

February 7, 2023

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on February 7, 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: Paul Fernicola, Borough Attorney

It was moved by Commissioner Simhon, seconded by Commissioner Ades and carried unanimously that the minutes of the previous meeting held on January 3, 2023 be approved as recorded.

ORDINANCE PUBLIC HEARING

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

ORDINANCE NO. 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

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budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

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.

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

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.

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

ORDINANCE INTRODUCTION

Ordinance 1264 to amend Chapter V General Police Regulations 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 March 14, 2023 at 9:00 A.M.

ORDINANCE NO. 1264

**AN ORDINANCE AMENDING CHAPTER V OF THE
“REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982”
General Police Regulations**

WHEREAS, on December 22, 2022, Governor Phil Murphy signed into law New Jersey’s comprehensive gun safety legislation A4769/S3214, which includes firearm fee increases to cover the costs of investigation, administration, and processing of permit applications to carry handguns.

WHEREAS, the Borough of Deal, in the County of Monmouth, State of New Jersey (the “Borough”), established fees for the Police Department as set forth in Chapter V of the Revised General Ordinances; and

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WHEREAS, the Board of Commissioners of the Borough of Deal has determined that it is in the best interests of the residents of the Borough to update those fees in accordance with the changes to the New Jersey law.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth, State of New Jersey, that Chapter V of the Revised General Ordinances of the Borough of Deal is hereby amended as follows:

Section 1. That Chapter V, General Police 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 5-21 Fees for Certain Services Established is amended to read as follows:

15-21.1 Fees for Certain Services Established.

D. Firearm Applicant Fee:

1. Firearms, Identification Card: \$50.00
2. Firearms, Permits to Purchase: \$25.00
4. Firearms, Permit to Carry: \$150.00 and \$50.00 shall be remitted to the Superintendent of State Police to be deposited into the "Victims of Crime Compensation Office Account".

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication according to law.

RESOLUTIONS

The following Resolution was discussed and enacted:

Commissioner Simhon offers the following Resolution:

Resolution 23-22

Resolution Authorizing North Jersey Wastewater Co-op Membership

WHEREAS, the Borough of Deal desires to become a member of the North Jersey Wastewater Cooperative Pricing System, NJWCPS, effective February 7, 2023 and, that such membership shall be for the period ending November 24, 2024, and each renewal, thereafter of the system, unless the Borough of Deal elects to formally withdraw from the system.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal to approve and authorize participation in North Jersey Wastewater Cooperative Pricing System for the provision and performance of goods and services and are hereby authorized to enter into the attached agreement for such membership.

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Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-23

Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations within the Borough of Deal

WHEREAS, the Monmouth County Board of County Commissioners, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitos within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population with the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area", the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Deal is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitos constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-24

Resolution Authorizing the Award of FYI 2023 Road Improvement Bid

WHEREAS, bids were received for the FY2023 Various Road Improvements within the Borough of Deal; and

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WHEREAS, the Borough solicited proposals and received bids from nine (9) vendors that includes the milling and paving of the listed streets along with some concrete work; and

WHEREAS, proposals were received ranging in cost from a high of \$1,156,005.00 from S. Batata Construction, Parlin, NJ, and a low bid of \$753,013.13 from Earle Asphalt Company, Wall, NJ.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal hereby award the FY 2023 Various Road Improvements for the mill and paving and concrete work to Earle Asphalt Company, Wall, NJ in the amount of \$753,013.13 for the following bid items:

1. Base Bid – Phillips Ave Improvements (limits Norwood Ave to Railroad Ave)
2. Alternate Bid 1 – Roseland Court Improvements
3. Alternate Bid 2 – Queen Ann Drive Improvements
4. Alternate Bid 3 – Railroad Avenue Improvements (limits Phillips Avenue to Poplar Avenue)
5. Alternate Bid 4 – Lehman Avenue Improvements

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-25
Resolution Appointing Deputy Municipal Clerk and Deputy Registrar

WHEREAS, pursuant to N.J.S.A. 40A:9-135 the Borough of Deal is required to appoint a Deputy Municipal Clerk; and

WHEREAS, pursuant to N.J.R.S. 26:8-17 the Borough of Deal is required to appoint a Deputy Registrar;

WHEREAS, the Borough of Deal promulgated requests for applications for a full-time Deputy Municipal Clerk and Deputy Registrar;

WHEREAS, Cassandra Achille has met the requirements for the position for Deputy Municipal Clerk and Deputy Registrar;

WHEREAS, the Borough of Deal desires to appoint Cassandra Achille to the position of Deputy Municipal Clerk and Deputy Registrar; and

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that Cassandra Achille be appointed as Deputy Municipal Clerk and Deputy Registrar for a (3) year term effective January 1, 2023.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

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Commissioner Simhon offers the following Resolution:

