

June 15, 2023

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on June 15, 2023 at 9:00 A.M. This meeting was conducted via Teleconference.

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 Police Chief Ronen Neuman

It was moved by Commissioner Ades, seconded by Commissioner Simhon, and carried unanimously that the minutes of the previous meeting held on May 2, 2023 be approved as recorded.

ORDINANCE PUBLIC HEARING

Ordinance 1270 Chapter X Traffic Regulations was introduced on May 2, 2023 and the public hearing is scheduled for today, June 15, 2023. Mayor Cohen moved to open the meeting for public comment on Ordinance #1270, seconded by Commissioner Simhon and approved. Mayor Cohen invited public comment.

No comments were made and the public hearing was closed.

Commissioner Ades moved to adopt Ordinance 1270, second by Commissioner Simhon.

Roll Call: Ayes 3: Cohen, Ades & Simhon

ORDINANCE 1270

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.

Name of Street or Lot	Time Limit	Days
Entire Paved Lot	All	Fri, Sat, Sun and Holidays

Property

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

Subsection 10-36 A 3(h) Parking Meter Zones, Fees & Enforcement is created to read as follows:

1. No person shall park a vehicle other than as hereinafter shown upon any of the following areas, unless otherwise indicated.

Location	Date	Days	Hours Limits
Grass Lot (Between Paved Lot and Ocean Avenue)	May 20 - September 15	Fri, Sat, Sun & Holidays	9AM-5PM

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication according to law.

ORDINANCE INTRODUCTION

Mayor Cohen made a motion to table Ordinance 1271 Chapter V General Police Regulations, seconded by Commissioner Ades.

Roll Call to Table: Ayes 3; Cohen, Ades & Simhon

Ordinance 1272 to amend Chapter XIII Building and Housing was introduced by Commissioner Simhon, and seconded by Mayor Cohen.

Roll Call: Ayes 3; Cohen, Ades & Simhon

Public Hearing for this ordinance will be given on July 13, 2023 at 9:00 A.M.

ORDINANCE 1272

**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:

13-5.10 Fees

a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$75.00 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.

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1273 to amend Chapter X Traffic Regulations was introduced by Mayor Cohen, and seconded by Commissioner Simhon.

Roll Call: Ayes 3; Cohen, Ades & Simhon

Public Hearing for this ordinance will be given on July 13, 2023 at 9:00 A.M.

ORDINANCE 1273

**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)3 **Overnight Parking Prohibitions** is amended to read as follows:

No person shall park a vehicle on the entire property between the hours of 1:00 A.M. and 6:00 A.M. (Sunday through Saturday including Holidays).

Property

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

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

No person shall park a vehicle on the entire property between the hours of 1:00 A.M. and 6:00 A.M. (Sunday through Saturday including Holidays).

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication according to law.

Ordinance 1274 to amend Ordinance 1223 Comcast Renewal was introduced by Commissioner Ades, and seconded by Commissioner Simhon.

Roll Call: Ayes 3; Cohen, Ades & Simhon

Public Hearing for this ordinance will be given on July 13, 2023 at 9:00 A.M.

ORDINANCE 1274

AN ORDINANCE AMENDING GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NEW JERSEY, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF DEAL, MONMOUTH COUNTY, NEW JERSEY

WHEREAS the Borough of Deal adopted an Ordinance (Ordinance No. 1223) granting renewal of municipal consent to Comcast of Monmouth County, LLC to operate and maintain a cable television system in the Borough of Deal; and

WHEREAS, the New Jersey Board of Public Utilities reviewed this Ordinance and requested an amendment to meet statutory provisions.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the Code of the Borough of Deal be and is hereby further amended as follows:

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The parties agree that Comcast will provide basic cable service to Borough Hall, Deal Pump Station, Deal Borough Garage, Fire Department and the Municipal Beach Clubs (Deal Casino and W. Stanley Conover Pavilion) at no cost.

