

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on January 4, 2024 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: Ian Goldman, Borough Attorney

It was moved by Commissioner Simhon, seconded by Commissioner Ades, and carried unanimously that the minutes of the previous meeting held on December 11, 2023 be approved as recorded.

ORDINANCE INTRODUCTION

Ordinance 1277 to amend Chapter X Vehicles and Traffic 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 February 7, 2024 at 9:00 A.M.

ORDINANCE 1277

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	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.

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

Name of Street or Lot

Conover spaces to include first row on grass facing west.

Time Limit

All

Days

Monday through Sunday

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

- Any Conover Pavilion member displaying a valid parking permit will be allowed to park in the grass lot without having to pay the meter.

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.

RESOLUTIONS

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 24-01

WHEREAS, the Local Budget Law, (N.J.S.A. 40:1-19) requires every municipality to make temporary appropriations sufficient to cover commitments made during the period January 1st to the date of adoption of the budget; and

WHEREAS, the total of this temporary budget shall not exceed 26 ¼ % of the total appropriations made for all purposes in the budget for the preceding year excluding appropriations made for interest and debt reduction charges, capital improvement fund and public assistance; and

WHEREAS, 26 ¼ % of the total appropriations in the 2023 budget less the exclusions mentioned in the preceding paragraph in the sum of \$3,219,240.32

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the following temporary appropriations be made and a certified copy of the Resolution be transmitted to the Chief Financial Officer for his records.

2024 Temporary Municipal Budget

Administrative & Executive	
20-100-1 Salaries	100,000.00
20-100-2 Other Expense	53,077.50
Human Resources	
20-105-2 Other Expense	1,400.00
Director Public Affairs & Safety	
20-110-1 Salaries 1	1,000.00
20-110-2 Other Expense	367.50
Director Revenue & Finance	
20-111-1 Salaries	1,000.00
20-111-2 Other Expense	500.00
Director Public Works & Public Property	
20-112-1 Salaries	1,000.00
20-112-2 Other Expense	500.00
Municipal Clerk	
20-120-2 Other Expense	1,500.00
Elections	
20-121-2 Other Expense	4,000.00
Financial Administration	
20-130-1 Salaries	1,000.00
20-130-2 Other Expense	1,000.00
Audit Service	
20-135-2 Other Expense	62,500.00
Collection of Taxes	
20-145-1 Salaries	16,480.00
20-145-2 Other Expense	3,438.77
Assessment of Taxes	
20-150-1 Salaries	17,000.00
20-150-2 Other Expense	40,367.50
Legal Services & Costs	
20-155-2 Other Expenses	60,000.00
Engineering	
20-165-2 Other Expense	15,500.00

Municipal Land Use - Planning Board		
21-180-1 Salaries		17,000.00
21-180-2 170-200 Other Expense		10,158.13
Municipal Land Use – Zoning Board		
21-185-1 Salaries		15,750.00
21-185-2 Other Expense		1,200.00
Construction Code Regulation		
22-195-1 Salaries		142,000.00
22-195-2 Other Expense		10,237.50
Plumbing Sub Code Official		
22-196-1 Salaries		8,000.00
22-196-2 Other Expense		52.50
Fire Sub Code Official		
22-197-1 Salaries		6,180.00
22-197-2 Other Expense		105.00
Electrical Sub Code Official		
22-198-1 Salaries		7,725.00
22-198-2 Other Expense		52.50
Insurance		
23-210-2 General Liability		81,787.00
23-215-2 Workers Comp.		82,167.00
23-220-2 Group Ins. Employees		300,000.00
23-220-2 Group Ins. Retirees		100,000.00
Police		
25-240-1 Salaries		680,000.00
25-240-2 Other Expense		67,147.50
Office of Emergency Management		
25-252-2 Other Expenses		656.25
First Aid		
25-260-2 Other Expense		26,312.50
Fire		
25-265-1 Salaries		92,400.00
25-265-2 Other Expense		45,281.25
Prosecutor		
25-275-1 Salaries		12,360.00
25-275-2 130-200 Other Expenses		78.75
Streets and Roads Maintenance & Repair		
26-290-1 Salaries		120,000.00
26-290-2 Other Expense		42,708.75
Traffic Signals		
26-300-2 Other Expense		1,968.75
Sanitation		
26-305-1 Salaries		71,950.00
26-305-2 Other Expense		13,125.00
Public Grounds & Buildings		
26-310-200 Other Expense		20,000.00
Vehicle Maintenance		
26-315-2 Other Expense		24,934.50
Deal Lake Weed Control		

