duties by the Superintendent of Public Works consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 21-124

WHEREAS, pursuant to Resolution No. 21-22 dated January 6, 2021 the Board of Commissioners previously awarded a contract to the LFB Land Planning for improvement to the Deal Casino in amount not to exceed \$50,000.00; and

WHEREAS, LFB Land Planning has asked the Board of Commissioners to consider amending the contract amount due to an increase in general planning services which included additional cost for DEP and CAFRA regulations not originally anticipated; and

WHEREAS, the Borough and LFB Land Planning, wish to amend the Professional Services Agreement to increase the total fee payable from \$50,000 to \$61,000; and

WHEREAS, the wishes to amend the contract with LFB Land Planning the increased amount of \$11,000.00 for a new total contract amount of \$61,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal as follows:

- 1) The contract with LFB Land Planning shall be increased by \$11,000.00 for a new total contract amount of \$61,000.00 and shall not exceed this amount without prior written approval of the Board of Commissioners; and
- 2) Aside from the change in contract amount, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; and
- 3) The Mayor or his designee is hereby authorized to take the necessary steps to enter into an amendment to the contract and any other steps necessary to effectuate this resolution; and
- 4) This resolution shall take effect immediately.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 21-125

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

October 1, 2021

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 October 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 September was received from Chief Ronen Neuman.

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

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

A letter was received from NJ Department of Transportation advising that applications would be accepted for the NJDOT FY 2022 Local Freight Impact Fund.

A notice of public hearing from NJ Transit was received for the gathering of information on the Senior Citizens & Disabled Residents Transportation Assistance Program.

A letter was received from the Jersey Shore Running Club requesting permission for the RunAPalooza Road race to benefit Special Olympics on April 2, 2022. The Board of Commissioners approved the race subject to an approved traffic plan.

Raffle applications were received from Shore to Help, Inc., to be held at the Deal Golf Club on October 18, 2021. The Board of Commissioners approved the raffle.

New Business:

Commissioner Ades brought up changing the building code to require new homes to being built should be required to repair or replace the curbing.

Commissioner Ades also mentioned the flooding from Poplar Brook is getting worse. Commissioner Ades was advised that we will follow up with Peter Avakian, Borough Engineer, on the status of the improvements to Poplar Brook.

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 21-10 of the Warrant Register in the amount of \$2, 669,335.75.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

October 1, 2021

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 about the beach replenishment project. Mayor Cohen stated that the Army Corp of Engineers and the NJ Department of Environmental Protection will be providing beach replenishment. The Borough would be responsible for 25% of the States share which could be in excess of \$2 million. Ms. Coffey asked if this was discussed in a prior meeting, Mayor Cohen stated it was not. Ms. Coffey asked that these items be brought up at a meeting. Mayor Cohen stated that if an item is required to be discussed at a meeting he will present the information.

MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners that they spoke about the sale of property. Mayor Cohen stated that they are working on completing the sale of municipal property at Roosevelt Avenue. Mrs. Cronheim asked about the status of the flooding at the corner of Monmouth Drive and Richmond. Mrs. Cronheim was advised that Public Works cleaned the storm pipes in that area and there should be no additional flooding but we would also follow up with Public Works to check the storm pipes again. Mrs. Cronheim asked if LFB Planning was increased by \$50,000 in Resolution 21-124. Mayor Cohen stated that the initial approval was \$50,000, the increase was \$11,000 for an approved amount of \$61,000. Mrs. Cronheim stated that the increase in costs explained should have been anticipated.

Katie Williams, Wanamassa, asked the Board of Commissioners if there were any major renovations at the Deal Casino this winter. Mayor Cohen stated that the Borough is working on a complete renovation currently but will not begin prior to next summer.

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, November 3, 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 9:21 A.M.

SC _____

MA _____

DS _____

Clerk