

July 6, 2022

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on July 6, 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 June 1, 2022 be approved as recorded.

The following Resolution was discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 22-98

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2023; and

WHEREAS, the Borough of Deal is desirous of submitting an application under this program for the following purpose:

- Improvements to Poplar Avenue

NOW, THEREFORE, BE IT RESOLVED by the Board Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2023 Poplar Avenue – 00353 to the New Jersey Department of Transportation on behalf of the Borough of Deal; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Deal and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-99

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH EARLE ASPHALT COMPANY FOR THE FY2022

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VARIOUS ROAD IMPROVEMENT PROJECT IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN N.J.A.C. 5:30-11.9 ET SEQ.

WHEREAS, a Contract in the amount of \$686,713.13 was awarded to Earle Asphalt Company on February 11, 2022 by Resolution #22-27 for the FY 2022 Various Road Improvements; and

WHEREAS, modifications to the original Contract are necessary due to unforeseen circumstances not anticipated at the time of the original bid resulting in significant additional work in the amount of \$214,426.76; and

WHEREAS, whenever a change order exceeds twenty percent (20%) of the Contract price, the Borough of Deal is obligated by law to follow the procedures set forth in N.J.A.C. 5:30-11.9; and

WHEREAS, this change order reflects additional costs associated with asphalt quantities along with fuel and asphalt price adjustments; and

WHEREAS, the sum of Change Order #1 results in a 31.2% increase to the original Contract amount; and

WHEREAS, in accordance with the Local Public Contracts Law, a written certification dated June 30, 2022 was provided by the contractor to justify the additional work; and

WHEREAS, the Deal Department of Public Works has reviewed the information submitted by the contractor and agreed that the cost required to complete are justified based on the amount of work required; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that FY2022 Various Road Improvement bid increase be approved and that the Clerk and Chief Financial Officer shall follow the procedures set forth in N.J.A.C. 5:30-11.9

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-100

**Approval of Change Order #1 for FY 2022
Various Road Improvements**

WHEREAS, the Borough of Deal awarded a contract for FY2022 various road improvements to Earle Asphalt Company, Farmingdale, NJ at a cost of \$686,713.13; and

WHEREAS, the Department of Public Works recommended the following change to improvements to FY2022 Various Road Improvements:

04	DGA Base Crse 6" Th	Subtract	1.00
05	HMA Bsse Crse Mix 19M64 4" Th	Subtract	0.20
06	HMA Surf Crse Mix 9.5M64 2" Th	Add	188.00
07	6"x18" Conc Curb	Add	200.00
08	Detect Warn Surfs	Subtract	230.00
09	Bike Safe Curb Grate & Eco Curbpiece	Subtract	800.00
10	Install New MH Cast & Lid	Subtract	1,200.00
A1-03	HMA Milling 2" Thick	Add	315.00
A1-04	DGA Base Crse 6" Th	Subtract	1.00
A1-05	HMA Bsse Crse Mix 19M64 4" Th	Subtract	0.20