26-320-2 Other Expense	1,750.00
Board of Health	
27-330-2 Other Expense	10,000.00
Dog/Animal Regulation	
27-340-2 Other Expense	2,100.00
Aid to Health Care Facilities	
27-360-2 Other Expenses	500.00
Recreation	
28-370-2 Other Expense	1,400.00
Parks and Playgrounds	
28-375-2 Other Expense	30,000.00
Deal Casino	
28-380-1 Salaries	82,250.00
28-380-2 Other Expense	54,810.00
Conover Pavilion	
28-381-1 Salaries	0.00
28-381-2 Other Expense	9,850.00
Accumulated Leave Compensation	
30-415-2 Other Expense	262.50
Utilities & Bulk Purchases	
31-430-2 Electricity	20,000.00
31-435-2 Street Lighting	20,000.00
31-440-2 Telephone	3,000.00
31-445-2 Water	8,000.00
31-446-2 Gas	10,000.00
31-455-2 Sewerage	15,000.00
31-460-2 Gasoline & Motor Fuel	35,000.00
32-465-2 Solid Waste Land Fill	75,000.00
Contingent	
35-470-2 Other Expense	1,000.00
Statutory Expenditures	
36-472-2 Social Security	65,000.00
36-476-2 SDI Contribution	6,825.00
36-475-2 Police & Fire Retire	0.00
36-471-2 Public Employees Retire	0.00
Interlocal Municipal Service Agreements	
42-250-2 Police Mandates 911 SVC.	2,625.00
42-250-2 Reverse 911	262.25
42-250-2 Ocean Twp. Tactical Team	420.00
Shared Service Agreements	
42-106-2 Police Services-Interlaken	220,000.00
45-106-2 Police Service-Loch Arbour	60,000.00
42-108-2 Court Services-Loch Arbour	2,500.00
45-251-2 Public Works-Loch Arbour	27,748.27
45-251-2 Beach Cleaning-Loch Arbour	4,000.00
42- 252-2 Borough of Red Bank-Finance Officer	7,000.00
Municipal Court	
43-490-1 Salaries	45,000.00
43-490-2 Other Expense	12,468.75
Public Defender	
43-495-2 Other Expenses	2,500.00
GRAND TOTAL \$3,219,240.32	3,219,240.92

Capital Improvement Fund
44-901-02 Capital Improvement Fund 2,000,000.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-02

WHEREAS, the Local Budget Law, (N.J.S.A. 40:1-19) requires every municipality to make temporary appropriations sufficient to cover commitments made during the period January 1st to the date of adoption of the budget; and

WHEREAS, the total appropriations made for all purposes in the budget for the preceding year excluding appropriations made for interest and debt reduction charges, capital improvement fund and public assistance; and

WHEREAS, 26 ¼ % of the total appropriations in the 2024 budget less the exclusions mentioned in the preceding paragraph in the sum of \$358,430.63

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the following temporary appropriations be made and a certified copy of the Resolution be transmitted to the Chief Financial Officer for his records.

