

January 3, 2023

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on January 3, 2023 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 Simhon, seconded by Commissioner Ades and carried that the minutes of the previous meeting held on December 15, 2022 be approved as recorded.

Ordinance 1262 to exceed Calendar Year 2023 municipal budget appropriation limits and to establish a CAP Bank was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

Public Hearing for this ordinance will be given on February 7, 2023 at 9:00 A.M.

#### **ORDINANCE 1262**

#### **CALENDAR YEAR 2023**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Board of Commissioners of the Borough of Deal in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Board of Commissioners hereby determines that a 3.5 % increase in the budget for said year, amounting to \$344,211.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

January 3, 2023

**NOW THEREFORE BE IT ORDAINED**, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Deal shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$344,211.07, and that the CY 2023 municipal budget for the Borough of Deal be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

**Resolution 23-01**

WHEREAS, the Local Budget Law, (N.J.S.A. 40:1-19) requires every municipality to make temporary appropriations sufficient to cover commitments made during the period January 1<sup>st</sup> to the date of adoption of the budget; and

WHEREAS, the total of this temporary budget shall not exceed 26 ¼ % of the total appropriations made for all purposes in the budget for the preceding year excluding appropriations made for interest and debt reduction charges, capital improvement fund and public assistance; and

WHEREAS, 26 ¼ % of the total appropriations in the 2022 budget less the exclusions mentioned in the preceding paragraph in the sum of \$3,053,208.92.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Borough of Deal that the following temporary appropriations be made and a certified copy of the Resolution be transmitted to the Chief Financial Officer for his records.

2023 Temporary Municipal Budget

Administrative & Executive	
20-100-1 Salaries	97,850.00
20-100-2 Other Expense	53,077.50
Human Resources	
20-105-2 Other Expense	1,312.50
Director Public Affairs & Safety	
20-110-1 Salaries	1,000.00
20-110-2 Other Expense	367.50
Director Revenue & Finance	
20-111-1 Salaries	1,000.00
20-111-2 Other Expense	131.25

January 3, 2023

Director Public Works & Public Property	
20-112-1 Salaries	1,000.00
20-112-2 Other Expense	131.25
Municipal Clerk	
20-120-2 Other Expense	1,312.50
Elections	
20-121-2 Other Expense	3,858.75
Financial Administration	
20-130-1 Salaries	7,000.00
20-130-2 Other Expense	210.00
Audit Service	
20-135-2 Other Expense	40,000.00
Collection of Taxes	
20-145-1 Salaries	16,480.00
20-145-2 Other Expense	3,438.77
Assessment of Taxes	
20-150-1 Salaries	16,480.00
20-150-2 Other Expense	40,367.50
Legal Services & Costs	
20-155-2 Other Expenses	55,000.00
Engineering	
20-165-2 Other Expense	15,250.00
Municipal Land Use - Planning Board	
21-180-1 Salaries	16,480.00
21-180-2 170-200 Other Expense	10,158.13
Municipal Land Use – Zoning Board	
21-185-1 Salaries	15,450.00
21-185-2 Other Expense	1,181.25
Construction Code Regulation	
22-195-1 Salaries	67,980.00
22-195-2 Other Expense	10,237.50
Plumbing Sub Code Official	
22-196-1 Salaries	7,725.00
22-196-2 Other Expense	52.50
Fire Sub Code Official	
22-197-1 Salaries	6,180.00
22-197-2 Other Expense	105.00
Electrical Sub Code Official	
22-198-1 Salaries	7,725.00
22-198-2 Other Expense	52.50
Insurance	
23-210-2 General Liability	70,000.00
23-215-2 Workers Comp.	85,000.00
23-220-2 Group Ins. Employees	300,000.00
23-220-2 Group Ins. Retirees	100,000.00
Police	

