

June 1, 2022

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on June 1, 2022 at 9:00 A.M. This meeting was conducted via Teleconference with the Board of Commissioners only meeting in person.

Mayor Cohen led the salute to the flag.

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

Present: Mayor Cohen, Commissioner Ades & Commissioner Simhon  
Also Present: Paul Fernicola, Borough Attorney

It was moved by Commissioner Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on May 4, 2022 be approved as recorded.

Ordinance 1257 to amend Chapter XIX Flood Damage Prevention was introduced on May 4, 2022 and the public hearing is scheduled for today, June 1, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1257, 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 NO. 1257**

**AN ORDINANCE BY THE BOARD OF COMMISSIONERS AMENDING THE BOROUGH OF DEAL CODE OF ORDINANCES TO REPEAL CHAPTER XIX FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER XIX FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Commissioner Simhon moved to adopt Ordinance 1257, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

The following Resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

#### **Resolution 22-84**

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 2021 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

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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 22-85**

BE IT RESOLVED, that the following persons are hereby appointed for summer positions at the Deal Casino, Conover Pavilion and Municipal Beaches, May 2022 through September 2022 at the hourly salaries set in this resolution unless otherwise noted. Salaries for these positions have been provided for in the Municipal Budget.

<b>2022 Administrative, Management and Supervisor salaries</b>		Quentin Costello	\$9.00
		Thomas Difley	\$10.00
		Hao Dinh	\$15.00
		Avalon Fiore	\$15.00
Nicholas Simons	\$15,000	Jason Gottfried	\$9.00
		Ryan Gottfried	\$9.00
<b>2022 Casino Staff hourly salaries:</b>		Charlotte Harary	\$9.00
		Julian Littman	\$9.00
Lance Bennette	\$15.00	Max O'Reilly	\$9.00
Molly Bonett	\$14.00	Tomiere Parker	\$9.00
Shea Carpenter	\$11.00	Alex Prieto	\$10.00
Denise Cherchio	\$11.00	Zoe Rokeach	\$10.00
Rosemarie Critelli	\$14.00	Julia Roussell	\$11.00

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Tommy Schneider	\$9.00	Emily Bracher	\$13.50
Devin Schulz	\$9.00	Natalie Feninger	\$12.00
Kelly Sniffen	\$14.00	William Hulse	\$17.00
Trey Wright	\$9.00	Jack Ostrowsky	\$13.00
Sara Zraly	\$9.00	Lisa Pisciotta	\$13.00
		Christian Revolinsky	\$12.00
<b>2022 Lifeguard Staff hourly salaries</b>		James Sullivan	\$14.00
		Maria Tedesco	\$13.00
		Elle Zitner	\$12.00
Grace Anderson	\$13.00		

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-86**

WHEREAS, it is necessary to have a change fund available for the operation of the Deal Casino and Conover Pavilion during the summer months while the beaches are open.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal authorize the Borough Administrator to draw \$1,000.00 total from the general account for the beach clubs to use to make change at the Deal Casino and Conover Pavilion beach clubs, returning this fund after the close of the season in September.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-87**

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

WHEREAS, this refund is being requested due to desire to obtaining their own locker or not being able to attend for the 2022 Season.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the following be refunded for their membership to the Deal Casino Beach Club or W. Stanley Conover Pavilion:

1. Michael Haddad, Deal, NJ	\$375.00
2. Tatyana Volman, Morganville, NJ	\$150.00
3. Leslie Krutan, Edison, NJ	\$775.00
4. Artiana Hodzic	\$12.00

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

**Resolution 22-88**

WHEREAS, the Borough wishes to hire a part-time laborer within the Department of Public Works; and

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

NOW THEREFORE BE IT RESOLVED, that Kirk Brown be appointed a part-time Laborer effective May 15, 2022 at an annual hourly rate of \$16.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Kirk Brown is to be assigned his duties by the Superintendent of Public Works consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-89**

