

February 11, 2022

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on February 11, 2022 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 January 5, 2022 be approved as recorded.

Ordinance 1244 to exceed the Municipal Budget Appropriation Limits and establish a CAP Bank was introduced on January 5, 2022 and the public hearing is scheduled for today, February 11, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1244, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

#### **ORDINANCE 1244**

##### **CALENDAR YEAR 2022**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Commissioner Simhon moved to adopt Ordinance 1244, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1245 to amend Chapter XIX Floodplain Management Regulations was introduced on January 5, 2022 and the public hearing is scheduled for today, February 11, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1245, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

#### **ORDINANCE 1245**

#### **AN ORDINANCE TO AMEND CHAPTER XIX OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982" FLOODPLAIN MANAGEMENT REGULATIONS**

Commissioner Simhon moved to adopt Ordinance 1245, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Capital Ordinance 1246 to provide for various improvements to Streets and Drains was introduced on January 5, 2022 and the public hearing is scheduled for today, February 11, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1246, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no

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comments from the public and the public session was closed by the same vote.

**CAPITAL ORDINANCE NO. 1246**

**CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS AND APPROPRIATING \$530,000 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND AND GRANTS IN AID IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Commissioner Simhon moved to adopt Ordinance 1246, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Capital Ordinance 1247 to provide for various improvements to the Deal Beaches was introduced on January 5, 2022 and the public hearing is scheduled for today, February 11, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1247, seconded by Commissioner Simhon and approved. The Mayor invited public comment. MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners about the conference call with the Army Corp of Engineers and if they were not placing black sand. Mayor Cohen stated that the sand is not black. Barbara Coffey, 85 Norwood Avenue asked the Board of Commissioners if the payment needs to be made right away. Mayor Cohen stated the Borough will need to sign off on the project and will only be paid if the sand is good. Mayor Cohen stated the sand is not black and payment will only be made if it is satisfactory. There were no other comments from the public and the public session was closed by the same vote.

**CAPITAL ORDINANCE NO. 1247**

**CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO THE DEAL BEACHES AND APPROPRIATING \$2,200,000 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**

Commissioner Simhon moved to adopt Ordinance 1247, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1248 to amend Chapter VI Beach Regulations was introduced by Commissioner Simhon, seconded by Mayor Cohen. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on March 11, 2022 at 9:00 A.M.

**ORDINANCE #1248**

**AN ORDINANCE AMENDING CHAPTER VI OF  
"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 Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

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

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

- i. All guest passes must be purchased by a member of the W. Stanley Conover Pavilion and can be done so ahead of time online ([www.dealborough.com](http://www.dealborough.com)).

Weekend times are Fridays, Saturdays, Sundays and Holidays. Weekday times will be Monday – Thursday.

Guest passes purchased will not expire and may be used at any time. Upon cancellation of membership, the associated passes will no longer be valid. Absolutely no refunds or rainchecks will be issued for guest passes. Guest passes are not transferable.

Sale and purchase of guest passes other than from the Borough of Deal is prohibited.

Any member found bringing a guest into the Beach Club without paying the guest fee will be subject to revocation of membership.

- |                                   |      |
|-----------------------------------|------|
| 1. Weekday Guest Pass (Book of 5) | \$45 |
| 2. Weekend Guest Pass (Book of 5) | \$55 |

6-1.6 Rules and Regulations.

- a. Payment in full is due by April 1<sup>st</sup>. If payment in full is not received by April 1<sup>st</sup>, a \$350 late fee will be added. If payment is not received by April 15<sup>th</sup>, the locker will be given away to the next person on the waitlist. The maximum number of members in each locker may not exceed 10 persons.
- d. No tent or similar structures shall be permitted on the beach. Any structure with one complete side is not permitted. Any structure similar to a Cool Cabana are permitted. No member or guest may stake out an area of the beach or use wind screens to block off any section of beach to claim that area. Wind screens under 3 feet are permitted.
- i. All personal items must be removed at the end of the season. Any personal items still on premise will be discarded without notice.

6:1-7 Hours

The Pavilion will be open Monday-Thursday from 10:00am until 7:00 pm. On Fridays, Saturdays, Sundays and Holidays the Pavilion will be open from 9:00am-7:00 pm.

The beach will be open Monday-Thursday from 10:00 am until 6:30 pm. On Fridays, Saturday, Sundays and Holidays the beach will be open from 9:00 am until 6:30 pm.

Lifeguards will be on-duty Monday-Thursday from 10:00 am until 6:00 pm. On Friday, Saturday, Sundays and Holidays, lifeguards will be on-duty from 9:00 am until 6:00 pm.