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A1-06	HMA Surf Crse Mix 9.5M64 2" Th	Add	5,498.00
A1-07	6"x18" Conc Curb	Subtract	703.00
A1-08	Bike Safe Curb Grate & Eco Curbpiece	Subtract	2,400.00
A1-09	Install New MH Cast & Lid	Subtract	1,200.00
A2-04	DGA Base Crse 6" Th	Subtract	1.00
A2-05	HMA Bsse Crse Mix 19M64 4" Th	Subtract	0.20
A2-06	HMA Surf Crse Mix 9.5M64 2" Th	Add	539.00
A2-07	6"x18" Conc Curb	Subtract	2,738.00
A2-08	Conc SW 4" Th	Subtract	324.00
A2-09	Install New MH Cast & Lid	Subtract	1,200.00
A3-03	HMA Milling 2" Thick	Add	3,407.50
A3-04	DGA Base Crse 6" Th	Subtract	3.00
A3-05	HMA Bsse Crse Mix 19M64 4" Th	Subtract	0.60
A3-06	HMA Surf Crse Mix 9.5M64 2" Th	Add	23,220.30
A3-07	6"x18" Conc Curb	Add	9,216.00
A3-08	Conc SW 4" Th	Add	6,111.00
A3-09	Detect Warn Surfs	Add	1,250.00
A3-10	Bike Safe Curb Grate & Eco Curbpiece	Subtract	4,800.00
A3-11	Install New MH Cast & Lid	Subtract	3,600.00
A6-03	HMA Milling 2" Thick	Add	2,975.00
A6-04	DGA Base Crse 6" Th	Subtract	3.00
A6-05	HMA Bsse Crse Mix 19M64 4" Th	Subtract	0.60
A6-06	HMA Surf Crse Mix 9.5M64 2" Th	Add	25,743.30
A6-07	6"x18" Conc Curb	Add	2,272.00
A6-08	Conc SW 4" Th	Subtract	13,212.00
A6-09	Bike Safe Curb Grate & Eco Curbpiece	Subtract	3,200.00
A6-10	Detect Warn Surfs	Subtract	1,250.00
A6-11	Install New MH Cast & Lid	Add	600.00
E01	Sloping Belgian Block Curb	Add	61,056.00
E02	Replace D Casting	Add	18,850.00
E03	Asphalt Price Adjustment	Add	46,138.34
E04	Fuel Price Adjustment	Add	38,715.12
E05	Deal Esplanade OT Surcharge	Add	5,000.00

Total (ADD) \$214,426.76

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the FY2022 Various Road Improvements as specified by the Department of Public Works changing the contract amount to \$901,139.89.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-101

WHEREAS, Earle Asphalt Company, Farmingdale, NJ has been awarded a contract for the FY2022 Various Roadway Improvements at a cost of \$901,139.89; and

WHEREAS, Earle Asphalt Company Inc. has requested payment #1 in the amount of \$883,117.09; and

WHEREAS, the representative from the Department of Public Works 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 first payment of \$883,117.09 be made to Earle Asphalt Company for the FY2022 Various Road Improvements.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-102

WHEREAS, T-Mobile Northeast LLC and the Borough of Deal have entered into a Communications Site Lease Agreement; and

WHEREAS, T-Mobile has requested to upgrade their system which requires an amendment to the current Communications Site Lease Agreement; and

WHEREAS, this amendment will be the second amendment to the original lease dated March 18, 2019 and the first amendment dated November 28, 2000; and

WHEREAS, T-Mobile is working on obtaining building permits to install the new equipment located at 111 Poplar Avenue.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that upgrade to the T-Mobile equipment be granted and the Mayor and/or Borough Administrator sign the new Communications Site Lease Agreement.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-103

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

WHEREAS, the license application for The Bar Room, L.L.C. has applied for a Plenary Retail Consumption License state assigned license number 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 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 The Bar Room, L.L.C. trading as The Bar Room state assigned license No. 1310-33-004-007, for the license term 2022-2023 be approved.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Ades offers the following Resolution:

Resolution 22-104

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

WHEREAS, this refund is being requested due to overpayment 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, W. Stanley Conover Pavilion or Recreation Program:

1. James Kassab, Brooklyn, NY	\$175.00
2. Marlin Dickman, Tinton Falls, NJ	\$775.00
3. Amanda Dorvin, Ocean, NJ	\$100.00
4. Ellen Chittum, Oakhurst, NJ	\$100.00
5. Patricial Donohoe, Eatontown, NJ	\$100.00
6. Judy Hutton, Yardville, NJ	\$100.00
7. Louise Peterson, West Long Branch, NJ	\$100.00
8. Judith Falese, Allenhurst, NJ	\$100.00
9. Joanna Oliveras, Ocean, NJ	\$150.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-105

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.

2022 Lifeguard / Coaching Staff hourly salaries

Joey Epstein	\$13.00
Jacob Kakiashvilli	\$12.00

Seconded by Commissioner Ades

Commissioner Simhon offers the following Resolution:

Resolution 22-106

WHEREAS, the Deal Police Department is in need of a Police Dispatcher; and

WHEREAS, Giovanni Sosa has applied for this position, has been interviewed and has been determined to be qualified for this position.