WHEREAS, the Borough appointed Class II Special Officers and Class I Special Officers for the 2022 Summer Season; and

WHEREAS, several of these appointments have received other employment and will not be available to work; and

WHEREAS, the Borough wishes to rescind the resolutions for these appointed Class II and Class I Special Officers.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal the that the following resolutions for appointment as a Class II or Class I Special Officer be rescinded:

- |                     |                    |                          |
|---------------------|--------------------|--------------------------|
| 1) Resolution 22-52 | Christopher Conti  | Class II Special Officer |
| 2) Resolution 22-55 | Christopher Casado | Class II Special Officer |
| 3) Resolution 22-64 | Gwenith Solomeno   | Class I Special Officer  |
| 4) Resolution 22-65 | Martin Giancarli   | Class I Special Officer  |

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-90**

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

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Luis Campos as a Class I Special Police Officer in the Borough of Deal.

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

NOW THEREFORE BE IT RESOLVED, that Class I Special Police Officer, Luis Campos, after having successfully completed his course of instruction, will be appointed a special police officer for a term of (1) one-year, effective May 16, 2022, unless removed from office by the Chief of Police before the end of the one-year term. Special Officer Campos is to be assigned his duties by the Chief of Police consistent with the laws of the State of New Jersey and the Ordinance of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-91**

**A RESOLUTION URGING THE NEW JERSEY LEGISLATURE  
TO AMEND THE BUDGET CAP LAW TO APPROPRIATE  
FUNDS FOR INCREASING INSURANCE COSTS**

WHEREAS, pursuant to N.J.S.A. 40A:4-45, et al, a municipality is required to limit any increase in its levy to 2.0% and any increase in appropriations to 2 1/2% or the cost-of-living adjustment, whatever is less, over the prior year's final appropriations subject to certain exceptions; and

WHEREAS, all local public entities, including participating municipalities in the Municipal Excess Liability Joint Insurance Fund (MEL), has incurred an estimated \$50 million in COVID related worker's compensation claims and it is anticipated that these costs will continue to increase as a result of long-term COVID cases; and

WHEREAS, a 2021 New Jersey Department of Labor decision regarding worker's compensation funding has generated increased costs to the members of the MEL by over 10% in order to cover claims that were previously funded by the State pension system; and

WHEREAS, a recent amendment to the sexual molestation statute of limitations will increase total liability costs for members of the MEL system by an estimated amount of 6% in 2023; and

WHEREAS, the frequency of weather-related catastrophic claims and corresponding impacts are anticipated to increase property insurance costs by over 10% per year; and

WHEREAS, cyber liability events throughout the country have resulted in twice the amount of premium costs in 2022 and such costs are expected to accelerate at a pace far greater than the rate of inflation; and

WHEREAS, these increasing costs, regulations, policy decisions and environmental impacts are occurring when many other items and costs in municipal budgets are also increasing at an inflationary rate; and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that N.J.S.A. 40A:4-45 be amended to provide that

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appropriations in the first three years after the effective date of the law for liability insurance, worker's compensation insurance, cyber insurance, and property insurance be exempt from the Appropriation CAP and the Levy CAP.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the New Jersey Legislative representative for the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-92**

**RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE 2022 – 2023 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 2022-2023 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-93**

**RESOLUTION AUTHORIZING RENEWAL OF CLUB LIQUOR LICENSES FOR THE 2022 – 2023 LICENSE TERM**

WHEREAS, The Deal Golf and Country Club has applied for a Club License on the premises south of Roseld Avenue. The State assigned license No. is 1310-31-006-001. The application has forwarded their municipal fee of \$150.00 to the Borough of Deal.