January 3, 2023

25-240-1 Salaries	669,500.00
25-240-2 Other Expense	67,147.50
Office of Emergency Management	
25-252-2 Other Expenses	656.25
First Aid	
25-260-2 Other Expense	26,312.50
Fire	
25-265-1 Salaries	92,400.00
25-265-2 Other Expense	45,281.25
Prosecutor	
25-275-1 Salaries	12,360.00
25-275-2 130-200 Other Expenses	78.75
Streets and Roads Maintenance & Repair	
26-290-1 Salaries	118,150.00
26-290-2 Other Expense	42,708.75
Traffic Signals	
26-300-2 Other Expense	1,968.75
Sanitation	
26-305-1 Salaries	71,950.00
26-305-2 Other Expense	13,125.00
Public Grounds & Buildings	
26-310-200 Other Expense	17,718.75
Vehicle Maintenance	
26-315-2 Other Expense	24,937.50
Deal Lake Weed Control	
26-320-2 Other Expense	1,750.00
Board of Health	
27-330-2 Other Expense	10,000.00
Dog/Animal Regulation	
27-340-2 Other Expense	2,100.00
Aid to Health Care Facilities	
27-360-2 Other Expenses	131.25
Recreation	
28-370-2 Other Expense	367.50
Parks and Playgrounds	
28-375-2 Other Expense	30,000.00
Deal Casino	
28-380-1 Salaries	82,250.00
28-380-2 Other Expense	54,810.00
Conover Pavilion	
28-381-1 Salaries	-0-
28-381-2 Other Expense	9,660.00
Accumulated Leave Compensation	
30-415-2 Other Expense	262.50

January 3, 2023

<b>Utilities &amp; Bulk Purchases</b>	
31-430-2 Electricity	18,375.00
31-435-2 Street Lighting	18,375.00
31-440-2 Telephone	2,625.00
31-445-2 Water	5,250.00
31-446-2 Gas	7,875.00
31-455-2 Sewerage	11,812.50
31-460-2 Gasoline & Motor Fuel	28,875.00
32-465-2 Solid Waste Land Fill	68,250.00
<b>Contingent</b>	
35-470-2 Other Expense	656.25
<b>Statutory Expenditures</b>	
36-472-2 Social Security	60,375.00
36-476-2 SDI Contribution	6,825.00
36-475-2 Police & Fire Retire	-0-
36-471-2 Public Employees Retire.	-0-
<b>Interlocal Municipal Service Agreements</b>	
42-250-2 Police Mandates 911 SVC.	2,625.00
42- Reverse 911	262.25
42-240-2 Ocean Twp. Tactical Team	420.00
<b>Municipal Court</b>	
43-490-1 Salaries	42,170.00
<b>Public Defender</b>	
43-495-2 Other Expenses	2,500.00
<b>Shared Service Agreements</b>	
45-250-2 Police Services-Interlaken	220,000.00
45-250-2 Police Service-Loch Arbour	60,000.00
45-250-2 Court Services-Loch Arbour	2,500.00
45-251-2 Public Works-Loch Arbour	27,748.27
45-251-2 Beach Cleaning-Loch Arbour	4,000.00
<b>GRAND TOTAL</b>	<b>\$3,053,208.92</b>
<b>Capital Improvement Fund</b>	
44-901-02 Capital Improvement Fund	800,000.00

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-02**

WHEREAS, the Local Budget Law, (N.J.S.A. 40:1-19) requires every municipality to make temporary appropriations sufficient to cover commitments made during the period January 1<sup>st</sup> to the date of adoption of the budget; and

WHEREAS, the total appropriations made for all purposes in the budget for the preceding year excluding appropriations made for interest and debt reduction charges, capital improvement fund and public assistance; and

January 3, 2023

WHEREAS, 26 ¼ % of the total appropriations in the 2022 budget less the exclusions mentioned in the preceding paragraph in the sum of \$338,743.13.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the following temporary appropriations be made and a certified copy of the Resolution be transmitted to the Chief Financial Officer for his records.

2023 Temporary Sewer Budget

<b>Operating</b>		
55-501-1 Salaries & Wages		\$ 97,837.50
55-502-2 Other Expense		200,000.00
<b>Statutory Expenditures</b>		
55-530-2 Pub. Employ. Retirement		14,000.00
55-541-2 Social Security		5,500.00
<b>Debt Service</b>		
55-523-501 – Interest on Bans		0.00
<b>Total</b>		<b>\$338,743.13</b>

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

RESOLUTION 23-03

TEMPORARY CAPITAL BUDGET

Whereas, it is desired to adopt a temporary capital budget,

Now, Therefore Be It Resolved, by the \_\_\_\_\_ Board of Commissioners of the \_\_\_\_\_ Borough of \_\_\_\_\_ Deal \_\_\_\_\_,

County of \_\_\_\_\_ Monmouth \_\_\_\_\_, that the following temporary capital budget be adopted:

RECORDED VOTE	(	(	(	(	(
(Insert last names)	Ayes	(Cohen (Ades (Simhon (	Nays	(	(
				Abstain	(
				Absent	(

CAPITAL BUDGET (Current Year Action)  
2023

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2021					6 TO BE FUNDED IN FUTURE YEARS
				5a 2023 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants In Aid and Other Funds	5e Debt Authorized	
Various Impts to Streets and Drains	1	1,071,200			800,000		271,200	0	
<b>TOTALS ALL PROJECTS</b>		1,071,200		0	800,000		271,200	0	

3 YEAR CAPITAL PROGRAM 2023 - 2025  
Anticipated PROJECT Schedule  
and Funding Requirement

1 PROJECT	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year					
				Budget Year 2023	20	20	20	20	
Various Impts to Streets and Drains	1	1,071,200	2023	1,071,200					
Purchase & Impt to Beaches									
<b>TOTALS ALL PROJECTS</b>		1,071,200		1,071,200					

3 YEAR CAPITAL PROGRAM 2023-25

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants In Aid and Other Funds	7 BONDS AND NOTES			
		Current Year 2023	Future Years				General	Self- Liquidating	Assessment	School
Various Impts to Streets and Drains	1,071,200			800,000		271,200				
Purchase & Impt to Beaches										
<b>TOTALS ALL PROJECTS</b>	1,071,200			800,000		271,200	0			

Be It Further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

Capital Ordinance 1263 to provide for the various improvements to streets & drains was introduced by Commissioner Ades, seconded by Commissioner Simhon. Roll Call: Ayes 3; Cohen, Ades & Simhon.

January 3, 2023

Public Hearing for this ordinance will be given on February 7, 2023 at 9:00 A.M.

**CAPITAL ORDINANCE NO. 1263**

**CAPITAL ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS TO STREETS AND DRAINS AND APPROPRIATING \$1,071,200 THEREFOR, AND PROVIDING THAT SUCH SUM APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND AND GRANTS IN AID IN AND BY THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

WHEREAS, the Board of Commissioners of the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough") has determined to provide for the various improvements to streets and drains; and

WHEREAS, the Borough has available funds in the Borough's Capital Improvement Fund.

NOW, THEREFORE, BE IT ORDAINED by the BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough of Deal, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 2, there is hereby appropriated \$1,071,000, said sum being inclusive of \$800,000 from the Borough's Capital Improvement Fund and \$271,200.00 from Grants In Aid.

Section 2. The improvements hereby authorized to be undertaken consist of the various improvements to Streets and Drains necessary for the safety of employees and efficiency of maintaining the various systems of the Borough of Deal, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2022 temporary capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$200,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 6. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

January 3, 2023

Section 7. This ordinance shall take effect as provided by law.

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

**Resolution 23-04**

WHEREAS, there exists within the salary ordinance of the Borough of Deal pay ranges for certain positions; and

WHEREAS, the Board of Commissioners are desirous of setting the salaries for the person filling these certain positions,

NOW THEREFORE BE IT RESOLVED, that the following persons receive the assigned salary for the year 2023, said salary to be paid according to section two of the salary ordinance:

Samuel Cohen, Mayor	3,000.00
Morris Ades, Commissioner	2,500.00
David Simhon, Commissioner	2,500.00
Stephen Carasia, Borough Clerk/Administrator	198,900.42
Theresa Davis, Tax Collector (L)	96,491.69
Carrie Sniffen, Administrative Assistant	54,636.35
Krystle Reiner, Court Administrator	65,563.62
Ronen Neuman, Police Chief (LH)	198,499.96
William Hulse, Police Lieutenant (LH)	180,054.40
Matthew Sharin, Police Lieutenant (LH)	181,054.40
Brian Egan, Police Sergeant (H)	155,968.85
Nicholas Vaccaro, Police Sergeant (H)	155,968.85
Daniel Kobil, Police Sergeant (H)	153,265.10
Brad Kerney, Police Sergeant (H)	152,265.10
Vincent Volek, Patrolman (LH)	150,476.04
Jonathan Losquadro, Patrolman (H)	141,450.10
Daniel Liptak, Patrolman (H)	141,450.10
Daniel Lokerson, Patrolman(H)	136,042.60
Nicholas Dowling, Patrolman(H)	141,109.10
Christopher Mirrione, Patrolman (H)	136,042.60
Jeffrey Kless, Patrolman (H)	106,974.02
Miguel Medina, Patrolman (H)	136,042.60
Zachariah Bell, Patrolman (H)	110,152.75
Daniel Maguire, Patrolman (H)	94,174.90
Tyler Redy, Patrolman (H)	94,174.90
Jenifer Velasquez, Patrolman (H)	57,070.00
Michael Della Ragione, Police Dispatcher (LH)	57,393.30
Charles Zhoa, Police Dispatcher (H)	49,447.65
Emily Walsh, Police Dispatcher (H)	40,834.50
Giovanni Sosa, Police Dispatcher (H)	40,834.50
Robert Simmen, Fire Driver (LH)	116,749.30
Charles Rivea, Fire Driver (H)	58,275.00
Nicholas Simons, Fire Driver (H)	52,500.00
John Hansen, Relief Driver	15.00/hr
Victor Huhn, Relief Driver	15.00/hr
James Corrao, Relief Driver	15.00/hr
Salvatore Toppi, Relief Driver	15.00/hr
Ryan Naclerio, Relief Driver	15.00/hr
Alan Roussell	89,867.50
Robert Roxey, DPW, Mechanic (L)	110,000.00
Robert Yorg, DPW Laborer (L)	70,133.50
Chris Beradesco, DPW Laborer (L)	70,133.50
Joseph Hagerman, DPW Laborer (L)	87,443.80



January 3, 2023

Mark Powers, DPW Laborer (L)	70,133.50
James Valente, DPW Laborer	50,388.48
Austin Racine, DPW Laborer	50,388.48
James Turetzkin, DPW Laborer	46,656.00
Justin Holmes, DPW Laborer	46,656.00
James Kessler	40,000.00
Kirk Brown	40,000.00
Frank Kessler	40,000.00
Anthony Labela	70,133.50
Eric Aguiar, Tax Assessor	42,436.00
Scott Basen, Judge Municipal Court	36,603.73
Jason Shamy, Prosecutor	32,211.28
Thomas Seaman, Chief Financial Officer	20,000.00
John Palmer, Sub-Code Plumbing	13,405.06
Eric Sudia Sub-Code Electrical	13,470.18
Ron Viglioto Sub-Code Building	26,367.61
Joseph Ciccone Construction & Fire Official	64,927.08
Kevin Diaz, Code Enforcement	14,163.16
Victoria Smith, Violations Clerk	15.00/hr

(H) Includes Holidays  
(L) Includes Longevity  
(LH) Includes Longevity & Holidays

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-05**

BE IT RESOLVED, that the regular meetings of the Board of Commissioners of the Borough of Deal, New Jersey will be held for the ensuing year, 2023, on the following dates and times, action will be taken as appropriate.

January 3, 2023 – 9:00 am  
February 7, 2023 – 9:00 am  
March 14, 2023 – 9:00 am  
April 4, 2023 – 9:00 am  
May 2, 2023 – 9:00 am  
June 6, 2023 – 9:00 am  
July 11, 2023 – 9:00 am  
August 8, 2023 – 9:00 am  
September 12, 2023 – 9:00 am  
October 10, 2023 – 9:00 am  
November 7, 2023 – 9:00 am  
December 5, 2023 – 9:00 am

BE IT FURTHER RESOLVED that the Borough Clerk will publish notice thereof in the Official Newspapers.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Deal that, the organization, proceedings or decorum of said meetings unless covered by Resolution or general law, shall be governed by Robert's Rules of Order including the items prescribed by this section:

1. The Mayor or his designee will limit public comments to 3 minutes per person.

January 3, 2023

2. Any person(s) who disrupts the orderly conduct of any meeting shall be called to order by the Mayor or his designee. If such conduct continues to disrupt the meeting despite the warning(s), then the Mayor or his designee, at their discretion, may order such person removed from the meeting

BE IT FURTHER RESOLVED that with the utmost concern for the health and safety of the public and our municipal staff due to the potential spread of the COVID-19 virus, it is necessary that the Borough of Deal take proactive measures. The health and safety of our community remains our number one priority

BE IT FURTHER RESOLVED that the Board of Commissioners of the Borough of Deal will hold these meetings allowing the public to remotely access the public meeting due to the Municipal Building being closed to the public. Utilize the following call-in information:

[https://zoom.us/j/ 94635937014](https://zoom.us/j/94635937014)  
Meeting ID: 946 3593 7014  
Passcode: 261984

Phone:  
Call # 1-646-558-8656  
Meeting ID/PIN: 946 3593 7014#  
Passcode: 261984

The Preliminary Agenda will be available on the Borough's website, [www.dealborough.com](http://www.dealborough.com), 72 hours prior to the start of the meeting. The public may participate during public comment when the Mayor or his designee opens the meeting to the public. The public may also provide comments via electronic mail or in writing 24 hours prior to the meeting to be read by the Municipal Clerk during the public comment portion of the meeting. These comments can be sent to [administrator@dealborough.com](mailto:administrator@dealborough.com), mailed or hand delivered to Borough Hall, 190 Norwood Avenue, Deal, NJ 07723 24 hours prior to the meeting.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-06**

WHEREAS, pursuant to N.J.S.A. 40:53-1, the Borough is required to designate official newspapers for the publication of advertisements and legal notices as required by law to be published.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, New Jersey that the Asbury Park Press and The Coaster be designated the official newspapers for the Borough of Deal for legal notices of the year 2022. Legal ads may be published in either or both of the newspapers listed above.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-07**

January 3, 2023

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, the Borough of Deal has a need to obtain the following Professional Services, and their services will be provided as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5* as appropriate; and,

WHEREAS, the Borough Clerk/Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, each of the following business entities have completed and submitted a Business Entity Disclosure Certification which certifies that they have has not made any reportable contributions to a political or candidate committee serving individually or collectively as the Board of Commissioners in the Borough of Deal in the previous one year, and that the contract will prohibit each from making any reportable contributions through the term of the contract, and

WHEREAS, funds have been made available in the Annual Budget of the Borough of Deal to support these services,

NOW, THEREFORE, BE IT RESOLVED that:

1. The following appointments are hereby ratified and confirmed for the year 2023 with the amounts charged for these services in accordance with any contracts.

Engineer	Peter Avakian, P.E.	Not to exceed \$240,000.00
Auditor	Suplee, Clooney & Co.	Not to exceed \$60,000.00
Borough Attorney	Paul V. Fernicola, Esq.	Not to exceed \$75,000.00
Tax / Conflict Attorney	Paul V. Fernicola, Esq.	Not to exceed \$60,000.00
Public Defender	Donald K. Greer, Esq.	Not to exceed \$20,000.00
Public Defender-Substitute	David Gardner, Esq.	Not to exceed \$3,000.00
Prosecutor	Jason Shamy, Esq.	Not to exceed \$40,000.00
Prosecutor – Substitute	James Carton, Esq.	Not to exceed \$3,000.00
Planning/Zoning Attorney	Eric Anderson, Esq.	Not to exceed \$35,000.00
Bond Counsel	GluckWalrath, LLP.	Not to exceed \$20,000.00
Real Estate Appraiser	The Meers Group, LTD	Not to exceed \$20,000.00

2. A copy of the Resolution shall be published in The Coaster within 10 days of its passage.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-08**

WHEREAS, it is necessary for the efficient conduct of the business of the Borough of Deal that suitable banks and institutions be designated as official investment\depositories of the Borough.

January 3, 2023

BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Investors Bank, Norwood Avenue, Deal branch, are hereby designated as the official depository for the Borough of Deal and that sums so deposited may be withdrawn for the following accounts: General Capital, Payroll, General Checking, Sewer Capital, Sewer Checking, Engineering Escrow, Street Opening, Dog Account, Law Enforcement Trust Account, Trust Other Interfund, Tax Collectors Escrow Account, General Reserve, the SUI Fund and Accumulated Leave Compensation.

All disbursements from these accounts shall be made by checks signed by three of the following: Mayor Samuel Cohen, Commissioner Morris Ades, Commissioner David Simhon, and Stephen Carasia, Borough Clerk.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-09**

**RESOLUTION OF THE BOROUGH OF DEAL, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY FIXING THE RATE OF INTEREST TO BE CHARGED ON  
DELIQUENT TAXES OR ASSESSMENTS**

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year,

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey as follows:

1. The Tax collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31<sup>st</sup>, an additional penalty of 6% shall be charged against the delinquency.
2. There will be ten (10) days grace period of quarterly tax payments made by cash, check or money order.
3. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the date set forth in paragraph one of this resolution.
4. This resolution shall be published in its entirety once in an official newspaper of the Borough of Deal.
5. The Borough Clerk shall provide a certified copy of this resolution to the Tax Collector, Borough Attorney and Borough Auditor for the Borough of Deal.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