2024 Temporary Sewer Budget

Operating		
55-501-1 Salaries & Wages		100,000.00
55-502-2 Other Expense		237,430.63
Statutory Expenditures		
55-530-2 Pub. Employ. Retirement		
55-541-2 Social Security		15,000.00
Debt Service		6,000.00
55-523-501 – Interest on Bans		
Total		358,430.63

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-03

ADJUSTMENT IN CHIEF OF POLICE SALARY FOR 2024

WHEREAS, pursuant to the existing Employment Agreement between the Borough of Deal and Ronen Neuman, Chief of Police, a stipulation for a 1% salary increase in 2024; and

WHEREAS, in recognition of the escalating cost of living, a general salary increase of 3% for Borough employees has been sanctioned for the year 2024; and

WHEREAS, the Board of Commissioners acknowledges the necessity to amend the current Employment Agreement to reflect equitable salary adjustments for the Chief of Police in line with other Borough employees.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, have determined that Ronen Neuman shall receive a 3% base salary increase in 2024, equivalent with the salary increases given to other Borough employees.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-04

WHEREAS, there exists within the salary ordinance of the Borough of Deal pay ranges for certain positions; and

WHEREAS, the Board of Commissioners are desirous of setting the salaries for the person filling these certain positions,

NOW THEREFORE BE IT RESOLVED, that the following persons receive the assigned salary for the year 2024, said salary to be paid according to section two of the salary ordinance:

Samuel Cohen, Mayor	3,000.00
Morris Ades, Commissioner	2,500.00
David Simhon, Commissioner	2,500.00
Ronen Neuman, Acting Borough Clerk/Administrator	120,000.00
Theresa Davis, Tax Collector/QPA/Finance (L)	115,307.57
Kevin Diaz, Technical Assistant	74,675.00
Cassandra Achille, Deputy Clerk	70,040.00
Carrie Sniffen, Administrative Assistant	76,275.44
Krystle Reiner, Court Administrator	67,530.53
Ronen Neuman, Police Chief (LH)	204,424.95
William Hulse, Police Lieutenant (LH)	185,425.60
Brian Egan, Police Sergeant (H)	160,587.50
Nicholas Vaccaro, Police Sergeant (H)	160,587.50
Daniel Kobil, Police Sergeant (H)	157,803.20
Brad Kerney, Police Sergeant (H)	156,803.20
Vincent Volek, Patrolman (LH)	154,989.90
Jonathan Losquadro, Patrolman (H)	148,448.35
Daniel Liptak, Police Sergeant (H)	156,803.20
Daniel Lokerson, Police Sergeant (H)	156,803.20
Nicholas Dowling, Patrolman(H)	145,663.75
Christopher Mirrione, Patrolman (H)	140,093.50
Miguel Medina, Patrolman (H)	140,093.50
Zachariah Bell, Patrolman (H)	140,093.50
Daniel Maguire, Patrolman (H)	101,703.40
Tyler Redy, Patrolman (H)	101,703.40
Jenifer Velasquez, Patrolman (H)	73,473.10
William Hayes, Patrolman (H)	58,752.10
Christopher Conti, Patrolman (H)	72,473.10
Alexis Peralta, Class II	19.00/hr
Vincent Ceres, Class II	19.00/hr
Michael Della Ragione, Police Dispatcher (LH)	59,842.60
Charles Zhao, Police Dispatcher (H)	55,467.97
Emily Walsh, Police Dispatcher (H)	46,441.77
Giovanni Sosa, Police Dispatcher (H)	55,467.97
Robert Simmen, Fire Driver (LH)	120,647.09

