

October 3, 2022

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on October 3, 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 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 September 9, 2022 be approved as recorded.

Ordinance 1258 to amend Chapter VI Beach Regulations was introduced on September 9, 2022 and the public hearing is scheduled for today, October 3, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1258, seconded by Commissioner Simhon and approved. The Mayor invited public comment. MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners what the members were getting for the membership increase. Mayor Cohen stated the we strive to do our best and there is nothing specific, but also inflation pays a large par. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE #1258

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

Commissioner Ades moved to adopt Ordinance 1258, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1259 to amend Chapter X Traffic 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 November 11, 2022 at 9:00 A.M.

ORDINANCE #1259

AN ORDINANCE AMENDING CHAPTER X OF "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982" Vehicles and Traffic

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

Section 1. That Chapter X, Vehicles and Traffic, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2.

Subsection 10-36 A **Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property** is amended to read as follows:

Property

Deal Casino
125 Ocean Avenue
Block 28, Lot 1

Subsection 10-36 A 2(a)4 **Permit Parking** is amended to read as follows:

No person shall park a vehicle at the below described location unless said vehicle shall have a valid permit displayed during the open season. In order to be properly displayed, a parking permit must be hung from the rearview mirror facing forward or should be placed face-up on the dashboard to the left of the steering wheel. Make sure no other paper or garbage is covering up the placard. A parking permit shall only be valid if the bathhouse lessee to whom it has been issued has paid all charges made in connection with the lessee's bathhouse. Each bathhouse shall only receive one parking permit and that permit shall not be duplicated or reproduced in any way.

<u>Name of Street or Lot</u>	<u>Time Limit</u>	<u>Days</u>
Entire Paved Lot	All	All

Property

Conover Pavilion Parking Lot
125 Ocean Avenue
Block 28, Lot 1

Subsection 10-36 A 3(a)4 **Permit Parking** is amended to read as follows:

No person shall park a vehicle at the below described location unless said vehicle shall have a valid permit displayed during the open season. In order to be properly displayed, a parking permit must be hung from the rearview mirror facing forward or should be placed face-up on the dashboard to the left of the steering wheel. Make sure no other paper or garbage is covering up the placard. A parking permit shall only be valid if the bathhouse lessee to whom it has been issued has paid all charges made in connection with the lessee's bathhouse. Each bathhouse shall only receive one parking permit and that permit shall not be duplicated or reproduced in any way.

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.

October 3, 2022

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

Ordinance 1260 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 November 11, 2022 at 9:00 A.M.

ORDINANCE #1260

**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

- f. Veterans Only (With proper military ID) No Charge
- g. 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).

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
- h. No refunds or rain checks
- i. Fees shall be reviewed annually by the Board of Commissioners
- j. Boats and Watercraft (Catamarans) – See Deal Casino Rules 6-2.2 and 6-2.3.

6-1.6 Rules and Regulations

- j. No personal property shall be left, stored, locked or secured outside. Items may only be stored in bathhouses. Any items in the public view will be removed.

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 6:00 pm. On Fridays, Saturday, Sundays and Holidays the beach will be open from 9:00 am until 6:00 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 6:00 pm – 7:00 pm daily. No entry will be permitted during this time.

The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations.

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

6-2.2 Club Rules and Regulations

13. BOATS AND WATERCRAFT

Catamarans (sailboat with 2 hulls up to 10 feet in total width) and kayaks are permitted in designated areas. Catamarans can be trailered to the designated area and trailers removed from Borough property. Each Catamaran must be capable of being actively sailed. Catamarans must be chained to the assigned post for weather conditions when on the beach.

Only 15 Catamarans will be permitted in the designated area on a first come first serve basis. Must be a member of the Deal Casino or W. Stanley Conover Pavilion. Once the application, along with the appropriate fee, photocopy of your insurance policy, State Registration (number also displayed on the hull of the Catamaran) for your Catamaran and copy of your driver’s license are received, a permit will be issued. Catamarans can be placed in the designated area one week prior to Memorial Day and can remain until October 15th of each season. Fiberglass storage boxes no larger than 10’w x 2’l x 2’d can be placed under the Catamaran or next to the assigned post.

Only 6 kayaks will be permitted in the designate area on a first come first serve basis. Once the application, along with the appropriate fee and a copy of your driver’s license are received, a permit will be issued.

6-2.3 Membership Fee Schedule

2023 Membership Fees

(13)	Boat Registration	\$500.00
(14)	Kayak Registration	\$100.00

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

6-6.4 Fees and Charges

- a. Daily admission to the beach

4. Veterans Only (with proper Military ID) – No Charge

6-6.8 Rules and Regulations

- s. No personal property shall be left, stored, locked or secured on Borough property. Any items in the public view will be removed.

