

December 2, 2021

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on December 2, 2021 at 9:00 A.M. This meeting was conducted via Teleconference with the Board of Commissioners only meeting in person.

Mayor Cohen led the salute to the flag.

It was stated that in conjunction with the "Open Public Meeting Law", p.l. 1975 ch. 231, a notice required by this statute has been satisfied as per a resolution passed on December 9, 1997 at 5:05 P.M. at Borough Hall at a regular meeting of the Board of Commissioners, Borough of Deal, and Monmouth County, New Jersey.

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon  
Also Present: Rob Moore, Borough Attorney Representative

It was moved by Commissioner Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on November 3, 2021 be approved as recorded.

Ordinance 1243 to amend Chapter X Traffic Regulations was introduced on November 3, 2021 and the public hearing is scheduled for today, December 2, 2021. Mayor Cohen moved to open the meeting to public comment on Ordinance #1243, seconded by Commissioner Simhon and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

### **ORDINANCE 1243**

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

Commissioner Simhon moved to adopt Ordinance 1243, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

#### **Resolution 21-138**

WHEREAS, an opening has occurred for a Class III member of the Planning Board due to the expiring of the term.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Commissioner David Simhon, 274 Norwood Avenue, Deal be appointed to a one (1) year term as a Class III member of the Planning Board pursuant to the Municipal Land Use Law, P.L. 1975 to commence January 1, 2022 and to expire December 31, 2022.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

#### **Resolution 21-139**

WHEREAS, the Borough of Deal has to secure a supplier of gasoline and diesel fuel for the vehicles that service the Borough; and

WHEREAS, the New Jersey State Contract has gasoline and diesel fuel available through state contract from J Swanton Fuel Oil Company, 37 Center Avenue, Highlands, NJ 07716 for the year 2022 at prices specified in their bid.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal agrees to purchase the fuel required for the year 2022 from J Swanton Fuel Oil of Highlands, New Jersey at the terms and prices specified in their contract under New Jersey State Contract 19-FLEET-00975.

BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by J Swanton Fuel Oil Company.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 21-140**

WHEREAS, the Borough of Deal has to secure a supplier of rock salt for snow and ice removal within the Borough; and

WHEREAS, the Borough of Deal as a member of the Monmouth County Cooperative Pricing System can participate in group purchasing for these products; and

WHEREAS, the Monmouth County Department of Purchasing has awarded a bid for granular sodium chloride to Riverside Construction Materials, 355 Neubold Road, Fairless Hills, PA 19030 for the year of 2022 at prices specified in the County Bid Proposal #F-19-2022.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal, as a member of the Monmouth County Cooperative Pricing System, agrees to purchase the granular sodium chloride or approved equivalent required for the year 2022 from Riverside Construction Materials the terms and prices specified in their contract with Monmouth County, #F-19-2022.

BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by Chemical Equipment Labs.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 21-141**

WHEREAS, there exists a need to coordinate alcohol and drug testing within the Borough of Deal for employees including CDL drivers; and

WHEREAS, the Monmouth JIF has conducted an RFQ for this service and where the low bidder was Dynamic Testing Service, 230 Main Street, Toms River, NJ 08753 and offers the service for alcohol and drug testing.

NOW, THEREFORE, BE IT RESOLVED that Dynamic Testing Services conduct alcohol and drug testing for the required employees for the Borough of Deal for the year 2022.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 21-142**

WHEREAS, there exists a need to coordinate audio hearing testing within the Borough of Deal for certain employees; and

WHEREAS, the Monmouth JIF has conducted an RFQ for this service and where the low bidder was Interstate Mobile Care, P.O. Box 64, Sewell, NJ 08080 and offers the service for audio hearing testing.

NOW, THEREFORE, BE IT RESOLVED that Interstate Mobile Care conduct audio hearing testing for the required employees for the Borough of Deal for the year 2022.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-143**

WHEREAS, The Borough of Deal is a member of the Monmouth County Community Development Program; and

WHEREAS, the Borough of Deal must appoint a representative and alternate;

NOW, THEREFORE BE IT RESOLVED, that Stephen Carasia Borough Clerk / Administrator is hereby appointed the representative of the Borough of Deal to the Monmouth County Community Development Program for the year to include January 1 through December 31, 2022; and

BE IT FURTHER RESOLVED, that Michael Egan, Deputy Clerk, is hereby appointed the alternate of the Borough of Deal to the Monmouth County Community Development Program for the year 2022.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-144**

WHEREAS, Fiore Paving Company, Inc., Oceanport, NJ has been awarded a contract for the FY 2021 Road Improvements at a cost of \$392,504.47; and

WHEREAS, Fiore Paving Company Inc. has requested final payment in the amount of \$7,850.09; and

WHEREAS, the DPW Superintendent has verified that the work to date has justified this payment.

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NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the final payment of \$7,850.09 be made to Fiore Paving Company Inc. for the FY 2021 Road Improvements.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-145**

WHEREAS, West End – KB, LLC, Oceanport, NJ has been awarded a contract for the installation of a 60x120 steel building at the Borough Garage at a cost of \$304,826.60; and

WHEREAS, West End – KB, LLC. has requested final payment in the amount of \$28,320.00; and

WHEREAS, the Borough Mechanic 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 \$28,320.00 be made to West End – KB, LLC for the 60x120 steel building at the Borough Garage.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-146**

WHEREAS, a request has been made for a refund for 2021 membership to the Deal Casino; and

WHEREAS, these refunds are being requested due to making an overpayment for their membership.