Charles Rivera, Fire Driver (H)	63,499.50
Nicholas Simons, Fire Driver (H)	56,986.73
Alan Roussell, Superintendent of Beaches	92,563.53
Robert Roxey, DPW, Foreman	113,300.00
Chris Beradesco, DPW Laborer	71,536.17
Joseph Hagerman, DPW Laborer	89,182.48
Mark Powers, DPW Mechanic	71,536.17
James Valente, Beaches Laborer	55,235.85
Austin Racine, DPW Laborer	55,235.85
James Turetzkin, DPW Laborer	51,144.31
James Kessler, DPW Laborer	43,848.00
Kirk Brown, DPW Laborer	43,848.00
Anthony Labella, DPW Mechanic	71,536.17
Anthony Dello Iacono, DPW Laborer	43,848.00
Tyler Labella, DPW Laborer	40,600.00
Riley Allan, DPW Laborer	40,600.00
Joseph Corson, DPW Laborer	40,600.00
Eric Aguiar, Tax Assessor	43,709.08
Scott Basen, Judge Municipal Court	37,701.84
Jason Shamy, Prosecutor	33,177.62
John Palmer, Sub-Code Plumbing	13,807.21
Eric Sudia Sub-Code Electrical	13,874.29
Ron Viglioto Sub-Code Building	27,158.64
Joseph Ciccone Construction & Fire Official	66,874.89
Frank DiRoma, Zoning Officer	12,000.00
Victoria Smith, Court Assistant	20.00/hr
Part Time Construction	45.00/hr
Part Time Dispatchers	20.00/hr
Part Time Fire Driver	20.00/hr

- (H) Includes Holidays
- (L) Includes Longevity
- (LH) Includes Longevity & Holidays

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-05

BE IT RESOLVED, that the regular meetings of the Board of Commissioners of the Borough of Deal, New Jersey will be held for the ensuing year, 2024, on the following dates and times, action will be taken as appropriate.

- January 4, 2024 – 9:00 am
- February 7, 2024 – 9:00 am
- March 6, 2024 – 9:00 am
- April 3, 2024 – 9:00 am
- May 2, 2024 – 9:00 am
- June 6, 2024 – 9:00 am
- July 11, 2024– 9:00 am
- August 8, 2024 – 9:00 am
- September 5, 2024 – 9:00 am
- October 9, 2024 – 9:00 am
- November 6, 2024 – 9:00 am
- December 11, 2024 – 9:00 am

BE IT FURTHER RESOLVED that the Borough Clerk will publish notice thereof in the Official Newspapers.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Deal that, the organization, proceedings or decorum of said meetings unless covered by Resolution or general law, shall be governed by Robert's Rules of Order including the items prescribed by this section:

1. The Mayor or his designee will limit public comments to 3 minutes per person.
2. Any person(s) who disrupts the orderly conduct of any meeting shall be called to order by the Mayor or his designee. If such conduct continues to disrupt the meeting despite the warning(s), then the Mayor or his designee, at their discretion, may order such person removed from the meeting

BE IT FURTHER RESOLVED that the Board of Commissioners of the Borough of Deal will hold these meetings allowing the public to remotely access the public meeting.

Utilize the following call-in information:

[https://zoom.us/j/ 94635937014](https://zoom.us/j/94635937014)
Meeting ID: 946 3593 7014
Passcode: 261984

Phone:
Call # 1-646-558-8656
Meeting ID/PIN: 946 3593 7014#
Passcode: 261984

The Preliminary Agenda will be available on the Borough's website, www.dealborough.com, 48 hours prior to the start of the meeting. The public may participate during public comment when the Mayor or his designee opens the meeting to the public.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-06

WHEREAS, pursuant to N.J.S.A. 40:53-1, the Borough is required to designate official newspapers for the publication of advertisements and legal notices as required by law to be published.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, New Jersey that the Asbury Park Press and The Coaster be designated the official newspapers for the Borough of Deal for legal notices of the year 2024. Legal ads may be published in either or both of the newspapers listed above.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-07

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

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

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

WHEREAS, the anticipated term of this contract is one year; and

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

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

NOW, THEREFORE, BE IT RESOLVED that:

1. The following appointments are hereby ratified and confirmed for the year 2024 with the amounts charged for these services in accordance with any contracts.