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.

Ordinance 1261 to amend Chapter X Traffic 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 November 11, 2022 at 9:00 A.M.

ORDINANCE #1261

**AN ORDINANCE AMENDING CHAPTER XIII OF THE
“REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982”
Building and Housing**

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

Section 1. That Chapter XIII, Building and Housing, of the “Revised General Ordinances of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 13-5 Lead-based Paint Hazards and Rental Properties is amended to read as follows:

13-5.1 Definitions

- a. “Dust Wipe Sampling” means a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.
- b. “Tenant Turnover” means the time at which all existing occupants vacates a dwelling unit and all new tenants move into the dwelling unit.
- c. “Visual Assessment” means a visual examination for deteriorated paint or visible surface, dust, debris or residue.
- d. “Municipality” means Borough of Deal.
- e. “Permanent Local Agency” means the Borough of Deal Code Enforcement Department (hereinafter referred to as “Deal Code Enforcement”).

13-5.2 Administration

The Deal Code Enforcement shall serve as the Department to conduct inspections and enforce laws and Ordinances and Regulations under this Ordinance. Deal Code Enforcement shall conduct a visual inspection of all required dwellings.

If Deal Code Enforcement is unable to carry out inspections due to the lack of expertise or certification and enforcing Laws, Ordinances and Regulations concerning buildings and structures within the Borough of Deal, for purposes of this Ordinance, Deal Code Enforcement shall, through the Borough of Deal, hire a lead evaluation contractor; certified to provide lead-paint inspection services by the Department of Community Affairs, to inspect.

An inspection by Deal Code Enforcement upon tenant turnover shall not be required if the dwelling owner or landlord directly hires a lead evaluation contractor who is certified to provide lead-based paint inspection services by the Department of Community Affairs to satisfy the requirements of 13-5.3 and 13-5.4.

13-5.3 Required Initial Inspection

The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

13-5.4 Required Recurring Inspection

After the initial inspection required by Section 13-5.3, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

13-5.5 Standards

Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

13-5.6 Exceptions

A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint; or
- b. was constructed during or after 1978; or
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the

- most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law”, N.J.S.A. 55:13A-1, et seq. or
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six months’ duration each year by tenants that do not have consecutive lease renewals; or
 - e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

13-5.7 Identified Lead-base Paint Hazards

If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Borough’s Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

13-5.8 Non Lead-base Paint Hazards

If no lead-based paint hazards are identified, then the Borough’s Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Borough’s Code Enforcement Officer. The Borough Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

13-5.9 Property Owner Responsibilities

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough of Del at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- c. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

13-5.10 Fees

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 13-5.3 and 13-5.4 in which case no additional Lead-Based Paint inspection fee shall be paid.
- b. Upon the Borough’s need to hire a lead evaluation contractor, any inspection fee shall be the responsibility of the dwelling owner or landlord.

October 3, 2022

- c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

13-5.11 Violations and Penalties

Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

- a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- b. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

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 Resolution was discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 22-126

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the Borough of Deal has received \$36,400.00 grant from the State of New Jersey Department of Environmental Protection – Supplemental Environmental Projects (SEP) grant.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$36,400.00, which is now available from General Revenues, Miscellaneous Revenues – Section F: Special Items of General Revenue Anticipated with prior Written Consent of Director of Local Government Services, Public and

October 3, 2022

Private Revenues Offset with Appropriations, Reserve for SEP Grant in the amount of \$36,400.00.

BE IT FURTHER RESOLVED, that the like sum of \$36,400.00 is hereby appropriated under the caption General Appropriations, Operations Excluded from "CAPS", Public and Private Revenues Offset with Appropriations, Reserve for SEP Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey Department of Environmental Protection in the amount of \$36,400.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-127

WHEREAS, there exists a need for a professional service to handle labor matters within the Borough of Deal; and

WHEREAS, Adam Abramson-Schneider, Esq. of Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road Oakland, New Jersey, has been recommended by the Borough Attorney at a cost not to exceed \$20,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for Professional Services without competitive bidding must be publicly advertised; and

WHEREAS, funds have been and/or will be made available in the Annual and Capital Budgets of the Borough of Deal to support this service.