The Pavilion will be exit only from 6:30 pm – 7:00 pm daily. No entry will be permitted during this time.

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The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations. Members and Guests are required to seek shelter in their vehicles. No one shall stay in open areas or decks.

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

#### 6-2.2 Club Rules and Regulations

##### 1. **HEAD OF HOUSEHOLD**

The Deal Borough property owner, the renter with lease and Certificate of Occupancy, or when space permits, the non-resident who heads a specific family. All membership fees must be paid through the primary member.

##### 2. **ADDITIONAL MEMBERS**

Any family or friend may be added as additional members. Maximum number of members in a small bathhouse may not exceed 6 members, Deluxe bathhouse may not exceed 10 members, Pool Cabanas and Beach Houses may not exceed 15 members. Current units with more than the listed members may continue with full payment by the due date listed.

##### 3. **APPLICATION AND PAYMENT DEADLINE**

A \$500 deposit to hold your bath house is due on December 1. If deposits are NOT received by this date your bath house will be given away to someone on the waitlist. Payment in full is due by April 1<sup>st</sup>.

If payment in full is not received by April 1<sup>st</sup> a \$350 late fee will be added to your total. If payment in full is not received by April 15<sup>th</sup>, the bath house will be given away to the next person on the wait list and all deposits will be forfeited. THESE DATES WILL BE STRICTLY FOLLOWED AND THERE WILL BE NO EXCEPTIONS MADE.

##### 4. **HOURS**

The beach club will be open Monday-Thursday from 10:00am until 7:00 pm. On Fridays, Saturdays, Sundays and Holidays the beach club will be open from 9:00am-7:00 pm. Anyone remaining after hours is considered trespassing.

The beach will be open and lifeguards on duty Monday-Thursday from 10:00 am until 6:00 pm. On Fridays, Saturday, Sundays and Holidays the beach will be open from 9:00 am until 6:00 pm. Beach gates will close daily at 6:00 pm.

The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations. Members and Guests are required to seek shelter inside their beach units or return to their vehicles. No one shall stay in open areas or decks.

All persons are restricted from remaining on the beach after 10:00 p.m. except during approved special events and ceremonies. Individuals actively engaged in fishing or surfing may be upon any the Deal Casino beach at any time between the applicable beach closing hour of any day.

##### 6. **GUESTS**

All guest passes must be purchased by a member of the club and can be done so ahead of time online ([www.dealborough.com](http://www.dealborough.com)) or at

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the casino office. Each bathhouse is limited to 40 peak passes for the season. Off-peak passes are unlimited.

Peak times are Fridays, Saturdays, Sundays and Holidays. Off-peak times will be Monday – Thursday.

Guest passes purchased will not expire and may be used at any time. Upon cancellation of membership, the associated passes will no longer be valid. Absolutely no refunds or rainchecks will be issued for guest passes. Guest passes are not transferable.

Off-Peak guest passes are limited in use to 10 passes per day.

Sale and purchase of guest passes other than from the Borough of Deal is prohibited.

Any member found bringing a guest into the Beach Club without paying the guest fee will be subject to revocation of membership.

## **7. CHILDREN**

Children under the age of 12 must be accompanied by an adult. Members and guest are responsible for the conduct of their children at all times. Any violations shall follow the following: First Offense will result in a written warning. Second Offense will result in membership suspension. Third Offense may result in termination of membership.

## **10. FURNITURE**

Beach Club furniture may not be moved from pool deck, common areas, eating areas, or pool side cabanas. Furniture which is included with cabanas or beach houses is reserved for that specific unit only. Misplaced furniture will be removed. Reserving or rearranging pool deck furniture is prohibited. No Glass Tables will be allowed on beach club property. Tables and chairs in front of small bathhouses may only utilize 16 square feet of space.

Refrigerator over 11 cubic feet will be assessed a \$200 surcharge. Refrigerators shall be placed in a deluxe cabana and plugged directly into the receptacle, use of extension cords is prohibited. Refrigerators left at the end of the season are at the owner's responsibility.

No outside furniture, rugs or other furnishings may be permitted onto the Public Area of the Deal Casino premises unless expressly approved by Deal Casino Management in writing. Any outside furniture that is brought onto the premises without written permission may be removed and discarded without notice. Outside furniture must be blue and/or white in color only. Blue shall be in the color spectrum between Navy and Royal. All personal items must be removed at the end of the season. Any personal items still on premise will be discarded without notice.