**Resolution 23-26
Resolution Appointing Technical Assistant**

WHEREAS, the Borough of Deal promulgated requests for applications for a full-time Technical Assistant to the Building Department;

WHEREAS, Kevin Diaz has met the requirements for the position for full-time technical assistant;

WHEREAS, the Borough of Deal desires to appoint Kevin Diaz to the position of full-time technical assistant; and

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that Kevin Diaz be appointed as Technical Assistant for the Building Department effective February 1, 2023.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Ades offers the following Resolution:

**Resolution 23-27
Resolution Appointing Deal Lake Commission Representative**

WHEREAS, the Borough of Deal is required to appoint a representative to the Deal Lake Commission; and

WHEREAS, Steven Kassin, Ocean Place, Loch Arbour, expressed an interest in becoming the representative for the Borough of Deal on the Deal Lake Commission.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Steven Kassin be appointed as the representative to the Deal Lake Commission to commence January 1, 2023 and to expire December 31, 2023.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

**Resolution 23-28
Resolution Approving Purchase Club Car Carryall 1500**

WHEREAS, the Borough of Deal, is looking to replace a damaged beach gator utilized by the beach departments to collect trash; and

WHEREAS, these vehicles are offered by Sourcewell; and

WHEREAS, the Borough of Deal wishes to purchase one (1) new Club Car Carryall 1500 Vehicle.

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NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the purchase of one (1) new Club Car Carryall 1500 Vehicle from Sourcewell at a cost of \$17,813.94

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-29
Resolution Approving Barber Surf Rake Refurbished

WHEREAS, the Surf Barber Rake utilized by the Beach Department to rake the beaches within the Borough of Deal is need of repair; and

WHEREAS, the Borough Mechanic recommends refurbishing the existing rake as the Borough previously completed.

WHEREAS, an estimate has been received from H. Barber and Sons, Inc to refurbish the Beach Rake at a cost of \$25,171.00

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that the Barber Surf Rake be refurbished by H. Barber and Sons at a cost of \$25,171.00.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-30
Resolution Approving CDL Drug Testing

WHEREAS, there exists a need to coordinate alcohol and drug testing within the Borough of Deal for employees including CDL drivers; and

WHEREAS, the Monmouth JIF has conducted an RFQ for this service and where the low bidder was Dynamic Testing Service, 230 Main Street, Toms River, NJ 08753 and offers the service for alcohol and drug testing.

NOW, THEREFORE, BE IT RESOLVED that Dynamic Testing Services conduct alcohol and drug testing for the required employees for the Borough of Deal for the year 2023.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-31
Resolution Approving Audiometric Testing

WHEREAS, there exists a need to coordinate audio hearing testing within the Borough of Deal for certain employees; and

WHEREAS, the Monmouth JIF has conducted an RFQ for this service

and where the low bidder was Interstate Mobile Care, P.O. Box 64, Sewell, NJ 08080 and offers the service for audio hearing testing.

NOW, THEREFORE, BE IT RESOLVED that Interstate Mobile Care conduct audio hearing testing for the required employees for the Borough of Deal for the year 2023.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-32
Resolution Approving State Fuel Contract 2023

WHEREAS, the Borough of Deal has to secure a supplier of gasoline and diesel fuel for the vehicles that service the Borough; and

WHEREAS, the New Jersey State Contract has gasoline and diesel fuel available through state contract from J Swanton Fuel Oil Company, 37 Center Avenue, Highlands, NJ 07716 for the year 2023 at prices specified in their bid.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal agrees to purchase the fuel required for the year 2023 from J Swanton Fuel Oil of Highlands, New Jersey at the terms and prices specified in their contract under New Jersey State Contract 19-FLEET-00975.

BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by J Swanton Fuel Oil Company.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-33
Resolution Approving Monmouth County Coop Road Salt Contract 2023

WHEREAS, the Borough of Deal has to secure a supplier of rock salt for snow and ice removal within the Borough; and

WHEREAS, the Borough of Deal as a member of the Monmouth County Cooperative Pricing System can participate in group purchasing for these products; and

WHEREAS, the Monmouth County Department of Purchasing has awarded a bid for granular sodium chloride to Riverside Construction Materials, 355 Newbold Road, Fairless Hills, PA 19030 for the year of 2023 at prices specified in the County Bid Proposal #F-37-2023.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Deal, as a member of the Monmouth County Cooperative Pricing System, agrees to purchase the granular sodium chloride or approved equivalent required for the year 2023 from Riverside Construction Materials the terms and prices specified in their contract with Monmouth County, #F-37-2023.