January 3, 2023

Commissioner Ades offers the following Resolution:

**Resolution 23-10**

WHEREAS, NJSA 40A: 5-15.1 amended by Chapter 148, P.L. 1997 established new requirements for the investment of public funds and adoption of a cash management plan for counties, municipalities and authorities; and

WHEREAS, the Board of Commissioners of the Borough of Deal wish to comply with the above statutes.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal adopts the attached cash management plan for the Borough of Deal for the period January 1, 2023 through December 31, 2023.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-11**

WHEREAS, the Borough of Deal desires to appoint Emergency Management Coordinators; and

WHEREAS, such appointment is authorized under NJSA Appendix A:9-33, est. seq.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Chief of Police Ronen Neuman is hereby appointed Borough of Deal Emergency Management Coordinator. The term of office shall be from January 1, 2023 through December 31, 2024.

BE IT FURTHER RESOLVED that Matthew Sharin and Brian Egan are hereby appointed Deputy Emergency Management Coordinators. The term of office shall be from January 1, 2023 through December 31, 2023.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-12**

WHEREAS, N.J.A.C 17:27 requires the Borough of Deal to appoint a Public Agency Compliance Officer (PACO) to perform the duties described in the rules and ensure that the Borough and its contractors comply with these rules; and

WHEREAS, the Borough of Deal shall appoint the Public Agency Compliance Officer at the first meeting in January of each year and notify the Department of the Treasury, State Affirmative Action Office by January 10<sup>th</sup>.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Stephen Carasia, Clerk/Administrator is appointed as the Public Agency Compliance Officer (PACO) for the year ending December 2023.

January 3, 2023

BE IT FURTHER RESOLVED that the Clerk send a certified copy of this Resolution to the State Affirmative Action Office.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-13**

A RESOLUTION AUTHORIZING THE TAX ASSESSOR TO ACT AS AGENT FOR THE BOROUGH OF DEAL FOR THE PURPOSE OF FILING AND SETTLING TAX APPEALS ON BEHALF OF THE TAXING DISTRICT FOR THE TAX YEAR 2023

WHEREAS, the Tax Assessor is knowledgeable regarding the valuation and assessment of properties in the Borough of Deal; and

WHEREAS, the Tax Assessor has the statutory responsibility, pursuant to N.J.S.A. 54:4-23 to 36 to set assessments for properties in the Borough of Deal under the Local Property Tax, N.J.S.A. 54:4-1 et seq; and

WHEREAS, the governing body of the Taxing District deems the Tax Assessor to be responsible and acting in the best interests of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Deal, that the Tax Assessor is hereby authorized to act as agent for the Taxing District without further governing body approval to:

- (a) Determine when tax appeals, cross appeals, complaints and counterclaims should be filed on behalf of the Taxing District with regarding to any property located in the Borough of Deal and accordingly direct the attorney for the Taxing District to file such documents with either the County Tax Board or Tax Court of New Jersey as deemed appropriate.
- (b) Resolve and settle tax appeals pending before the County Tax Board, Tax Court or Appellate Courts for any tax year and authorize the attorney for the Taxing District to formalize such settlement in the appropriate Courts and/or County Tax Board.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Matthew Clark, Monmouth County Board of Taxation, Martin Barger, Borough Tax Attorney and Erick Aguiar, Borough Tax Assessor.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-14**

RESOLUTION AUTHORIZING THE BOROUGH OF DEAL POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM TO ENABLE THE POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

January 3, 2023

WHEREAS, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program (the 1033 "Program") to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies ("LEAs"); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-302 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL, that the Deal Police Department is hereby authorized to enroll in the 1033 Program for a one-year period from January 1, 2023 through December 31, 2023;

BE IT FURTHER RESOLVED that the Deal Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the Deal Police Department, if it shall become available within the period of time for which this Resolution authorizes, based on the needs of the Deal Police Department without restriction; and

BE IT FURTHER RESOLVED that the Deal Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available within the period of time for which this Resolution authorizes; and

BE IT FURTHER RESOLVED that the property available through the Program, "DEMIL A through Q" is attached hereto; and