RESOLUTIONS

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 23-87

Approve 2022 Audit

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

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

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

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

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

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

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

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

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

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

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-88

Resolution to Approve Refund for Deal Casino Units and Swim Team Program

WHEREAS, requests have been made for a refund for the 2023 membership to the Deal Casino and for the Swim Team Recreation Program; and

WHEREAS, these refunds are being requested due to overpayment or not being able to attend for the 2023 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 Deal Casino or Recreation Program:

1. Mike Ciavolino, Oceanport, NJ \$500.00
2. Doreen A. Rizzi, Oceanport, NJ \$125.00
3. Patrick Burgdorf Allenhurst, NJ \$750.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-89

Resolution Authorizing Purchase Under State Contract with Network Cabling Inc. DBA Net Q Multimedia

WHEREAS, the Borough of Deal, has a need to purchase goods and services for an access control system; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A, 40A:11-12; and

WHEREAS, the Borough of Deal, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may be resolution and without advertising for bids, purchase any goods and services under the State of New Jersey Cooperative Purchasing Program for any contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, Network Cabling Inc. DBA Net Q Multimedia has been awarded New Jersey State Contract # 88739; and

WHEREAS, the Borough of Deal intends to enter into contract with Network Cabling Inc. DBA Net Q Multimedia (State Contract # 88739) through this resolution and properly executed contract, which shall be subject to all conditions applicable to the current State contracts; and

WHEREAS, the actual cost for the purchase and services for an access control system is expected to not exceed \$19,850.22.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that Network Cabling Inc. DBA Net Q Multimedia be awarded the contract for the purchase and services for an access control system, under State Contract #88739, for \$19,850.22.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-90

Resolution to Approve Purchase Agreement with Fiore Paving Co., Inc

WHEREAS, the Borough of Deal maintains a public parking area at the W. Stanley Conover Beach Pavilion; and

WHEREAS, there is a need to repair and update the public parking area at the W. Stanley Conover Beach Pavilion to ensure a longer lasting commercial seal; and

WHEREAS, pursuant to N.J.S.A. 40A:11, the Borough may, by resolution and without advertising for bids, purchase goods and/or services under the bid threshold of \$44,000; and

WHEREAS, contracts that are exempt from public advertising, and the receipt of bids require the contracting agent to actively solicit at least two competitive quotations; and

WHEREAS, the Borough of Deal received three competitive quotations ; and

WHEREAS, the quotes were received ranging in cost from a high of \$19,691.50 from Liberty Lines & Sealcoating, Red Bank, NJ, and a low quote of \$19,400.00 from Fiore Paving Co., Inc., Oceanport, NJ; and

WHEREAS, the Board of Commissioners of the Borough of Deal find Fiore Paving Co., Inc the most advantageous in price and other factors considered; and

WHEREAS, the Borough of Deal desires to award a contract to Fiore Paving Co., Inc for the purchase of goods and services in connection with the repair and update of the public parking area at the pavilion in the amount of \$19,400.00.

BE IT RESOLVED, by Board of Commissioners of the Borough of Deal, in the County of Monmouth, that Fiore Paving Co., Inc is hereby awarded the contract for the purchase of goods and services in the amount of \$19,400.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-91

Resolution Authorizing Professional Service Agreement for Bond Counsel with Meghan Ann Bennett of Dilworth Paxson, LLP, As Bond Counsel

WHEREAS on January 1, 2023 Meghan Ann Bennett of GluckWalrath LLP was appointed as Bond Counsel; and

WHEREAS on June 1 2023, Meghan Ann Bennett, Esq. of GluckWalrath LLP will become affiliated with the firm of Dilworth Paxson LLP; and

WHEREAS the governing body desires to amend the appointment of Bond Counsel and to enter into an agreement to reflect the affiliation of Meghan Ann Bennett with Dilworth Paxson LLP.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Deal, County of Monmouth, State of New Jersey, as follows:

1. Effective June 1, 2023, Meghan Ann Bennett of the law firm Dilworth Paxson LLP is hereby retained for the provision of bond counsel services for the balance of

the one-year term ending December 31, 2023, pursuant to an agreement that shall include the same terms, fees and conditions of the agreement previously authorized on January 1st, 2023 for the calendar year 2023.