Engineer	Peter Avakian, P.E.	Not to exceed \$240,000.00
Auditor	Suplee, Clooney & Co.	Not to exceed \$65,000.00
Borough Attorney	Levin, Shea, Pfeffer, & Goldman	Not to exceed \$75,000.00
Tax / Conflict Attorney	Paul V. Fericola, Esq.	Not to exceed \$30,000.00
Public Defender	Donald K. Greer, Esq.	Not to exceed \$20,000.00
Public Defender-Substitute	David Gardner, Esq.	Not to exceed \$3,000.00
Prosecutor	Jason Shamy, Esq.	Not to exceed \$40,000.00
Prosecutor – Substitute	James Carton, Esq.	Not to exceed \$3,000.00
Planning/Zoning Attorney	Eric Anderson, Esq.	Not to exceed \$35,000.00
Bond Counsel	Dilworth Paxson LLP	Not to exceed \$20,000.00
Real Estate Appraiser	The Meers Group, LTD	Not to exceed \$20,000.00

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

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

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-08

WHEREAS, it is necessary for the efficient conduct of the business of the Borough of Deal that suitable banks and institutions be designated as official investment\depositories of the Borough.

BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Citizens Bank, Norwood Avenue, Deal branch, are hereby designated as the official depository for the Borough of Deal and that sums so deposited may be withdrawn for the following accounts: General Capital, Payroll, General Checking, Sewer Capital, Sewer Checking, Engineering Escrow, Street Opening, Dog Account,

Law Enforcement Trust Account, Trust Other Interfund, Tax Collectors Escrow Account, General Reserve, the SUI Fund and Accumulated Leave Compensation.

All disbursements from these accounts shall be made by checks signed by three of the following: Mayor Samuel Cohen, Commissioner Morris Ades, Commissioner David Simhon, and Ronen Neuman, Acting Borough Clerk.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-09

**RESOLUTION OF THE BOROUGH OF DEAL, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY FIXING THE RATE OF INTEREST TO BE CHARGED ON
DELIQUENT TAXES OR ASSESSMENTS**

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year,

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey as follows:

1. The Tax collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency.
2. There will be ten (10) days grace period of quarterly tax payments made by cash, check or money order.
3. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the date set forth in paragraph one of this resolution.
4. This resolution shall be published in its entirety once in an official newspaper of the Borough of Deal.
5. The Acting Borough Clerk shall provide a certified copy of this resolution to the Tax Collector, Borough Attorney and Borough Auditor for the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-10

WHEREAS, the Borough of Deal desires to appoint Emergency Management Coordinators; and

WHEREAS, such appointment is authorized under NJSA Appendix A:9-33, est. seq.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Brian Egan and Nicholas Dowling are hereby appointed Deputy Emergency Management Coordinators. The term of office shall be from January 1, 2024 through December 31, 2024.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-11

WHEREAS, N.J.A.C 17:27 requires the Borough of Deal to appoint a Public Agency Compliance Officer (PACO) to perform the duties described in the rules and ensure that the Borough and its contractors comply with these rules; and

WHEREAS, the Borough of Deal shall appoint the Public Agency Compliance Officer at the first meeting in January of each year and notify the Department of the Treasury, State Affirmative Action Office by January 10th.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Ronen Neuman, Acting Clerk/Administrator is appointed as the Public Agency Compliance Officer (PACO) for the year ending December 2024.

BE IT FURTHER RESOLVED that the Acting Clerk send a certified copy of this Resolution to the State Affirmative Action Office.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-12

A RESOLUTION AUTHORIZING THE TAX ASSESSOR TO ACT AS AGENT FOR THE BOROUGH OF DEAL FOR THE PURPOSE OF FILING AND SETTLING TAX APPEALS ON BEHALF OF THE TAXING DISTRICT FOR THE TAX YEAR 2024

WHEREAS, the Tax Assessor is knowledgeable regarding the valuation and assessment of properties in the Borough of Deal; and

WHEREAS, the Tax Assessor has the statutory responsibility, pursuant to N.J.S.A. 54:4-23 to 36 to set assessments for properties in the Borough of Deal under the Local Property Tax, N.J.S.A. 54:4-1 et seq; and