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:

1. Jennifer Baillie, Ocean, NJ \$150.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-147**

WHEREAS, the Borough of Deal, as a participating member of the State Health Benefits Program, can offer an incentive to a full-time employees to waive the health benefits coverage offered by the Borough of Deal, if the employee is eligible for any other health care coverage, and;

WHEREAS, the Borough of Deal can offer an employee who waives coverage 25 percent of the amount saved by the employer or \$5,000, whichever is less. The amount saved by the employer would be the premium

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due minus the contribution the employee would have made if the employee did not waive coverage.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Borough agrees to provide payment in lieu of benefits to qualified employees in the amount of 25 percent of the cost of the employees appropriate State Health Benefits Program presently enrolled in, minus the contribution the employee would have made if the employee did not waive coverage, or \$5,000.00 whichever is less. Payment to be made upon the completion of the required forms, payable on December 15, 2020.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-148**

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

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

WHEREAS, Jenifer Velasquez will be attending her course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Jenifer Velasquez be and is hereby appointed to take the January 2022 Course at the Monmouth County Police Academy for Class II Special Police Officers.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-149**

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

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

WHEREAS, Matthew Depinho will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Matthew Depinho be and is hereby appointed to take the January 2022 Course at the Monmouth County Police Academy for Class II Special Police Officers.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

**Resolution 21-150**

WHEREAS, the Borough of Deal and Randi Goldberg settled upon an incident at the W. Stanley Conover Pavilion; and

WHEREAS, prior to approval of the settlement, the Borough of Deal is requesting a signed General Release; and

WHEREAS, the Borough Attorney has provided the General Release form which has been provided to Mrs. Goldberg.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal approve the settlement upon receipt of the signed general release.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 21-151**

WHEREAS, the Deal Sephardic Youth Center, leases the property located next to the Deal Casino; and

WHEREAS, the Deal Sephardic Youth Center has applied or funding for repairs to the property from Investors Bank; and

WHEREAS, Investors bank is looking for a Landlord Recognition and Estoppel Agreement to be signed between Investors Bank and the Borough of Deal: and

WHEREAS, the Borough Attorney has reviewed the agreement and recommends the agreement be formally ratified.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Landlord Recognition and Estoppel Agreement be approved; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Landlord Recognition and Estoppel Agreement on behalf of the Borough of Deal.

Seconded by Mayor Cohen

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 21-152**

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

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ending December 31, 2021 be approved in the amount not to exceed \$300,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$300,000.00 be paid at this time.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen made appointments to the Planning Board of terms that would be expiring. The new appointments are: Ruby Antebi, Class IV member and Jack Kassin, Alternate 1 member.

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

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

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

A notice of public hearing was received from JCP&L for approval of a JCP&L Electric Vehicle Program and to establish a new rate component of its Rider RRC-RGGI Recovery Charge.

A letter was received from Suplee, Clooney & Company submitting their proposal to perform the annual audit of the financial statements for 2021.

A letter was received from the Monmouth Municipal Joint Insurance Fund advising of the adopted 2022 Budget.

An email was received from Michael Franken requesting permission for the use of the Deal Casino for their MS Bike Ride on May 7, 2022.

An email was received from David Belhausen, Deal Fire Department, advising of the Executive and Line Officers for the Deal Fire and Deal First Aid for 2022.

Commissioner Ades offers the following Resolution:

BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, New Jersey that the following bills reported by the finance committee be ordered paid and vouchers drawn for same as listed on page 21-11 of the Warrant Register in the amount of \$529,383.39.

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.

Renee Levine, 28 Richmond Avenue, asked the Board of Commissioners why there is a \$10 charge for the beach at Deal Esplanade which has no parking. Mayor Cohen stated it was in effect last summer and there was revenue made for the beach badges. Mayor Cohen also stated that

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the Borough is required to pay 25% of the State's share for beach replenishment in excess of \$2 million. Mayor Cohen also stated that the Borough is not allowed to provide a lower rate for residence. Commissioner Simhon stated that this provides funding for a lifeguard.

Isadora Chamlin, 5 Poplar Avenue, stated to the Board of Commissioners that there is not one bench facing the Ocean. Mrs. Chamlin also asked the status of the pier. Commissioner Simhon stated that is something that needs to be approved by the State. Mayor Cohen stated that it is a complicated process and the Borough is going through beach replenishment and working on plans for reconstructing the Deal Casino. Mrs. Chamlin asked the Commissioners if they desire to rebuild the pier. Mayor Cohen stated that he would love to see the pier rebuilt. Mrs. Chamlin also stated that the bike riders need to have lights on their bikes. Chief Neuman stated they have given out lights and reflective vests but stated they are not issuing summonses but enforcing verbally.

MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners about Resolution 21-151 and who are the 2 parties involved. Mrs. Cronheim was advised it was the Borough and Investors Bank. Rob Moore, Borough Attorney Representative, was not aware the particulars on the agreement. Commissioner Simhon stated that Paul Fernicola, Borough Attorney would reach out with particulars on the agreement.

Mayor Cohen asked for any additional comments from the public, which there was none and closed the floor to public comments.

It was announced that the next meeting of the Board of Commissioners, which will be on Friday, January 7, 2022 at 9:00 A.M.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Simhon that the meeting be adjourned at 9:40 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

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Clerk