2. The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the execution of said agreement with Meghan Ann Bennett of the law firm of Dilworth Paxson LLP.
3. This resolution shall take effect June 1, 2023.
4. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer and to Meghan Ann Bennett, Esquire.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-92

**Approval of Change Order #1 for
Roosevelt Avenue Pump Station**

WHEREAS, the Borough of Deal awarded a contract for Roosevelt Avenue Pump Station Comminutor Pit Project to T.R. Weniger Inc., Piscataway, NJ at a cost of \$195,800.00; and

WHEREAS, the Borough Engineer recommended to add SA 1-1, Slide Rail at a cost of \$18,500.00 to the Roosevelt Avenue Pump Station Comminutor Pit Project.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Brighton Avenue Improvements Project as specified by the Borough Engineer changing the contract amount to \$214,300.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-93

**Resolution Authorizing Final Payment
Roosevelt Avenue Pump Station Comminutor Pit Bid**

WHEREAS, bids were received for the Roosevelt Avenue Pump Station Comminutor Pit within the Borough of Deal which was awarded to T.R. Weniger, Inc, Piscataway NJ; and

WHEREAS, T.R. Weniger Inc. has requested final payment in the amount of \$41,604.40; and

WHEREAS, the Borough Engineer has verified that the work to date has justified this payment.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the final payment of \$41,604.40 be made to T.R. Weniger Inc. for the Roosevelt Avenue Pump Station Comminutor Pit.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-94

Resolution to Approve Purchase Agreement with Imperial Dade under OMNIA Partners Purchasing Cooperative

WHEREAS, the Borough of Deal is a membership of the OMNIA Partners Public Sector Cooperative Purchasing Program; and

WHEREAS, the Borough of Deal has a need to purchase janitorial and sanitation supplies; and

WHEREAS, Imperial Dade is a supplier of janitorial and sanitation supplies under the OMNIA Partners Cooperative; and

WHEREAS, the Borough of Deal intends to enter into contract with Imperial Dade through this resolution and properly executed contract; and

WHEREAS, the actual cost for the purchase and services for janitorial and sanitation supplies is expected to not exceed \$30,000.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that Imperial Dade be awarded the contract for the purchase of janitorial and sanitation supplies, under the OMNIA Partners Cooperative, for an amount not to exceed \$30,000.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-95

Resolution Authorizing Renewal of Club Liquor Licenses for the 2023-2024 License Term

WHEREAS, The Deal Golf and Country Club has applied for a Club License on the premises south of Roseld Avenue, which the state assigned license No. 1310-31-006-001; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$150.00; and

WHEREAS, the officers and directors of the Club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the Club maintains all records required by N.J.A.C. 13:208.8.

NOW THEREFORE BE IT RESOLVED that the application of the Deal Golf and Country Club, State assigned license #1310-31-006-001 located at the south of Roseld Avenue also known as 1 & 2 Golf Lane, for the licensed term 2023-2024 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-96

Resolution Authorizing Renewal of Plenary Retail Consumption Liquor Licenses for the 2023-2024 License Term

WHEREAS, The Bar Room, L.L.C. has applied for a Plenary Retail Consumption license which the state has assigned license No. 1310-33-004-007 located at 100 ½ Norwood Avenue.; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2,000.00; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and governmental ABC laws and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the application of The Bar Room, L.L.C. trading as The Bar Room State assigned license #1310-33-004-007, for the license term 2023-2024 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-97

Resolution Authorizing Renewal of Plenary Retail Consumption Liquor Licenses for the 2023-2024 License Term

WHEREAS, Smilen, Inc. has applied for a Plenary Retail Consumption license which the state has assigned license No. 1310-33-007-011 on the premises located at 118 Norwood Avenue including the building at 105 Brighton Ave.; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$2,000.00; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and governmental ABC laws and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the application of Smilen, Inc. State assigned license #1310-33-007-011, for the license term 2023-2024 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-98