NOW, THEREFORE, BE IT RESOLVED that:

1. The aforementioned appointments are hereby ratified and confirmed.
2. The said contracts were awarded without public bidding as "Professional Services" under the provisions of said Local Public Contract Law.
3. A copy of the Resolution shall be published in The Coaster within 10 days of its passage.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

10/03/22

Commissioner Ades offers the following Resolution:

Resolution 22-128

WHEREAS, there exists a need to replace the heating system at the Deal Fire House which is outdated and in need of repair; and

October 3, 2022

WHEREAS, three quotes were requested and one quote was received to install two gas unit heaters, replace existing air handler with a furnace and coil on second floor and install new gas furnace on second floor; and

WHEREAS, the only quote received was from ADL Mechanical Service Lincroft, NJ at a cost of \$41,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the new heating system as outlined above be awarded to ADL Mechanical Service at a cost of \$41,000.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-129

WHEREAS, the Borough is in need of a Fire Inspector, Housing Inspector and Code Enforcement Officer; and

WHEREAS, Kevin Diaz has been appointed as Code Enforcement and would take on the additional duties; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Kevin Diaz be appointed as Fire Inspector, Housing Inspector and Code Enforcement Officer at an annual salary of \$13,750.00.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-130

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Brady Hochman as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Brady Hochman will be completing his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Brady Hochman, after having successfully completed his course of instruction, will be appointed as a Class II Special Police Officer for a term of (1) one-year, October 15, 2022, unless removed from office by the Chief of Police before the end of the one-year term. Brady Hochman is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

October 3, 2022

Resolution 22-131

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Stephanie Pagano as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Stephanie Pagano will be completing her course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Stephanie Pagano, after having successfully completed his course of instruction, will be appointed as a Class II Special Police Officer for a term of (1) one-year, October 15, 2022, unless removed from office by the Chief of Police before the end of the one-year term. Stephanie Pagano is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-132

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Vincent Ceres as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Vincent Ceres will be completing her course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that Vincent Ceres, after having successfully completed his course of instruction, will be appointed as a Class II Special Police Officer for a term of (1) one-year, October 15, 2022, unless removed from office by the Chief of Police before the end of the one-year term. Vincent Ceres is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-133

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of William Hayes as a Class II Special Police Officer in the Borough of Deal.

October 3, 2022

WHEREAS, William Hayes will be completing her course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, that William Hayes, after having successfully completed his course of instruction, will be appointed as a Class II Special Police Officer for a term of (1) one-year, October 15, 2022, unless removed from office by the Chief of Police before the end of the one-year term. William Hayes is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-134

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

WHEREAS, Frank Kessler, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Frank Kessler be appointed a Laborer effective October 1, 2022 at an annual salary of \$35,381.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Frank Kessler is to be assigned his duties by the Department Head 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 22-135

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

WHEREAS, James Kessler, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that James Kessler be appointed a Laborer effective October 1, 2022 at an annual salary of \$35,381.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that James Kessler is to be assigned his duties by the Department Head 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:

October 3, 2022

Resolution 22-136

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

WHEREAS, Kirk Brown, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Kirk Brown be appointed a Laborer effective October 1, 2022 at an annual salary of \$35,381.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Kirk Brown is to be assigned his duties by the Department Head 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 22-137

WHEREAS, the Borough of Deal is in need of replacing a 2008 Ford Mason Dump in the Department of Public Works due to expensive repairs; and

WHEREAS, Route 23 Automall, LLC, Butler, NJ has a 2023 Ford F-350 Mason Dump under State contract T-2959 Contract Number 40321.

WHEREAS, a quote has been received from Route 23 Automall LLC for the 2023 Ford Mason Dump at a price of \$78,789.00

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal agrees to purchase a 2023 Ford Mason Dump from Route 23 Automall LLC under NJ State Contract T-2959 Contract Number 40321 at a cost of \$78,789.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-138

WHEREAS, bids were received for the construction of the Roosevelt Avenue Pump Station Comminutor Pit; and

WHEREAS, the Borough solicited proposals and received bids from two (2) vendors that includes the construction and restoration of a manhole to hold a Comminutor; and

WHEREAS, proposals were received ranging in cost from a high of \$289,000.00 from Precise Construction, Inc, Freehold, NJ, and a low bid of \$195,800.00 from T.R. Weniger Inc., Piscataway, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the Roosevelt Avenue Pump Station Comminutor Pit for the construction and installation of a manhole to T.R. Weniger, Inc., Piscataway, NJ in the amount of \$195,000.00.

October 3, 2022

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-139

WHEREAS, there is a need to bid the lease for the operation of the snack bar at the Deal Casino; and

WHEREAS, the Board of Commissioners wish to obtain bids for the 2023 summer season with options for 2024, 2025, 2026 and 2027 seasons.