## **11. GLASSWARE AND FOOD**

There is no eating anywhere on pool deck. Additionally, no glass of any kind is allowed within the Deal Casino, which includes glass bottles and drinking glasses. Absolutely No Exceptions. Food is permitted at designated eating areas and the Beach houses and Cabanas. The use of cooking appliances is prohibited at the beach club. Appliances other than refrigerator are also prohibited. The use of extension cords is prohibited, other than one 15-amp power strip with a 2-foot cord is permissible.

**12. USE OF BEACHES**

Bathers are forbidden to bathe outside the designated areas and unprotected areas, or at such times, when in the opinion of the Management or Lifeguards, ocean bathing is unsafe. Operation and use of Jet Skis are prohibited on Deal beaches except for use by emergency personnel and lifeguards. The use of surf boards on the beaches of the Conover Pavilion and the Deal Casino are prohibited during the hours the clubs are open. Any person using diving apparatus or other equipment whether or not belonging to the Deal Casino, does so at his or her own risk.

No tent or similar structure shall be permitted on the beach. Any structure with one complete side is not permitted. Any structure similar to a Cool Cabana are permitted. No member or guest may stake out an area of the beach or use wind screens to block off any section of beach to claim that area. Wind screens under 3 feet are permitted.

**18. PARKING**

The paved lot is permit parking only. All bath houses and cabanas come with one parking permit. Cars without out permits are permitted to park in the overflow grass lot to the south of the paved lot. The owner of any vehicle not properly displaying a valid Casino parking permit will be subject to prosecution, and the vehicle can/will be ticketed and or towed away at the owner's expense. Vehicles must be parked properly in designated spots.

Section 4. Subsection 6-6 **Public Beach** is amended to read as follows:

6-6.8 Rules and Regulations.

- p. No tent or similar structure shall be permitted on the beach. Any structure with one complete side is not permitted. Any structure similar to a Cool Cabana are permitted. No member or guest may stake out an area of the beach or use wind screens to block off any section of beach to claim that area. Wind screens under 3 feet are permitted.

Section 5. 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 6. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect upon passage and publication according to law.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

**Resolution 22-23**

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

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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

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 22-24**

WHEREAS, N.J.S. 40:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and,

WHEREAS, the Village of Loch Arbour and the Borough of Deal have negotiated and wish to enter into an agreement whereby the Borough of Deal will provide beach cleaning services to the Village of Loch Arbour for the 2022-2026 Summer Season; and,

WHEREAS, the Board of Commissioners has duly considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Mayor and Borough Clerk / Administrator of the Borough of Deal be the same are hereby authorized to execute and deliver an agreement with the Borough of Deal for the provision of beach cleaning for the 2022-2026 Summer Season, which agreement is on file in the office of the Borough Clerk / Administrator at the Borough of Deal Municipal Building and available for public inspection during regular business hours.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-25**

WHEREAS, a request has been made for a refund for the 2022 membership to the W. Stanley Conover Pavilion; and

WHEREAS, these refunds are being requested due to the overpayment of their membership for 2022 season.

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 W. Stanley Conover Pavilion:

- 1. JoAnn Abraham, Manalapan, NJ \$75.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-26**

WHEREAS, bids were received for the Lawrence Avenue Road Improvements within the Borough of Deal; and

WHEREAS, the Borough solicited proposals and received bids from nine (9) vendors that includes the milling and paving of Lawrence Avenue from Pleasant Place to Ocean Avenue along with some concrete work; and

WHEREAS, proposals were received ranging in cost from a high of \$344,612.25 from MECO Inc, Clarksburg, NJ, and a low bid of \$280,911.89 from Fernandes Construction, Inc., Monroe, NJ.

WHEREAS, the Borough Engineer has checked the apparent low bidder and found them to be satisfactory.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the Lawrence Avenue Road Improvements for the mill and paving and concrete work to Fernandes Construction, Monroe, NJ in the amount of \$280,911.89.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-27**

WHEREAS, bids were received for the FY2022 Various Road Improvements within the Borough of Deal; and

WHEREAS, the Borough solicited proposals and received bids from seven (7) vendors that includes the milling and paving of the listed streets along with some concrete work; and

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WHEREAS, proposals were received ranging in cost from a high of \$807,421.35 from MECO Inc., Clarksburg, NJ, and a low bid of \$686,713.13 from Earle Asphalt Company, Wall, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the FY 2022 Various Road Improvements for the mill and paving and concrete work to Earle Asphalt Company, Wall, NJ in the amount of \$686,713.13 for the following bid items:

1. Base Bid – Phillips Avenue (Norwood Ave to Railroad Ave)
2. Alternate 1 – Parker Avenue (Norwood Ave to Westerly Terminus)
3. Alternate 2 – Pearl Court
4. Alternate 3 – Almyr Avenue
5. Alternate 6 – Deal Esplanade