Resolution Authorizing Renewal of Plenary Retail Distribution Liquor Licenses for the 2023-2024 License Term

WHEREAS, Deal Food & Liquor Store, Inc. trading as Deal Food & Liquor has applied for a Plenary Retail Distribution Liquor License which the state assigned license number 1310-44-002-005 located at 112 Norwood Avenue; and

WHEREAS, the submitted application is complete in all respects, and attached to it is a check to the Borough of Deal for \$1,036.00; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and governmental ABC laws and regulations;

NOW, THEREFORE BE IT RESOLVED, that the application of Deal Food & Liquor Store, trading as Deal Food & Liquor Sore, state assigned license No. 1310-44-002-005, for the license term 2023-2024 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-99

Resolution to Approve Summer Salaries #2

BE IT RESOLVED, that the following persons are hereby appointed for summer positions at the Deal Casino, Conover Pavilion and Municipal Beaches, May 2023 through September 2023 at the hourly salaries set in this resolution unless otherwise noted. Salaries for these positions have been provided for in the Municipal Budgets.

2023 Casino Staff hourly salaries:

Jaxon Armbrust	\$18.00	Brandon Johnson	\$10.00
Jose Austin	\$18.00	Mara Leonardi	\$10.00
Nicholas Billows	\$10.00	Grace Lombardi	\$10.00
Dado Aw	\$13.00	Daniel Ragucci	\$18.00
Dylan Desimone	\$18.00	Sean Santos	\$15.00
Robert Forte	\$18.00	Aiden O'Connell	\$13.00
Brandon Geiger	\$18.00	Aiden Roussell	\$18.00
Dominic Gervolino	\$10.00	Riley Morrow	\$18.00
Jason Gottfried	\$11.00	John Haney	\$16.00
Douglas Hughes	\$18.00		

2023 Lifeguard hourly salaries:

Meaghan Hellmers	\$16.50
Liam Kilcullen	\$15.50
Joseph Lucigano	\$15.50
Nicolas Leyra	\$15.50
Kevin Toth	\$15.50
Quinlan O'Connor	\$16.00

Seconded by Commissioner Ades

Roll Call: Ayes; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-100

**Approval of Change Order #2 for
FY2023 Road Improvement Project**

WHEREAS, the Borough of Deal awarded a contract for FY2023 Road Improvement Project to Earle Asphalt Company, Wall, NJ; and

WHEREAS, the current contact amount is \$784,472.60; and

WHEREAS, the Borough Engineer recommended the following change to improvements to FY2023 Road Improvement Project:

A03	Asphalt Price Adjustment- Roseld Court	Subtract	\$3,507.07
A04	Fuel Price Adjustment – Roseld Court	Subtract	\$5,974.23
A06	HMA Surface Course- Roseld Court	Subtract	\$4,950.00
C03	Asphalt Price Adjustment – Railroad Ave.	Subtract	\$4,480.68
C04	Fuel Price Adjustment – Railroad Ave	Subtract	\$5,412.70
C05	Milling- Railroad Ave	Subtract	\$1,491.00
C06	HMA Base Course- Railroad Ave	Subtract	\$0.20
C07	HMA Surface Course- Railroad Ave	Subtract	\$5,158.65
C08	6”X18” Curb- Railroad Ave	Subtract	\$10,410.00
C09	Concrete Sidewalk- Railroad Ave	Add	\$1,297.50
C10	Bike Safe Grate & Eco Head- Railroad Ave	Add	\$900.00
D03	Asphalt Price Adjustment – Lehman Ave	Subtract	\$4,353.20
D04	Fuel Price Adjustment- Lehman Ave	Subtract	\$5,540.02
D05	Milling- Lehman Avenue	Add	\$114.00
D06	DGA Base Course- Lehman Ave	Subtract	\$0.20
D07	HMA Base Course- Lehman Ave	Subtract	\$0.20
D09	6”x18” Curb- Lehman Ave	Subtract	\$9,990.00
D10	Concrete Sidewalk- Lehman Ave	Subtract	\$20,025.00
D11	Install Manhole Casting- Lehman Ave	Subtract	\$1,400.00
D12	Bike Safe Grate & Eco Head – Lehman Ave	Subtract	\$900.00
E04	Milling 2” Th- Seaview Lane	Add	\$160.00
E05	HMA Surface Course 9.5M64 2” Th- Seaview Lane	Add	\$646.80
E06	Asphalt Price Adjustment – Seaview Lane	Subtract	\$178.82
E07	Fuel Price Adjustment – Seaview Lane	Subtract	\$1,642.02
E08	Milling 5” Th- Roseld Court	Add	\$1,310.00
E09	HMA Base Course 19M64 3” Th- Roseld Court	Subtract	\$2,735.70