BE IT FURTHER RESOLVED that the Deal Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Deal Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire (1) "DEMIL A" property that may be made available through the 1033 Program and (2) "DEMIL B through Q" property both of which that may be made available

January 3, 2023

through the 1033 Program during the time period for which this Resolution authorizes, with program participation and all property request authorization terminating on December 31, 2023.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-15**

**RESOLUTION AUTHORIZING THE BOROUGH OF DEAL TO PARTICIPATE IN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Board of Commissioners of the Borough of Deal deem it to be in the best interests of the Borough of Deal to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and



January 3, 2023

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Board of Commissioners of the Borough of Deal and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the Borough of Deal and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Borough Administrator and Chief of Police are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Borough Administrator forward a certified true copy of this resolution to the Monmouth County Sheriff and the Office of Emergency Management Coordinator.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-16**

WHEREAS, the pavement on Brighton Avenue between Railroad Avenue and Ocean Avenue within the Borough are in need of repair; and

WHEREAS, the Borough has applied for and received funding from the State of New Jersey for the roadway project; and

WHEREAS, the Board of Commissioners have agreed to authorize bids for the repaving of Brighton Avenue.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bids be received on February 2, 2023 for the repaving and any concrete work for Brighton Avenue as approved by the NJ Department of Transportation Trust Fund Grant.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-17**

WHEREAS, the pavement on various streets within the Borough are in need of repair; and

WHEREAS, the Board of Commissioners have agreed to authorize bids for the repaving of the various roadways.

January 3, 2023

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that competitive bids be received on February 1, 2023 for the repaving and any concrete work for the various roadways listed:

- 1) Queen Ann Drive
- 2) Runyan Avenue
- 3) Roseld Court
- 4) Railroad Avenue (Phillips Avenue to Poplar Avenue)
- 5) Lehman Avenue

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-18**

WHEREAS, due to the fact the Board of Commissioners hold one meeting per month for the 2023 Calendar year; and

WHEREAS, payroll and miscellaneous expenses must be approved for payment for the second half of each month ending on the last day of each month.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending on the last day of each month 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 that time.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-19**

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Anthony La Bella, has been recommended for the position of mechanic within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Anthony La Bella be appointed a Mechanic effective November 1, 2022 at an annual salary of \$70,000.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Anthony La Bella is to be assigned his duties by the Department Head of Public Works 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 23-20**

January 3, 2023

WHEREAS, an opening has occurred for a laborer within the Department of Public Works; and

WHEREAS, Anthony Dello Iacono, has been recommended for the position of laborer within the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, that Anthony Dello Iacono be appointed a Laborer effective January 1, 2023 at an annual salary of \$40,000.00, paid bi-monthly.

BE IT FURTHER RESOLVED, that Anthony Dello Iacono is to be assigned his duties by the Department Head of Public Works 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

A report of the monthly activities, time and sick use for the Police Department for the month of December was received from Chief Ronen Neuman.

A report of the Building Department for the month of December was received from the Building Department.

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

An email was received from Toni Groet, Clean Ocean Action, requesting permission to hold their 38<sup>th</sup> Annual Beach Sweeps on April 1, 2023 and October 21, 2023. The Board of Commissioners approved the beach sweeps.

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 23-01 of the Warrant Register in the amount of \$2,948,682.72.

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.

MaryAnne Cronheim, 88 Monmouth Drive, asked the Board of Commissioners about moving the meetings to evenings. Mayor Cohen stated he would consider. Mrs. Cronheim also stated that an AirBnB may be occurring at a house on Monmouth Drive as a Villa. Chief Neuman stated he would look into the matter. Mrs. Cronheim asked what the red lights were on Roseld Avenue by the Railroad tracks. Chief Neuman stated they were the cameras for the ALPR's.

Barbara Coffey, 85 Norwood Avenue, asked the Board if solar lights can be placed by the drain pipes on the beach at the end of Phillips Avenue. Ms. Coffey stated that a sign facing Ocean Avenue was placed on the DSN building. Ms. Coffey also asked if the meeting dates can be posted at the Deal Casino so members know when the Commissioner meetings are held.

January 3, 2023

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 23-21**

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 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 9:20 A.M.

The Commissioners returned to open session at 9:28 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Tuesday, February 7, 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 9:29 A.M.

SC \_\_\_\_\_

MA \_\_\_\_\_

DS \_\_\_\_\_

\_\_\_\_\_  
Clerk