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-28**

**A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER ONE REQUIREMENTS**

WHEREAS, the Borough of Deal is a member of the Monmouth JIF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

WHEREAS, through its membership in the Monmouth JIF, the Borough of Deal enjoys cyber liability insurance coverage to protect the Borough of Deal from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2, and Tier 3 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Deal; and

WHEREAS, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Borough of Deal to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Borough of Deal's cyber insurance policy, administered through the Monmouth JIF and the Municipal Excess Liability Joint Insurance Fund;

NOW THEREFORE BE IT RESOLVED, that the Borough of Deal does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 1 of the NJ MEL Cyber Risk Management Plan;

Information Backup	Password Management
Security Patches and Updates	Email Warning
Defensive Software	Incident Response Plan
Security Awareness Training	Technology Practice Policy
	Government Cyber Membership

BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-29**

**A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER TWO REQUIREMENTS**

WHEREAS, the Borough of Deal is a member of the Monmouth JIF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

WHEREAS, through its membership in the Monmouth JIF, the Borough of Deal enjoys cyber liability insurance coverage to protect the Borough of Deal from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2, and Tier 3 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Deal; and

WHEREAS, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Borough of Deal to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Borough of Deal's cyber insurance policy, administered through the Monmouth JIF and the Municipal Excess Liability Joint Insurance Fund;

NOW THEREFORE BE IT RESOLVED, that the Borough of Deal does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 2 of the NJ MEL Cyber Risk Management Plan;

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Server Security	Remote Access - VPN
Access Privilege Controls	Leadership Expertise
Technology Support	IT Business Continuity Planning
System and Event Logging	Banking Controls
Protected Information	

BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-30**

**A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND’S CYBER RISK MANAGEMENT PLAN’S TIER THREE REQUIREMENTS**

WHEREAS, the Borough of Deal is a member of the Monmouth JIF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

WHEREAS, through its membership in the Monmouth JIF, the Borough of Deal enjoys cyber liability insurance coverage to protect the Borough of Deal from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2, and Tier 3 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Deal; and

WHEREAS, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Borough of Deal to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Borough of Deal’s cyber insurance policy, administered through the Monmouth JIF and the Municipal Excess Liability Joint Insurance Fund;

NOW THEREFORE BE IT RESOLVED, that the Borough of Deal does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 3 of the NJ MEL Cyber Risk Management Plan;

Network Segmentation	Remote Access - MFA
Password Integrity	System and Event Logging Review
Third-Party Risk Management	

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BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-31**

WHEREAS, the Deal Police Department is in need of a Police Dispatcher; and

WHEREAS, Emily Walsh has applied for this position, has been interviewed and has been determined to be qualified for this position.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that Emily Walsh be offered a position as a Police Dispatcher, serving under the direction of the Chief of Police at the pay scale set for this position effective February 16, 2022.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-32**

**RESOLUTION AUTHORIZING AN AWARD OF CONTRACT TO WITH JOBS 4 BLUE FOR SERVICES FOR OFF-DUTY EMPLOYMENT OF POLICE OFFICERS FOR POLICE RELATED ACTIVITIES**

WHEREAS, the Borough of Deal has a need for services relating to off-duty employment of police officers for police related activities; and

WHEREAS, N.J.S.A. 40A:11-5(d) provides for the support software maintenance, consultation services and training services of propriety computer hardware and software; and

WHEREAS, there are many pieces in place that enable the program as a whole to work effectively. Those include, an understanding of the Borough's payroll processing procedure and schedule, an understanding of the Police Department's overtime hiring policy, and the fact that Jobs4Blue interfaces directly with our current VCS POSS system.

WHEREAS, the anticipated term of this contract is five (5) years, commencing on February 1, 2022 through January 31, 2027.

WHEREAS, an administrative fee of no more than 8% is to be collected by Jobs4Blue; and

WHEREAS, there is no cost to the Borough of Deal for such services; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Mayor, and/or Borough Administrator be authorized to execute such documents as necessary to implement this Resolution; and

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BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-33**

WHEREAS, the Tax Court of New Jersey has ordered a judgment in favor of the below listed properties within the Borough of Deal requiring a refund for taxes due for their 2021 tax year.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize that the refund ordered by the Tax Court of New Jersey have been issued in 2022 for the following property owners be approved as issued:

**Tax Appeals**

**Year: 2021**

<u>Blk/Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Refund Amount</u>
33/1	Gammal, Fran	14 Parker Ave	\$6,492,900	\$6,200,000	\$1,903.85

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-34**

WHEREAS, the Monmouth County Vocational School District has requested a student for internship with the Deal Police Department; and