Total (SUBTRACT)**\$83,721.39**

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the FY 2023 Road Improvements Project as specified by the Borough Engineer changing the contract amount to \$700,751.21.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-101

**Resolution Authorizing Final Payment
FY 2023 Road Improvement Project Bid**

WHEREAS, bids were received for the FY 2023 Road Improvement Project within the Borough of Deal which was awarded to Earle Asphalt Company, Wall, NJ; and

WHEREAS, Earle Asphalt Company has requested final payment in the amount of \$285,518.41; and

WHEREAS, the Borough Engineer has verified that the work to date has justified this payment.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the final payment of \$285,518.41 be made to Earle Asphalt Company for the FY 2023 Road Improvement Project.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution

Resolution 23-102

Approve Amendment Employee Handbook

WHEREAS, it is the policy of the Borough of Deal to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Board of Commissioners has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough of Deal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any 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, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by the Borough of Deal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Board of Commissioners.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Deal shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Municipal Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-103

**Shared Service Agreement with the City of Long Branch
Regarding Lifeguard Services**

WHEREAS, N.J.S.A. 49:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and

WHEREAS, the Borough of Deal and the City of Long Branch have negotiated to a Shared Service Agreement for lifeguard services; and

WHEREAS, the Borough of Deal and the City of Long Branch wish to enter into an agreement whereby the City of Long Branch will provide lifeguard services to the existing lifeguards along the beachfront.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Deal hereby agrees to the attached shared service agreement and all contractual provisions held within.
2. The Mayor and Municipal Clerk are hereby authorized to execute said agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-104

Resolution to Endorse RevolutionNJ

WHEREAS, 2026 marks the 250th anniversary of the founding of the United States of America; and

WHEREAS, to observe this momentous occasion, the U.S. Semi-quincentennial Commission, established by Congress (P.L. 114-196) in 2016, and its supporting non-profit America250, will plan and commemorate a national level the celebration of our nation's semi-quincentennial; and

WHEREAS, New Jersey played a significant role during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature in 2018 authorized the creation of a program to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events; and

WHEREAS, Monmouth County also has rich history integral to the independence effort, including the critical Battle of Monmouth; and

WHEREAS, Monmouth County Board of Commissioners has established by way of resolution, the Monmouth County's Committee that will commemorate our nation's semi-quincentennial, highlighting Monmouth County's role in the fight of independence, and will coordinate events and activities throughout Monmouth County, working with public and private entities; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of our great nation and the role New Jersey and Monmouth County have played over the past

250 years, as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, County, and Borough; and

WHEREAS, preserving, studying, celebrating, and enjoying our history strengthens our communities in building bonds amongst our residents, engages our youth in education about our nation and its founding principles, improves our economies by promoting our unique history and attracting visitors to our community.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Board of Commissioners commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Board of Commissioners authorizes the appointment of a committee to develop a plan for this commemoration that will coordinate with the federal, state, and county celebration committees and will promote the maximum involvement of our residents, neighborhoods, businesses, schools, historical and civic organizations, and institutions in the commemorations.
3. The Board of Commissioners further urges all its residents to reflect upon the significance of this event and the role that our State, County, and Borough and its people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of history, and understanding that the revolution continues today as we uphold the ideals articulated in our founding documents.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

MONTHLY REPORTS

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

A report of the Building Department for the month of May was received from the Building Department.