WHEREAS, Giovanni Sosa has worked as a police dispatcher with another municipality for over 8 years and would be beneficial to the Borough to bring Mr. Sosa in a higher step with a starting salary of \$45,721,00

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that Giovanni Sosa be offered a position as a Police Dispatcher, serving under

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the direction of the Chief of Police at the pay scale set for this position effective July 16, 2022.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-107

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of July; 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 July 31, 2022 be approved in the amount not to exceed \$300,000.00; and

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

Seconded by Commissioner Ades

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 June was received from Chief Ronen Neuman.

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

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

A notice of public hearing was received from NJ American Water for approval of a foundational filing in support of a Distribution System Improvement Charge.

A letter was received from Prevention Coalition of Monmouth County advising of International Overdose Awareness Day and asked if the Borough would take part in the displaying of 47 purple flags in memory of the suicide losses in Monmouth County. The Board of Commissioners approved in taking part.

A letter was received from the Township of Woodbridge advising they will be hosting the NJ Senior Olympic games on September 9, 10 and 11.

An email was received from JT McGuinness requesting permission for an event, 2022 Elliot's Legacy Kite for a Cure, on July 10 at 1 Jerome Avenue. The Board of Commissioners approved the event.

An email was received from Rabbi Duchman requesting use of the W. Stanley Conover Pavilion for the Pantry Packers on August 11. The Board of Commissioners approved the event.

An email was received from Sharon Carlstrom, DSN Community Center, requesting use of the W. Stanley Conover Deck for yoga classes prior

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to the beach opening Monday through Thursday. The Board of Commissioners approved the use.

The property owner at 111 Monmouth Drive applied to the Deal Planning Board for a variance relief on a pool patio which encroaches on Borough property. The Board of Commissioners denied the encroachment on Borough property.

An email was received from Matthew Tsimikas, asking permission to store an Iguana boat with the Catamarans at the Deal Casino. The Board of Commissioners denied the storage of the boat.

An email was received from David Hillel, Special Children's Center providing the layout of the stage for the concert in the Deal Casino Parking lot. The Board of Commissioners did approve the stage to face west for this year.

A raffle application was received from the Marine Corps Scholarship Foundation for an event at the Deal Golf & Country Club on October 6, 2022. The Board of Commissioners approved the raffle.

A raffle application was received from the Deal PBA Local #101 for an event at the Deal Casino on July 16, 2022. The Board of Commissioners approved the raffle.

Two raffle applications were received from Shore to Help, Inc. for an event at the Deal Golf & Country Club on August 29, 2022. The Board of Commissioners approved the raffle.

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 \$1,523,729.10.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

New Business: Commissioner Ades asked about creating an ordinance for off-street parking at single family residents in town. The Borough Engineer will be contacted to look into the regulations. Paul Fernicola, Borough Attorney stated that this is covered under the Residential Site Improvements and will look into the possibility of modifying the ordinance.

Chief Neuman and Lieutenant William Hulse made a presentation to the Board of Commissioners about different items of interest including but not limited to stolen vehicles occurring in the area, bicycle safety, street lighting and traffic around Norwood Avenue and school buses. A synopsis of each topic and solutions were discussed.

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.

Barbara Coffey, 85 Norwood, asked the Board of Commissioners when Poplar Avenue is going to be re-paved to add no parking on one side due to the size of the cars. Ms. Coffey asked the Police Department if strollers could be added to the incentive of receiving a pizza slice for strollers utilizing the

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sidewalk. Ms. Coffey asked about construction and trailers, Mayor Cohen stated that all construction is completed with the exception of the Deal Synagogue who would be completed by the end of the week.

Mary Anne Cronheim, 88 Monmouth Drive, stated to the Board of Commissioners that lights on the Hathaway Synagogue are too bright. Mrs. Cronheim also stated the pathway east of her property line is illegal. Paul Fernicola, Borough Attorney stated that a letter was sent to the Synagogue advising of the issues, but no response has been received. Mrs. Cronheim also stated that someone lost a watch on the beach and gave it to the lifeguards who turned it into the office. She wanted to thank all involved in returning the watch.

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

The following Resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 22-108

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 attorney client matters and a litigation 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 Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss potential litigation at 9:45 A.M.

The Commissioners returned to open session at 9:58 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Wednesday, August 3, 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 9:58 A.M.

SC _____

MA _____

DS _____

Clerk