

September 9, 2022

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on September 9, 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: Robert Moore, Borough Attorney Representative

It was moved by Commissioner Ades, seconded by Commissioner Simhon and carried that the minutes of the previous meeting held on August 3, 2022 be approved as recorded.

Ordinance 1258 to amend Chapter VI Beach Regulations was introduced by Commissioner Simhon, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on October 3, 2022 at 9:00 A.M.

ORDINANCE #1258

**AN ORDINANCE AMENDING CHAPTER VI OF THE
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"
Beach Regulations**

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:

Section 1. That Chapter VI, Beach Regulations, of the "Revised General Ordinances of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 6-1 **W. Stanley Conover Pavilion** is amended to read as follows:

6-1.4 Conover Pavilion Rates; Charges; Qualifications of Use

a. Bathhouse – Season Rate

3. Each additional member 18 years of age and older \$180

Section 3. Subsection 6-2 **Deal Casino Beach Club** is amended to read as follows:

6-2.3 Membership Fee Schedule

2023 Membership Fees

(1) SMALL BATHHOUSE – Two (2) members	\$2,400.00
(2) DELUXE BATHHOUSE – Two (2) members	\$3,150.00
(3) CABANAS SOUTH TERRACE – Two (2) members	\$4,200.00
(4) CABANAS NORTH POOL – Two (2) members	\$4,200.00
(5) CABANAS SOUTH POOL – Two (2) members	\$4,100.00

September 9, 2022

(6) CABANAS NORTH AISLE A – Two (2) members	\$4,100.00
(7) BEACH CABANAS – Two (2) members	\$4,750.00

Section 4. 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 5. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon passage and publication according to law.

The following Resolution was discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 22-120

WHEREAS, a request has been made for a refund for the 2022 membership to the Deal Casino Beach Club; and

WHEREAS, this refund is being requested due to an overpayment 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:

1. Harriet DeCaro, Eatontown, NJ	\$405.00
----------------------------------	----------

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-121

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposits, Cash Bonds, and accumulated interest; and

WHEREAS, the Borough of Deal has received deposits for Review, Inspection Fees and Cash Bonds; and

WHEREAS, it has been determined that the application and project listed below have been withdrawn or received approval for release:

<u>Address</u>	<u>Owner</u>	<u>Balance</u>
201 Roseld Ave	JD Sports Academy	\$425.00

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that the above applicant be refunded the remaining escrow balances.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

September 9, 2022

Commissioner Simhon offers the following Resolution:

Resolution 22-122

WHEREAS, to improve the operation of the pump station, the installation of a comminutor to reduce wastewater solids; and

WHEREAS, a manhole with a channel and bilco hatch would be needed to accept a GR1000 comminutor; and

WHEREAS, on August 3, 2022, the Board of Commissioners approved Resolution 22-115 authorizing advertisement for receipt of bids for the manhole with a channel and bilco hatch; and

WHEREAS, a bid opening was held on September 1, 2022 and no bids were received; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4, authorization shall be granted to re-bid the project.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that competitive bids be received on September 28, 2022 at 10:30 am for the manhole with channel to fit a GR1000 comminutor frame and bilco hatch.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-123

WHEREAS, there is a need to replace public benches throughout the Borough that; and

WHEREAS, Landscape forms has a State Contract for this type of equipment under contract #: NJ 16-Fleet-00132; and

WHEREAS, the Borough would like to purchase 10 Arcata Benches to replace the existing benches; and

WHEREAS, the cost of the Arcata benches total \$22,644.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, that 10 Arcata Benches be purchased under State Contract #: NJ 16-Fleet-00132 at a total cost of \$22,644.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-124

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

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

September 9, 2022

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending September 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 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 August was received from Chief Ronen Neuman.

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

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

A letter was received from the US Department of the Interior, inviting to be a Consulting Party on Section 106 for Expected Offshore Wind Energy Development in the NY Bight and Notice of Intent to prepare a programmatic Environmental Impact Statement.

A notice of public hearing was received from JCP&L for the annual compliance filing for Universal Services Fund program, provisions for Basic Generation Service, seeking adjustment of Rider RRC-RGGI Recovery Charge, and seeking review and approval of its Deferred balances relating to Societal Benefits Charge Clause.

A letter was received from First Environment advising of Public Participation Plan for 268-274 Norwood and 272 Norwood in Ocean Twp to NJDEP for site remediation.

A letter was received from the Monmouth County Historical Commission requesting applications for the Historic Preservation Grant Program.

A letter was received from the Monmouth County Library Commissioners advising of their 100 year celebration on September 18, 2022.

A notice of public hearing was received from the Monmouth County Board of County Commissioners for the Senior Citizens and Disabled Residents Assistance Program.

An email was received from the Legislative District 11 for a food drive from September 2 through October 2. A box has been placed in the Lobby of Borough Hall.

An email was received from Michael Franken requesting permission for the 2023 Bike MS: Coast to Coast on Saturday May 13, 2023 at the Deal Casino parking lot. The Board of Commissioners approved the bike tour.

An email was received from Clean Ocean Action requesting permission for the 37th Annual Fall Beach Sweeps on October 22, 2022. The Board of Commissioners approved the beach sweeps.

September 9, 2022

An email was received from the Monmouth University Marine and Environmental Club to hold their picnic on the beach at the Conover Pavilion on September 16, 2022. The Board of Commissioners approved the picnic.

An email was received from Chief Eddie Hakim, Deal Fire Company requesting use of the Conover Pavilion on September 11, 2022 for the annual Old Timers Day.

A letter was received from the Deal Fire Company requesting permission for the use of the Deal Casino for their annual Trick or Trot Run thru Deal. The Board of Commissioners approved the use.

A raffle application was received from Ronald McDonald House of Central & Northern NJ for an event at the Deal Golf & Country Club on September 23, 2022. The Board of Commissioners approved the raffle.

Two raffle applications were received from Deep Search Metal Detecting Club for an event at the Conover Pavilion on September 24, 2022 and September 25, 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 22-09 of the Warrant Register in the amount of \$662,085.82.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Old Business: Commissioner Ades asked the status of the Poplar Brook drainage. Commissioner Ades was advised that Peter Avakian, Borough Engineer is completing a plan to present to the Borough

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, asked the Board of Commissioners if a representative met with the Deal Road Project in Ocean Twp. Mrs. Cronheim was advised that the Borough Attorney and Borough Engineer spoke to Ocean Twp about the project. Mrs. Cronheim also commented that she did not realize the concert would take 4 days to set up and there was a lot of litter throughout the town.

Katherine Williams, asked the Board of Commissioners if they were aware of the issues at the Deal Casino Snack Bar. Mayor Cohen stated that he was aware and looking into what the Borough can do. Mrs. Williams also asked for an update on the major renovations at the Deal Casino, Mayor Cohen stated we have an idea of a proposed plan and are working on plans to satisfy CAFRA permits.

Barbara Coffey, 85 Norwood, thanked the Board of Commissioners for keeping the Deal Casino opened one additional weekend. Ms. Coffey also stated that the parking lot was closed for 4 days due to the concert and testing was occurring all day. Mayor Cohen stated that he will keep that in mind if they should ask to hold the event next year.

September 9, 2022

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 22-125

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 personnel matters and potential 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 Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

The Board of Commissioners entered into closed session to discuss personnel matters and potential litigation at 9:28 A.M.

The Commissioners returned to open session at 10:13 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Monday, October 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 10:13 A.M.

SC _____

MA _____

DS _____

Clerk