WHEREAS, the governing body of the Taxing District deems the Tax Assessor to be responsible and acting in the best interests of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, that the Tax Assessor is hereby authorized to act as agent for the Taxing District without further governing body approval to:

- (a) Determine when tax appeals, cross appeals, complaints and counterclaims should be filed on behalf of the Taxing District with regarding to any property located in the Borough of Deal and accordingly direct the attorney for the Taxing District to file such documents with either the County Tax Board or Tax Court of New Jersey as deemed appropriate.
- (b) Resolve and settle tax appeals pending before the County Tax Board, Tax Court or Appellate Courts for any tax year and authorize the attorney for the

Taxing District to formalize such settlement in the appropriate Courts and/or County Tax Board.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Matthew Clark, Monmouth County Board of Taxation, Paul Fernicola, Borough Tax Attorney and Erick Aguiar, Borough Tax Assessor.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-13

WHEREAS, due to the fact the Board of Commissioners hold one meeting per month for the 2024 Calendar year; and

WHEREAS, payroll and miscellaneous expenses must be approved for payment for the second half of each month ending on the last day of each month.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending on the last day of each month be approved in the amount not to exceed \$400,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$400,000.00 be paid at that time.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-14

Resolution to Approve Purchase of Beach Furniture

WHEREAS, the Borough of Deal maintains a beach club, "Deal Casino"; and

WHEREAS, the current furniture at the club is damaged and has reached its end of life; and

WHEREAS, there now exists a need to purchase new furniture for the patrons of the club; 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 requested three competitive quotations; and

WHEREAS, the Board of Commissioners of the Borough of Deal find Resort Contract Furnishings the most advantageous in price and other factors considered; and

WHEREAS, the Borough of Deal desires to award a contract to Resort Contract Furnishings of Wyckoff, NJ for the purchase of furniture in the amount of \$40,057.00.

BE IT RESOLVED, by Board of Commissioners of the Borough of Deal, in the County of Monmouth, that Resort Contract Furnishings of Wyckoff, NJ is hereby awarded the contract for the purchase of furniture in the amount of \$40,057.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-15

RESOLUTION AUTHORIZING THE BOROUGH OF DEAL POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM TO ENABLE THE POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program (the 1033 "Program") to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies ("LEAs"); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-302 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, that the Deal Police Department is hereby authorized to enroll in the 1033 Program for a one-year period from January 1, 2024 through December 31, 2024;

BE IT FURTHER RESOLVED that the Deal Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the Deal Police Department, if it shall become available within the period of time for which this Resolution authorizes, based on the needs of the Deal Police Department without restriction; and

BE IT FURTHER RESOLVED that the Deal Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available within the period of time for which this Resolution authorizes; and

BE IT FURTHER RESOLVED that the property available through the Program, "DEMIL A through Q" is attached hereto; and

BE IT FURTHER RESOLVED that the Deal Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Deal Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire (1) "DEMIL A" property that may be made available through the 1033 Program and (2) "DEMIL B through Q" property both of which that may be made available through the 1033 Program during the time period for which this Resolution authorizes, with program participation and all property request authorization terminating on December 31, 2024.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-16

WHEREAS, the Borough of Deal, has duly appointed and employs a Tax Collector/Treasurer/QPA in accordance with New Jersey Statutes; and

WHEREAS, since December 1998, Theresa Davis has been appointed and serves as the Tax Collector/Treasurer/QPA of the Borough; and

WHEREAS, prior years the Borough Administrator had handled financial, contractual, and budgetary items; and

WHEREAS, due to the sudden passing of the prior Borough Administrator the Treasurer/QPA had taken on such tasks; and

WHEREAS, now the Board of Commissioners of the Borough of Deal wish to provide compensation to the Treasurer/QPA for taking on said responsibilities; and

WHEREAS, the Borough finds it equitable to provide Theresa Davis with a one-time stipend.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that a one-time stipend in the amount of \$5,000.00 shall be paid to Theresa Davis as compensation for the extra work done in 2023.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-17

