

December 15, 2022

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on December 15, 2022 at 9:00 A.M. This meeting was conducted via Teleconference with the Board of Commissioners only meeting in person and members of the Deal Police Department.

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 November 10, 2022 be approved as recorded.

The following Resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 22-157

WHEREAS, Jenifer Velasquez, has applied for the position of Probationary Patrolman with the Deal Police Department; and

WHEREAS, Jenifer Velasquez has successfully completed training as a Special Class II Police Officer graduating from the Monmouth County Police Academy in June, 2022; and

WHEREAS, Jenifer Velasquez has successfully completed her Bachelor's Degree from Montclair State University.

NOW THEREFORE BE IT RESOLVED, that Jenifer Velasquez be hereby appointed as a Probationary Patrolman in the Police Department of the Borough of Deal, New Jersey, effective January 1, 2023 or upon PTC certification, at an annual base salary of \$53,400.00 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 police department in the Borough of Deal and the rules and regulations governing the Police Department.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades provided the Oath of Office to Officer Jenifer Velasquez who affirmed her oath for her position within the Deal Police Department.

Commissioner Simhon offers the following Resolution:

Resolution 22-158

WHEREAS, the Borough of Deal has received bids for the Deal Casino Gift Shop; and

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WHEREAS, the Borough solicited proposals and received bids from one (1) vendor that includes the lease of the gift shop at the Deal Casino; and

WHEREAS, the sole proposal received was for \$5,000.00 from Row A Associates, Deal, NJ; and

WHEREAS, based thereon, Row A Associates is the responsible bidder for the gift shop at the Deal Casino for 2023.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Row A Associates be awarded the gift shop concession for 2023 at the Deal Casino at a cost of \$1,000.00; and

BE IT FURTHER RESOLVED that the contract for the future years be determined at the close of business each year at the bid price 2024: \$1,000.00, 2025: \$1,000.00, 2026: \$1,000.00, and 2027: \$1,000.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-159

WHEREAS, the Deal Casino is in need of a new vendor to operate the snack bar concession; and

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

WHEREAS, a bid opening was held on November 3, 2022 and no bids were received; and

WHEREAS, on November 10, 2022 the Board of Commissioners approved Resolution 22-150 authorizing the re-advertisement for receipt of bids for the Deal Casino Snack Bar; and

WHEREAS, a bid opening was held on December 8, 2022 and no bids were received; and

WHEREAS, pursuant to N.J.S.A. 40A11:5(3) when a bid has been formally advertised on two occasions and no qualified vendor has responded, a contract may be negotiated.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal hereby authorize the Borough Administrator to negotiate a contract for the Deal Casino Snack Bar.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-160

WHEREAS, the W. Stanley Conover is in need of a new vendor to operate the snack bar concession; and

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WHEREAS, on October 3, 2022 the Board of Commissioners approved Resolution 22-140 authorizing advertisement for receipt of bids for the W. Stanley Conover Snack Bar; and

WHEREAS, a bid opening was held on November 3, 2022 and no bids were received; and

WHEREAS, on November 10, 2022 the Board of Commissioners approved Resolution 22-151 authorizing the re-advertisement for receipt of bids for the W. Stanley Conover Snack Bar; and

WHEREAS, a bid opening was held on December 8, 2022 and no bids were received; and

WHEREAS, pursuant to N.J.S.A. 40A11:5(3) when a bid has been formally advertised on two occasions and no qualified vendor has responded, a contract may be negotiated.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal hereby authorize the Borough Administrator to negotiate a contract for the W. Stanley Conover Snack Bar.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-161

**Approval of Change Order #2 for
Improvements to Lawrence Avenue**

WHEREAS, the Borough of Deal awarded a contract for improvements to Lawrence Avenue to Fernandes Construction Company, Monroe, NJ at a cost of \$327,200.30; and

WHEREAS, the Borough Engineer recommended the following change to improvements to Lawrence Avenue:

7	Uniform Police Traffic Director	Subtract	8,158.30
	Total (Subtract)		\$8,158.30

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Improvements to Lawrence Avenue as specified by the Borough Engineer changing the contract amount to \$319,042.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-162

WHEREAS, Fernandes Construction, Inc, Farmingdale, NJ has been awarded a contract for the Lawrence Avenue Road Improvements at a cost of \$319,042.00; and

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WHEREAS, Fernandes Construction Inc. has requested final payment in the amount of \$53,765.61; and

WHEREAS, the Borough Engineer has verified that the work to date has justified this payment.