A report of the disbursement checks for the Municipal Court for the month of May was received from Krystle Reiner.

CORRESPONDENCE

A letter was received from Jersey Central Power & Light notifying all municipalities serviced by them that there will be a public hearing for them seeking recovery fees from a Solar Program.

A letter was received from the NJ Department of Transportation that a Chip Seal application project on Route 71 will commence in Spring of 2024.

A letter was received from the Monmouth County Clerk, Christine Hanlon, and the County Commissioner Director, Thomas Arnone, encouraging local municipalities to participate in the celebration of America's 250th Anniversary and notifying municipalities regarding the County's plans for the celebration.

The Legislative Bulletin was received from the NJ League of Municipalities advising on the 2022-2023 Legislative Public Laws that were enacted.

A letter was received from Leon S. Avakian's Office advising the Borough of Deal that the borough can apply to replace the curb on Ocean Avenue with granite curbing. The Commissioners approved applying for the grant.

A letter was received from Marion Setton requesting the borough to paint lines for pickle ball in the Harry Franco basketball court. The Commissioners approved the painting of lines for pickle ball at Harry Franco Park.

A letter was received from the Pantry Packers requesting to move the previously scheduled concert from the Conover Pavilion to the Deal Casino. The Commissioners approved the move.

A letter was received from Congregation Torat El requesting to move the August 11 beach service to August 18. The Commissioners approved the date change.

A letter was received from the DSN's General Manager, Keith Acker, requesting to have events on the beach for the following dates: July 4th, fireworks 8-12pm, July 11, movie 8-11pm, July 13, movie 8-11pm, and July 24, art class 8-11pm. The Commissioners approved the events.

A letter was received from Meghan Tomlinson requesting to host a beach yoga class. The Commissioners stated it was too late for the 2023 season but it is a service they will look into providing for the 2024 season as this service must go out to bid.

A letter was received from the Metal Detector Club requesting the use of the beach for Sunday, May 5, 2024 and Saturday-Sunday September 21-22, 2024. The Commissioners approved the dates.

A letter was received from Racheli Izrailov requesting to host a singles/couples beach event at the Deal Casino Beach Club on a Sunday at 8pm in early August. The Commissioners approved the event.

A letter was received from Gail Gnesin, requesting a second person be given a decal to affix to their car at the Conover Pavilion. The Commissioners stated it is too late for this year, but something they will consider for the 2024 season for an extra cost.

A letter was received from Ken Himsel from Essential Builders requesting a one week extension to the construction moratorium for 103 Neptune Avenue. The Commissioners approved the one week extension.

A letter was received from Robert Adler requesting a one week extension to the construction moratorium for 6 Marine Place. The Commissioners approved the one week extension.

A letter was received from David Kassin from Supreme Construction & Management requesting a one week extension to the construction moratorium for 65 Almyr Avenue. The Commissioners approved the one week extension.

A letter was received from Steve J. Kassin requesting a one week extension to the construction moratorium for the DSN. The Commissioners approved the one week extension.

A letter was received from Ezra Dweck requesting a one week extension to the construction moratorium for 108 Jerome Avenue. The Commissioners approved the one week extension to watertight the house.

UNFINISHED BUSINESS

June 15, 2023

Barbara Coffey, 85 Norwood Avenue, asked about the access point on Roosevelt Avenue if there will be visual beach access.

Paul Fernicola advised her Roosevelt Avenue has the same visual access to the beach as years prior.

NEW BUSINESS

Mayor Cohen thanked Ike Chehebar for the donation of the new bus station on Ocean Avenue.

Mayor Cohen advised there was a meeting amongst several towns, including Deal regarding the over population of the deer in the area, and how the towns are going to work together to solve the over population problem. He advised the discussions are still occurring to finalize a solution as thinning out the deer population will be better for the overall health and welfare of the deer.