WHEREAS, due to the age and mileage of the current police truck, it necessary to purchase a replacement for this vehicle; and

WHEREAS, the Board of Commissioners have agreed to replace this police vehicle with one (1) 2023 Chevrolet Silverado 1500.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that one (1) 2023 Chevrolet Silverado 1500 4WD Crew Ab 147” Work Police Truck be purchased through competitive biddings with bids due by January 30, 2024, 10a.m.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 24-18

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 of the Borough of Deal last amended the Personnel Policies and Procedures Manual on November 3, 2021; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (MEL JIF) requires all JIF members to review and update their Personnel Procedures Manual every two years; 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; and

WHEREAS, the changes made are on file with the Acting Municipal Clerk/Administrator.

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 as amended, effective immediately; and

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; and

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; and

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”; and

BE IT FURTHER RESOLVED that the Acting 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 24-19

APPROVE CARRYING OF UNUSED VACATION TIME INTO 2024

WHEREAS, per contractual agreement, Ronen Neuman receives 200 hours of vacation time per year; and

WHEREAS, currently Ronen Neuman has 94 hours of vacation time remaining from 2022 that has not been used; and

WHEREAS, Ronen Neuman has been performing in both the capacity of Chief of Police and Acting Borough Administrator/Clerk since August 11, 2023; and

WHEREAS, any extended use of vacation time would have caused a strain to both the Borough of Deal and the Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, that Ronen Neuman, be permitted to carry the unused 94 hours of vacation time into 2024.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 24-20

REAPPOINT FRANK DIROMA AS ZONING OFFICER

WHEREAS, Frank DiRoma was appointed by the Borough as it's Zoning Officer for a four month term; and

WHEREAS, the Borough wishes to reappoint Frank DiRoma on a month-to-month basis in 2024; and

WHEREAS, in Article XII, 30-98.1 of the Borough of Deal's Development Regulations it shall be the duty of the Zoning Officer to administer and enforce the zoning provisions of the borough; and

WHEREAS, it is the desire of the Borough of Deal to reappoint Frank DiRoma Zoning Officer with such duties as stated in the above regulation.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, Monmouth County, that Frank DiRoma be reappointed Zoning Officer on a month-to-month term commencing on January 1, 2024 and concluding on 12-31-24 with a salary of \$1,000.00 per month, to be paid bi-monthly.

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 December was received from Chief Ronen Neuman.

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

CORRESPONDENCE

A letter was received from David Hillel requesting use of the Casino Parking lot for the Special Children Center Annual Concert for dates of August 20, 2024, August 27, 2024, and/or August 28, 2024. The Board of Commissioners stated they will review the dates and get back to them.

A letter was received from the Monmouth Municipal Joint Insurance Fund providing the 2024 budget for the fund.

Local Finance Notice 2023-22 was received providing information on the Calendar Year 2024 Budget Matters.

UNFINISHED BUSINESS

There was no unfinished business to discuss.

NEW BUSINESS

There was no new business to discuss.

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 \$845,063.25 for the January 12, 2024 bills report.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

PUBLIC COMMENT

Mayor Cohen opened the session for public comment.

Barbara Coffey, 85 Norwood Avenue, stated the Casino closes at 7 p.m., and asked if we can please be conscious to not disturb Casino members by extra activities such as runs when the Casino is open.

Mayor Cohen responded they will try and take that into consideration when approving outside events.

Ronen Neuman, Police Chief/Acting Administrator responded the runs go through multiple towns and it is a State road thus difficult to manage.

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

Commissioner Simhon offers the following Resolution:

Resolution 24-21

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 material that fall under strategies to protect public security, personnel matters, and pending litigation; 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 Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss strategies to protect public security, personnel matters, and pending litigation.

The Commissioners returned to open session at 10:01 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 10:01 A.M.

SC _____

MA _____

DS _____

Clerk