

November 10, 2022

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on November 10, 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 October 3, 2022 be approved as recorded.

Ordinance 1259 to amend Chapter X Traffic Regulations was introduced on October 3, 2022 and the public hearing is scheduled for today, November 10, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1259, 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 #1259

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

Commissioner Simhon moved to adopt Ordinance 1259, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1260 to amend Chapter VI Beach Regulations was introduced on October 3, 2022 and the public hearing is scheduled for today, November 10, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1260, seconded by Commissioner Simhon and approved. The Mayor invited public comment. Barbara Coffey, 85 Norwood Ave, asked the Board of Commissioner about the beach front homeowners placing lounge chairs. Paul Fernicola, Borough Attorney, discussed the riparian rights and easement from the DEP and Army Corp of Engineers. There were no other comments from the public and the public session was closed by the same vote.

ORDINANCE #1260

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

Commissioner Simhon moved to adopt Ordinance 1259, seconded by Commissioner Ades. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Ordinance 1261 to amend Chapter XIII Building and Housing was introduced on October 3, 2022 and the public hearing is scheduled for today, November 10, 2022. Mayor Cohen moved to open the meeting to public comment on Ordinance #1261, seconded by Commissioner Simhon and

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approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

ORDINANCE #1261

**AN ORDINANCE AMENDING CHAPTER XIII OF THE
“REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982”
Building and Housing**

Commissioner Simhon moved to adopt Ordinance 1259, 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 22-144

WHEREAS, Local budget Law provides that between November 1st and December 31st of the current budget year, and January 1st and March 31st of each year of the next succeeding year, transfers may be made from one budget appropriation to another by resolution; and

WHEREAS, it has become necessary to expend more for some purposes than provided for in the 2022 budget, as adopted.

NOW, THEREFORE BE IT RESOLVED that the following transfers be made between appropriations in the 2022 budget for the Borough of Deal,

Transfer To:
Public Safety, First Aid Organization, OE \$15,000.00

Transfer From:
General Government Functions, Assessment of Taxes, OE \$15,000.00

Transfer To:
Public Safety, First Aid Organization, OE \$15,000.00

Transfer From:
General Government Functions, Legal Services, OE \$15,000.00

Transfer To:
Public Safety, First Aid Organization, OE \$35,000.00

Transfer From:
Insurance, Employee Group Health, OE \$35,000.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-145

WHEREAS, the 2022 Best Practices Inventory Questionnaire is required to receive the Municipality’s final 5% of State funding; and

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WHEREAS, the Borough Administrator and Chief Financial Officer have completed the Inventory and have provided the Board of Commissioners with a copy of said document; and

WHEREAS, a review of this Inventory has been discussed at the regular meeting of the Board of Commissioners on November 10, 2022.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that the 2022 Best Practice Inventory results were discussed and be filed as required with the State of New Jersey.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-146

WHEREAS, the Board of Commissioners are desirous of having a gift shop at the Deal Casino; and

WHEREAS, there is a need to bid the lease for the operation of a gift shop at the Deal Casino; and

WHEREAS, the Board of Commissioners wish to obtain bids for the 2023 summer season with options for 2024, 2025, 2026 and 2027 seasons.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bidding be obtained for the operation of the Deal Casino Gift Shop with bids due by December 6, 2022 at 10:00 am.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-147

WHEREAS, an opening has occurred for Superintendent of Beaches within the Department of Public Works; and

WHEREAS, Alan Roussell, has been employed within the Borough of Deal within the Deal Fire Department and is recommended for the position of Superintendent of Beaches.

NOW THEREFORE BE IT RESOLVED, that Allan Roussell be appointed Superintendent of Beaches effective October 16, 2022 at an annual salary of \$87,250.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Allan Roussell is to be assigned his duties by the 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 Simhon offers the following Resolution:

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Resolution 22-148

WHEREAS, Nicholas Simons, has applied for the position of Fire Driver with the Deal Fire Department; and

WHEREAS, Nicholas Simons is certified as a Firefighter 1 and Pump Operator through the Fire Services as well as a certified EMT; and

WHEREAS, Nicholas Simons has been interviewed and is qualified to serve as a Fire Driver for the Borough of Deal.