RESOLUTION TO PAY BILLS

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 the amount of \$367,053.62 for the May 31, 2023 bills report and \$1,061,967.38 for the June 15, 2023 bills report.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

PUBLIC COMMENT

Mayor Cohen opened the session for public comment.

No communications were received 24 hours prior to the meeting to be read during the public comment.

Barbara Coffey, 85 Norwood Avenue, asked what money was spent for the access path to the wall.

Barbara Coffey was advised there was no monies spent for that.

Barbara Coffey, 85 Norwood Avenue, asked about the plant overgrowth on the islands; to cut down the growth of the bushes.

Mayor Cohen advised her that public works is working on the overgrowth and is looking at news plants in the area that will stay shorter.

Barbara Coffey asked about the gun laws and if someone can carry if they do not have attire on that states they are security. She stated she was approached by a man that had no identification on that he was security.

Chief Ronen Neuman explained the NJ State Police concealed carry permit law, and stated the security guard she is referring to had a badge on that stated security.

Rick Fronapfel commented he finds the catamaran fees to be too high and requested for the fees to be lowered from \$500 to \$100 for the season.

Renee Levine, 28 Richmond Avenue, requested the Commissioners send a letter to residents about bike safety at night as the people and children must abide by the law and have proper lighting on a bicycle.

Mayor Cohen responded the parents have the responsibility to ensure children are riding bikes safely and following the state laws on bike safety.

Chief Ronen Neuman responded they have handed out reflective lights for bikes to the community before and are having Class I officers provide kids with helmets, a certificate for slices of pizza as well as stopping kids who are not wearing helmets.

Raina Grossman, 5 Poplar Avenue, stated the beach club looks great and asked about the Casino renovation.

Mayor Cohen stated he hopes to have a rendering soon and post it on the website to solicit public comment.

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 23-105

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss litigation and contractual 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 potential litigation and contractual matters at 9:50 A.M.

The Commissioners returned to open session at 10:40 A.M.

Commissioner Ades offers the following Resolution:

Resolution 23-106

WHEREAS, the Borough of Deal has received beach replenishment through the Sea Bright to Ocean Township, New Jersey Storm Damage Reduction Project; and

WHEREAS, the Borough of Deal and the State of New Jersey, Department of Environmental Protection would like to enter into a Local Cooperation Agreement for the first periodic renourishment of the project; and

WHEREAS, the project cost sharing is 65% Federal and 35% Non-Federal where the Non-Federal shall be shared at 75% by the State and 25% by the Borough of Deal; and

WHEREAS, the total 25% cost of the Non-Federal share to the Borough is \$1,974,356.91.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that

- 1) The Borough of Deal entering into the State Aid Agreement outlined by the Municipal Attorney be approved; and
- 2) The Board of Commissioners allow the Mayor and Borough Administrator to sign the amended agreement; and
- 3) The Borough make payment to the State of New Jersey for the 25% share for the project totaling \$1,974,356.91

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 23-107

WHEREAS, the Borough of Deal and ICC Neptune Ave, LLC entered into an agreement in December 2018 for the purchase of municipal land at the easterly portion of Neptune Avenue; and

WHEREAS, ICC Neptune Ave, LLC has agreed to make a payment of \$1,000,000.00 for this land with a \$100,000.00 deposit and the remaining \$900,000.00 due upon receiving the quiet title; and

WHEREAS, the Borough of Deal and ICC Neptune Ave, LLC have agreed to modify the terms of the agreement allowing ICC Neptune Ave, LLC to make monthly payments as outlined in the amended agreement.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that

- 1) The amended agreement outlined by the Municipal Attorney be approved; and
- 2) The Board of Commissioners allow the Mayor and Borough Administrator to sign the amended agreement.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

It was announced that the next meeting of the Board of Commissioners, will be on Thursday, July 13, 2023 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 10:43 A.M.

SC _____

MA _____

DS _____

Clerk