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

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south of Roseld Avenue also known as 1 & 2 Golf Lane, for the licensed term 2022-2023 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-94**

**RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR THE 2022 – 2023 LICENSE TERM**

WHEREAS, the license application for Deal Food & Liquor Store, Inc. trading as Deal Food & Liquor has applied for a Plenary Retail Distribution Liquor License 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 has qualified to be licensed according to all statutory, regulatory and local government 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 2022-2023 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 22-95**

WHEREAS, the Department of Public Works is in need of an additional lawn mower for municipal properties throughout the Borough; and

WHEREAS, three (3) quotes have been obtained for the purchase of a Ferris ISX2200z, which matches the existing lawn mower; and

WHEREAS, quotes received where from a high of \$16,845.00 from Bassani Power Equipment, Hamburg, NJ to a low of \$16,162.00 from John Guire Supply LLC, Long Branch NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the Ferris ISX2200z mower be purchased from John Guire Supply LLC in the amount of \$16,162.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 22-96**

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

WHEREAS, payroll and miscellaneous expenses must be approved for payment.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending June 30, 2022 be approved in the amount not to exceed \$300,000.00; and

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

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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 Allison Gavin.

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

A letter was received from the NJ SEM advising bids received for power supply was above the Strike Price and the Utility Tariff price. Bids were not awarded.

A letter was received from the NJ Department of Transportation advising applications are being accepted for the 2023 Transportation Alternatives Set-Aside program.

A resolution was received from the Monmouth County Board of County Commissioners supporting \$21 Million in funding for County 911 Centers in FY2023 State Budget.

A letter was received from the Monmouth County Regional Health advising they have been awarded a 5-year accreditation status through the Public Health Accreditation Board.

An Ordinance was received from the Borough of Allenhurst amending their Development Regulations for sidewalks and sight triangles.

An email was received from Glenn Morton requesting use of the Deal Casino parking lot on October 1 for a charity bike tour. The Board of Commissioners approved the use.

An email was received from Mike Natali requesting use of the Deal Casino on July 9, 10 or 11 for a music concert. The Board of Commissioners did not approve the concert.

Commissioner Ades offers the following Resolution:

BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, New Jersey that the following bills reported by the finance committee be ordered paid and vouchers drawn for same as listed on page 22-06 of the Warrant Register in the amount of \$717,626.31.



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Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen moved to open the floor to public comments, seconded by Commissioner Simhon and approved.

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

Mary Anne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners her concern over the Tik-Tok mass parties in Long Branch. Chief Neuman stated there is a concern statewide and meetings have been conducted with the Prosecutors Office, State Police and Transit Police to monitor the pop-up parties. Chief Neuman stated they cannot be stopped from attending action can only be taken when a crime has been committed. Mrs. Cronheim asked how the residents can be notified, Chief Neuman stated they can send out Nixle messages and update social media. Mrs. Cronheim asked if license plate readers have been installed on the south end of Ocean Avenue. Chief Neuman stated the Borough is looking into it.

Barbara Coffey, 85 Norwood, asked the Board of Commissioners how the resolutions can be read prior to the meeting. Paul Fernicola, Borough Attorney stated Resolutions are a draft document and need to be adopted to become an official document. Ms. Coffey asked about putting up signs around the dunes at the beach due to children playing on them. Ms. Coffey asked how many parking spots have been eliminated at the Deal Casino parking lot. Ms. Coffey has been advised only the spots along the basketball courts have been provided to the DSN. Ms. Coffey advised that there are hedges around sidewalks that are overgrown and need to be cut. Ms. Coffey stated the Borough had an auction and there is a requirement to pay to be on the auction.

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

The following Resolution was discussed and enacted:

Commissioner Simhon offers the following Resolution:

**Resolution 22-97**

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 matters and a personnel matter; 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

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Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss potential litigation at 9:27 A.M.

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

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, July 6, 2022 at 9:00 A.M.

There being no further business or comments, it was moved by Commissioner Ades and seconded by Commissioner Simhon that the meeting be adjourned at 10:40 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

\_\_\_\_\_  
Clerk