NOW, THERFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the final payment of \$53,765.61 be made to Fernandes Construction Inc. for the Lawrence Avenue Road Improvements.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-163

**Approval of Change Order #2 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:

E06	Sprinkler Repair	Subtract	666.00
	Total (Subtract)		\$666.00

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 22-164

WHEREAS, Earle Asphalt Company, Farmingdale, NJ has been awarded a contract for the FY2022 Various Roadway Improvements at a cost of \$900,473.89; and

WHEREAS, Earle Asphalt Company Inc. has requested final payment in the amount of \$17,356.80; and

WHEREAS, the representative from the Department of Public Works has verified that the work to date has justified this payment.

NOW, THERFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the first payment of \$17,356.80 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 22-165

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.

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, 2023 through December 31, 2023; and

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

Resolution 22-166

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:	
Unclassified, Utility Expenses, Fuel, OE	\$15,000.00
Transfer From:	
Insurance, Employee Group Health, OE	\$15,000.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-167

WHEREAS, the existing collective negotiations agreements between the Borough of Deal and the Communication Workers of America Local 1075 (hereinafter referred to as the "Union") which expires on December 31, 2022; and

WHEREAS, the Borough of Deal and representatives of the Union have been negotiating the terms and conditions of new agreements; and

WHEREAS, subject to the approval of the Board of Commissioners and membership of the Union, the parties have agreed upon the terms and

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conditions of a new collective negotiation agreement for the term commencing from January 1, 2023 through December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL as follows:

1. The Memorandum of Agreement between the Borough of Deal and the Communication Workers of America Local 1075 be approved.
2. The Mayor is hereby authorized and directed to execute and the Borough Clerk to attest an Agreement between the Borough of Deal and Communication Workers of America Local 1075 for the years 2023 through 2027, a copy of which is on file in the Office of the Borough Clerk and is available for public inspection during the regular business hours of the Borough of Deal.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 22-168

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 ending December 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

Mayor Cohen offers the following Resolution:

Resolution 22-169

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, 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, 2023 and to expire December 31, 2023.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Mayor Cohen made the following appointments to the Deal Planning Board:

Kathleen Jannarone	Class IV	Expiring: 12/31/2026
Jack Kassin	Class IV	Expiring: 12/31/2026
Max Zeevi	Alternate I	Expiring: 12/31/2024

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 the Building Department.

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

There was no correspondence received since the last Board of Commissioners meeting.

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 22-12 of the Warrant Register in the amount of \$626,719.20.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

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

Barbara Coffey, 85 Norwood Avenue, asked the Board for an update on Roosevelt Avenue. Paul Fernicola, Borough Attorney, stated that access is located on the North side of the pump station and the south side is only for visual access. Commissioner Simhon stated he will take another look. Ms. Coffey also asked about the ordinance on lights from neighbors property. Ms. Coffey was advised and will provide the non-conforming location. Ms. Coffey asked about construction on the weekends and how contractors know. Ms. Coffey was advised contractors are notified by the building department. Ms. Coffey stated the DSN dumped water on the beach at the Conover Pavilion, staining the beach and asked if a permit was issued. Ms. Coffey was advised it was from the storm drain that was clogged that runs out in front of the Conover Pavilion and permits were not required by the Borough. All work has been completed.

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

Commissioner Simhon presented Michael Egan, Deputy Clerk, with a plaque from the Board of Commissioners and staff of the Borough of Deal for his retirement from the Borough of Deal after serving for over 10 years. Commissioner Simhon thanked Mr. Egan for his dedication and service to the Borough.

Detective Daniel Liptak also presented Mr. Egan with a plaque from the Deal PBA thanking him for his service.

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It was announced that the next meeting of the Board of Commissioners, which will be on Tuesday, January 3, 2023 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 9:21 A.M.

SC _____

MA _____

DS _____

Clerk