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BE IT FURTHER RESOLVED, that the service provided must meet the delivery requirements of the Borough and that it reserves the right to obtain another supplier should the requirements not be met by Chemical Equipment Labs.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Commissioner Simhon offers the following Resolution:

Resolution 23-34
Resolution Authorizing Brighton Avenue Road Improvement Bid

WHEREAS, the pavement on Brighton Avenue between Norwood Avenue and Ocean Avenue within the Borough is 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 March 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 23-35
Resolution Reappointing Municipal Clerk

WHEREAS, N.J.S.A. 40A:9-133 requires every municipality in the State of New Jersey to appoint a Municipal Clerk; and

WHEREAS, the provisions of N.J.S.A. 40A:9-133.2 specify the requirements necessary to be eligible to be a Municipal Clerk and further provides for the successful passing of an examination administered by the Director of the Division of Local Government Services of the Department of Community Affairs in order to be certified to be eligible to be a Municipal Clerk; and

WHEREAS, the Borough of Deal appointed Stephen Carasia, Borough Clerk on January 1, 2013, pursuant to the provisions of N.J.S.A. 40A:9-133; and

WHEREAS, the Board of Commissioners of the Borough of Deal wishes to formally re-appoint Stephen Carasia as the Borough Clerk of the Borough of Deal pursuant to law; and

WHEREAS, N.J.S.A. 40A:9-133 provides that every Municipal Clerk shall be appointed for an initial three (3) year term by the Governing Body of the Municipality and N.J.S.A. 40A:9-133.7 and provides for tenure to a Clerk holding office during good behavior in accordance with law.

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey that Stephen Carasia be and the same is hereby re-appointed Borough Clerk effective January 1, 2023 pursuant to the provisions of N.J.S.A. 40A:9-133 et seq.

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

MONTHLY REPORTS

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

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

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

CORRESPONDENCE

A letter was received from the Monmouth Municipal Joint Insurance Fund providing their monthly meeting schedule for 2023.

A letter was received from the New Jersey Courts regarding the 2023 Annual Visitation of Deal Municipal Court.

A letter was received from Camp Veritans, requesting permission for campers' use of the William Conover Pavilion on Tuesday, July 11, 2023 and Tuesday, August 1, 2023. The Board of Commissioners approved the use.

A raffle application was received from The Mya Lin Terry Foundation for an event at the Deal Golf & Country Club on May 6, 2023. The Board of Commissioners approved the raffle.

Two raffle applications were received from Monmouth Museum & Cultural Center for an event at the Deal Golf & Country Club on April 23, 2023. The Board of Commissioners approved the raffle.

A raffle application was received from Family & Children's Service of Monmouth County Inc. for an event at the Deal Golf & County Club on May 4, 2023. The Board of Commissioners approved the raffle.

A letter was received from All Kids One Field requesting use of the Deal Casino to host a Fundraising Night on August 25, 2023 from 7:30 p.m. to 10:30 p.m. The Board of Commissioners approved the use.

A letter was received from the Monmouth Barracudas requesting use of the Deal Casino Pool Monday-Friday 6:30 a.m. to 8 a.m. starting June 22, 2023 and ending on August 12, 2023. The Board of Commissioners approved the use.

A public hearing notice was received from New Jersey American Water regarding the approval of proposed cost recovery of lead service line replacement plan.

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UNFINISHED BUSINESS

The Board of Commissioners were provided a subdivision plan from Leon S. Avakian Inc, Borough Engineer, regarding the subdivision of Block 89 Lot 1 at Neptune Avenue to submit an application to the NJDEP to install a new set of stairs. The Board of Commissioners approved the subdivision plan.

NEW BUSINESS

A request was made by residents for the borough to purchase a jet ski for rescue purposes to be placed in the Hathaway Area.

An update was provided that no bids were received for the Deal Casino Snack Bar Bid after two attempts, and as such we can seek vendors through competitive contracting. Mayor Cohen stated to seek vendors through competitive contracting with clarification that vendors receive 10% with maximum of \$10,000.

RESOLUTION TO PAY BILLS

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 \$551,950.67.

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

PUBLIC COMMENT

Mayor Cohen opened the session for public comment.

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

Barbara Coffey, 85 Norwood Avenue, commented the closed session was not on the agenda, asked about private land and beach cleaning, stated there is a bike abandoned between Norwood Avenue and Poplar Avenue, asked for signage on beach side, and asked if bathrooms allowed during the summer (porta potty).

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

Commissioner Ades made a motion to amend the agenda to include a closed session, seconded by Commissioner Simhon, and moved unanimously.

The following resolution was discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 23-36

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

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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 9:22 A.M.

The Commissioners returned to open session at 9:49 A.M.

It was announced that the next meeting of the Board of Commissioners, which will be on Tuesday, March 14, 2023 at 9:00 A.M.

There being no further business or comments, it was moved by Commissioner Simhon and seconded by Commissioner Ades that the meeting be adjourned at 9:49 A.M.

SC _____

MA _____

DS _____

Clerk