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 November 3, 2022 at 10:00 am.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-140

WHEREAS, there is a need to bid the 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 2023 summer season with options for 2024, 2025, 2026 and 2027 seasons.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bidding be obtained for the operation of the W. Stanley Conover Snack Bar with bids due by November 3, 2022 at 10:00 am.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-141

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of October; 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 October 31, 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 Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

October 3, 2022

The following proclamation was introduced by Commissioner Simhon and Seconded by Commissioner Ades. Roll Call 3; Cohen, Ades & Simhon.

Proclamation

**RECOGNIZING ST. MARY'S OF THE ASSUMPTION CHURCH
120 YEARS IN THE BOROUGH OF DEAL**

WHEREAS, the founding of the Saint Mary of the Assumption Church Catholic is closely connected with many of the early families of the Borough of Deal; and

WHEREAS, in 1903, the Right Reverend Bishop James A. McFaul, Bishop of the Diocese of Trenton appointed Reverend J.W. Norris with the mission to form a new parish.

WHEREAS, in 1904 the present church building was dedicated and consecrated by the Right Reverend Bishop James A. McFaul, Bishop of the Diocese of Trenton.

WHEREAS, Saint Mary of the Assumption has become the first Catholic parish in the Borough of Deal, Monmouth County, State of New Jersey.

WHEREAS, for more than one hundred twenty years, parishioners of Saint Mary of the Assumption Church have performed corporal and spiritual works of mercy in the Borough of Deal.

WHEREAS, Saint Mary's School, founded in 1960 as a major parish apostolate educated many citizens of the Borough of Deal and Monmouth County.

NOW, THEREFORE, I, Samuel Cohen, Mayor of the Borough of Deal along with my fellow Board of Commissioners, do hereby recognize Saint Mary of the Assumption Church for their 120 years of service to the Borough of Deal.

Mayor Cohen appointed the following members to the Planning / Zoning Board for the Borough of Deal:

Jack Kassin, Class IV Member, Term Expires: 12/31/2022

Irene Mayime, Alternate I Member, Term Expires 12/31/2023

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 Run A Palooza requesting permission for their road race on April 1, 2023. The Board of Commissioners approved the request.

An email was received from East Coast Research and Discovery Association for a 2 day metal detecting event at the Conover Pavilion on April 29 – 30, 2023. The Board of Commissioners approved the use.

October 3, 2022

An email was received from Deep Search Metal Detecting requesting the use of the Conover Pavilion on May 7, 2023. The Board of Commissioners approved the use.

Peter Avakian, Borough Engineer, addressed the Board of Commissioners about the study he conducted on the flooding along Poplar Brook. Mr. Avakian discussed the history of the Poplar Brook as well as where the flow generates. Mr. Avakian proposed a phase process starting east of Ocean Avenue and working back to the Ocean Avenue culvert and the possibility of adding pumps at Almyr Avenue. Mr. Avakian discussed the amount of flow at Almyr Avenue and stated the size of the pumps in the residential area may not be ideal. Mr. Avakian discussed the potential for federal funding and working with Monmouth University to design and construct the project. Mr. Avakian will be meeting with representatives to discuss the possibility of federal funding.

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 22-09 of the Warrant Register in the amount of \$2,716,273.27.

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.

Mary Anne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners about lifeguard stand investigations she had heard about. Mrs. Cronheim was advised that PEOSHA was inspecting all municipalities with a beach front due to incidents a year ago in Ocean County. The Borough of Deal passed the inspection. Mrs. Cronheim also asked if bids for the snack bar can be posted online. Mayor Cohen stated that prior snack bar lease was terminated. Mrs. Cronheim also asked why the flooding issue on Poplar Brook wasn't handled earlier. Mayor Cohen stated that this is the most expensive and last project for flooding in town.

Lt. William Hulse, Deal Police Department, thanked the Board of Commissioners for appointing the Class II Special Officers.

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

The following Resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 22-142

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

October 3, 2022

WHEREAS, the Governing Body wishes to discuss personnel matters;
and

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 personnel matters and potential litigation at 9:50 A.M.

The Commissioners returned to open session at 10:11 A.M.

The following Resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 22-143

WHEREAS, the Board of Commissioners wish to terminate the employment of an existing employee from the Borough of Deal; and

WHEREAS, this employee is outlined with the Borough Administrator.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that the employee outlined with the Borough Administrator be terminated from the current position within the Borough of Deal effective immediately.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

It was announced that the next meeting of the Board of Commissioners, which will be on Monday, November 9, 2022 at 9:00 A.M.

There being no further business or comments, it was moved by Commissioner Ades and seconded by Commissioner Simhon that the meeting be adjourned at 10:13 A.M.

SC _____

MA _____

DS _____

Clerk