WHEREAS, the purpose of the internship is to provide the student with the opportunity to explore and practice academia and occupationally related skills; and

WHEREAS, the Deal Police Department has utilized interns from the Monmouth County Vocational School in the past;

WHEREAS, Jennifer Escobar-Gomez has been selected for the internship to begin February 18, 2022 and end on or before July 1, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Jennifer Escobar-Gomez be provided the internship opportunity with the Deal Police Department beginning February 18, 2022 through July 1, 2022.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

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**Resolution 22-35**

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 between Parker and Lehman Avenue approximately 150 feet west of Norwood Avenue; and

WHEREAS, the Borough has requested the services of Sewer Rat Trenchless Solutions LLC, Ocean NJ to replace approximately 350' of pipe at a cost of \$57,500.

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 \$57,500.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-36**

WHEREAS, the Borough of Deal and the Deal Sephardic Youth Center have been party to a lease dated July 13, 2015 as amended on June 30, 2018; and

WHEREAS, the Deal Sephardic Network and the Borough of Deal wish to assign the lease and amend the lease; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the Mayor and Borough Administrator to amend the Lease with the Deal Sephardic Network and sign a new Lease.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon  
Abstain 1; Ades

Commissioner Simhon offers the following Resolution:

**Resolution 22-37**

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of February; 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 February 28, 2022 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 Ades

February 11, 2022

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 January was received from Chief Ronen Neuman.

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

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

A notice of public hearing was received from NJ American Water for approval to change the level of the purchased water adjustment clause and wastewater treatment clause.

A letter was received from the NJ DEP advising of the final adoption of the FY2022 Annual Fee Report.

A letter was received from the Monmouth Municipal Joint Insurance Fund advising of their monthly meeting dates for 2022.

A resolution was received from the Monmouth County Board of Commissioners opposing the extension of Executive Orders by Governor Murphy beyond the public health emergency.

A resolution was received by the Township of Ocean with changes to their Land Development Ordinance.

Three resolutions were received by the Borough of All with changes to their Land Development Ordinance.

A letter was received from the Monmouth Barracudas requesting use of the Deal Casino Pool prior to the Club opening during the 2022 summer season. The Board of Commissioners approved the use.

An email was received from Deep Search Metal Detecting Club for use of the Conover Pavilion on May 1, 2022. The Board of Commissioners approved the rental.

An email was received from Clean Ocean Action advising of two Beach Sweeps on April 9<sup>th</sup> and October 22<sup>nd</sup>. The Board of Commissioners approved the beach sweeps.

An Email was received from David Hillel requesting the use of the Deal Casino parking lot for their concert for the Special Children's Center on August 9<sup>th</sup> and a rain date on August 10<sup>th</sup>. The Board of Commissioners approved to proceed with the logistics of having the concert.

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 22-01 of the Warrant Register in the amount of \$2,608,981.10.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

February 11, 2022

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, asked the Board of Commissioners the jist of the DSN agreement. Mayor Cohen stated that the amendments are to make sure everything is listed. Paul Fernicola, Borough Attorney stated that he just received a copy and will look it over and can be released after the agreement is signed. Ms. Coffey asked about the pipes at the W. Stanley Conover Lot, she was advised it could be from the DSN or the Army Corp of Engineers. Ms. Coffey stated that she would send a photo. Ms. Coffey asked if the DSN campers will have access to the beach, Commissioner Simhon stated for surfing only. Ms. Coffey asked if a stairwell will be installed at the Darlington Beach Access. Ms. Coffey was advised there are no plans to install stairs and there is a sand ramp their allowing access.

MaryAnn Cronheim, 88 Monmouth Drive, asked where the beach regulation ordinance will be posted, Mrs. Cronheim was advised it will be posted on the Borough website later in the day. Mrs. Cronheim asked if the police department was aware of the gathering of 2,000 people in Long Branch this summer. Chief Neuman could not respond due to computer errors. Mayor Cohen stated the police department will certainly be updated. Mrs. Cronheim asked who is working on the DSN Lease. Paul Fernicola stated he just received it and will be working on the amended lease.

Katherine Williams, Deal Casino member, asked the Board of Commissioners where the DSN members would be parking. Mayor Cohen stated they park around the perimeter of the DSN courts. Ms. Williams asked if there will be any changes to the parking at the Deal Casino. Mayor Cohen stated there would be no changes to the parking.

There were no comments, and the floor was closed to public comments.

It was announced that the next meeting of the Board of Commissioners, which will be on Friday, March 11, 2022 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 9:33 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

\_\_\_\_\_  
Clerk