NOW THEREFORE BE IT RESOLVED, that Nicholas Simons be hereby appointed as a Fire Driver in the Fire Department of the Borough of Deal, New Jersey, effective October 16, 2022 at an annual base salary of \$50,000.00 paid semi-monthly be approved; and

BE IT FURTHER RESOLVED, that this approval is granted subject to the provisions of the statutes of New Jersey and the Ordinance establishing the Fire Department in the Borough of Deal and the rules and regulations governing the Fire Department.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-149

WHEREAS, the Borough of Deal is required to provide animal control services to the residents of the Borough; and

WHEREAS, there is no one qualified neither in the Borough's employment nor is there any way to handle these animals; and

WHEREAS, the Borough of Deal wishes to enter into a shared service agreement with the Monmouth County SPCA per N.J.S.A. 40A:65-1 et seq which authorizes the Borough of Deal to enter into a contract for the provision of certain governmental services; and

WHEREAS, the Borough and Monmouth County SPCA recognize that a sharing of said services would result in a cost savings for the Borough of Deal.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Deal, that the Mayor is hereby authorized by the governing body of the Borough to execute a Shared Service Agreement for 2023 with the Monmouth County SPCA for the purpose of Animal Control and the Borough Clerk to attest to the Agreement.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-150

WHEREAS, there is a need to bid the lease for the operation of the snack bar at the Deal Casino; and

WHEREAS, the Board of Commissioners wish to obtain bids for the 2023 summer season with options for 2024, 2025, 2026 and 2027 seasons.

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WHEREAS, on October 3, 2022, the Board of Commissioners approved Resolution 22-139 authorizing advertisement for receipt of bids for the operation of the snack bar at the Deal Casino; and

WHEREAS, a bid opening was held on November 3, 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 that competitive bidding be obtained for the operation of the Deal Casino Snack Bar with bids due by December 8, 2022 at 10:00 am.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-151

WHEREAS, there is a need to bid the lease for the operation of the snack bar at the W. Stanley Conover Pavilion; and

WHEREAS, the Board of Commissioners wish to obtain bids for the 2023 summer season with options for 2024, 2025, 2026 and 2027 seasons.

WHEREAS, on October 3, 2022, the Board of Commissioners approved Resolution 22-140 authorizing advertisement for receipt of bids for the operation of the snack bar at the W. Stanley Conover Pavilion; and

WHEREAS, a bid opening was held on November 3, 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 that competitive bidding be obtained for the operation of the W. Stanley Conover Pavilion Snack Bar with bids due by December 8, 2022 at 10:00 am.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-152

WHEREAS, an employee of the Borough of Deal was served with a Preliminary Notice of Disciplinary Action; and

WHEREAS, the Borough and the employee reached a settlement with respect to charges outline with the Borough Administrator.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the settlement agreement with the employee be approved; and

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BE IT FURTHER RESOLVED that the Mayor shall be authorized to sign the settlement agreement on behalf of the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-153

WHEREAS, due to the fact the Board of Commissioners will be holding one meeting for the month of November; 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 November 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 October was received from Chief Ronen Neuman.

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

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

A letter was received from NJ Department of Transportation advising of FY 2023 Local Freight Impact Fund applications are being accepted.

A Legislative Bulletin was received from the NJ League of Municipalities on new and pending public laws.

A letter from the Monmouth Municipal Joint Insurance Fund was received outlining the proposed 2023 Budget.

A letter was received from the NJ League of Municipalities advising of their proposed membership dues for 2023.

A letter was received from Suplee, Clooney & Company submitting a proposal to perform the annual audit and financial statements for the Borough as of December 31, 2022.

A commendation was received from the 11th NJ Legislative District for the Borough's participation in the 2022 LD-11 Assembly Office food drive.

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

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be ordered paid and vouchers drawn for same as listed on page 22-09 of the Warrant Register in the amount of \$586,788.29.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon addressed the Chief of Police thanking the Department on their action on the incident involving the Synagogues within the last month.

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 Avenue, stated to the Board of Commissioners that her garbage collector has retired and her new collector has been doing a nice job. Ms. Coffey asked about the drainage at Phillips Beach stating it is a hazard and some warning should be placed there. Ms. Coffey stated that there are many houses with packages and homeowners should be notified to have them removed. Ms. Coffey asked for an update on the Roosevelt Avenue and Neptune Avenue projects. Paul Fernicola stated the Borough is working on permits to construct the stairs at Neptune Avenue. Ms. Coffey also asked for stairs and a boardwalk be placed at Roosevelt Avenue.

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 22-154

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

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 9:27 A.M.

The Commissioners returned to open session at 9:50 A.M.

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The following Resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 22-155

WHEREAS, the Borough adopted Resolution 22-143 at the Board of Commissioners meeting on October 3, 2022; and

WHEREAS, the Municipal Attorney has recommended that Resolution 22-143 be rescinded; and

WHEREAS, the Municipal Attorney has recommended that a new resolution be adopted by the Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal hereby rescind Resolution 22-143 which was adopted by the Board of Commissioners at the monthly meeting on October 3, 2022.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Mayor Cohen offers the following Resolution:

Resolution 22-156

WHEREAS, the Board of Commissioners wish to terminate the employment of an existing employee from the Borough of Deal; and

WHEREAS, this employee is outlined with the Borough Administrator; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that the employee outlined with the Borough Administrator be terminated from the current position within the Borough of Deal effective immediately.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

It was announced that the next meeting of the Board of Commissioners, which will be on Thursday, December 15, 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 10:52 A.M.

SC _____

MA _____

DS _____

Clerk