

November 9, 2016

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on November 9, 2016 at 7:00 P.M.

Present: Mayor Cohen, Commissioner Ades

Absent: Commissioner Simhon

Also Present: Martin Barger, Borough Attorney

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. Notice of the change in date and time of this meeting was published in the Asbury Park Press and the Coaster and posted on the website.

Barbara Coffey, 85 Norwood Avenue, objected to the meeting stating the meeting is not a proper meeting. Martin Barger, Borough Attorney, stated the meeting was properly noticed and the meeting continued.

It was moved by Commissioner Ades, seconded by Mayor Cohen and carried that the reading of the minutes of the previous meeting held on October 28, 2016 be dispensed with and the same be approved as recorded.

Ordinance #1136 to amend Chapter VI, Beach Regulations, was introduced on October 14, 2016 and the public hearing is scheduled for today, November 9, 2016. Mayor Cohen moved to open the meeting to public comment on Ordinance 1136, seconded by Commissioner Ades and approved. The Mayor invited public comment. There were no comments from the public and the public session was closed by the same vote.

ORDINANCE No. 1136

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

Commissioner Ades moved to adopt Ordinance 1136, seconded by Mayor Ades. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon.

Ordinance 1138 to amend Chapter VII, General Licensing was introduced by Commissioner Ades, seconded by Mayor Cohen. Roll Call: Ayes 2; Cohen & Ades. Absent 1; Simhon.

Public Hearing for this ordinance will be given on December 14, 2016 at 7:00 P.M.

ORDINANCE #1138

AN ORDINANCE AMENDING CHAPTER VII OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982",
GENERAL LICENSING

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

November 9, 2016

Section 1. That Chapter VII, General Licensing, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 7-8 **Bingo and Raffle License** is amended to read as follows:

7-8.1 Purpose and Administration. The purpose of this chapter is to regulate all games of chance held, operated or conducted within the Borough of Deal, pursuant to Acts of the Legislature of the State of New Jersey known as the "Bingo Licensing Law," N.J.S.A. 5:8-24 et seq., and the "Raffles Licensing Law," N.J.S.A. 5:8-50 et seq., and in accordance with the rules and regulations issued or to be promulgated by the Legalized Games of Chance Control Commission within the Department of Law and Public Safety in the State of New Jersey ("LGCCC"). All applications, licenses and proceedings in connection therewith shall be subject to the provisions of such acts and any laws and rules and regulations hereafter enacted and shall be further subject to the provisions of this chapter.

7-8.1 License required. No person, organization, association, club, fire company or squad shall operate or conduct within the Borough of Deal any game of chance, as the same is defined in the Bingo Licensing Law (N.J.S.A. 5:8-24 et. seq.) and the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.) as the same may be hereinafter amended and supplemented, without first obtaining a license issued by the Borough of Deal. Said license shall be issued pursuant and subject to the provisions of the aforementioned statutes and the rules and regulations promulgated pursuant thereto or issued thereunder by the LGCCC or its successor.

7-8.3 Application for license. Each applicant for either a bingo or raffle license or any game of chance covered by the aforesaid statutes shall file with the Municipal Clerk a written application on forms prescribed by and in conformance with the statutes referred to in the previous section and the rules and regulations promulgated or issued by the LGCCC.

7-8.4 Investigation; matters to be determined; issuance of licenses; duration of license. The Municipal Clerk shall, in accordance with the Bingo and Raffles Licensing Laws and in accordance with the rules and regulations issued by the LGCCC, cause an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application. Upon the applicant is duly qualified to be licensed, to hold, operate and conduct games of chance, the Board of Commissioners shall approve a license to the applicant for the holding, operation and conduct of the specific kind of games of chance applied for, accordingly, upon payment of the license fee or fees.

7-8.5 Form and contents of license; display of license. Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the LGCCC and shall contain a description of the kind of games of chance authorized to be held, operated and conducted thereunder; a statement of the name and address of the licensee; the names and addresses of the member(s) of the licensee under whom such games of chance will

November 9, 2016

be held, operated and conducted; the number of times, or the hours during which, such games of chance are authorized to be conducted; the place(s) where and the date(s) and time(s) when such games of chance are to be conducted; the specific purposes to which the entire net proceeds of such games of chance are to be devoted; if any prize(s) is are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during the conduct thereof.

7-8.6 Sunday; conduct of games. Games of chance commonly known as "bingo and raffles," as provided by the Laws of the State of New Jersey 1954, Chapters 5 and 6, may be conducted on the first day of the week commonly known and designated as "Sunday," provided that the applicant for the license to conduct such game otherwise qualifies under the provisions of the aforementioned statutes of the State of New Jersey and the rules and regulations of the LGCCC and, specifically, provided that the organization conducting the games is a charitable, religious or other organization specifically qualifying under the provisions of the aforementioned statutes.

7-8.8 Issuing Authority. The issuing authority responsible for approving bingo and raffle licenses shall be the Board of Commissioners.

7-8.9 Fees. A municipal fee in an amount equal to the amount charged by the LGCCC shall be charged for each license and shall be due at the time the application is made. This fee is in addition to, separate and apart from, the fee charged by the LGCCC.

7-8.10 Violation of bingo, raffles or legalized games of chance laws. Any person violating this chapter or failing to comply with any of its provisions shall, upon conviction, be subject to the penalties set forth in Chapter 66.

7-8.11 Suspension and revocation of license. Whenever the suspension or revocation of a license is to be considered, the rules set forth at N.J.A.C. 13:47-10 et seq. shall be followed.

Section 3. Subsection 7-9 **Vital Statistics Fees** is amended to read as follows:

7-9.1 Fees

- A. Certified copy of death certificate: ten dollars (\$10).
- B. Certified copy of birth certificate: ten dollars (\$10).
- C. Certified copy of marriage/civil union/re-marriage/reaffirmation license: ten dollars (\$10).
- D. Certified copy of domestic partnership certificate: ten dollars (\$10).
- E. Amendment/official correction to birth, death, marriage, civil union, reaffirmation, remarriage, domestic partnership certificate: ten dollars (\$10).

November 9, 2016

The following Resolutions were discussed and enacted:

Commissioner Ades offers the following Resolution:

Resolution 16-135

WHEREAS, Fernandes Construction, 88 Appleby Avenue, South River, NJ 08882 has been awarded a contract for the replacement of concrete curb, sidewalk and Aprons on Marine Place at a cost of \$36,953.32; and

WHEREAS, Fernandes Construction has requested a payment in the amount of \$36,953.32; and

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that the payment of \$36,953.32 be made to Fernandes Construction for the replacement of concrete curb, sidewalk and Aprons on Marine Place.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-136

Approval of Change Order #2 for Improvements to Marine Place Drainage

WHEREAS, the Borough of Deal awarded a contract for improvements to Marine Place Drainage to Underground Utilities Corp, 711 Commerce Road, Linden, NJ at a cost of \$673,298.00; and

WHEREAS, the Borough Engineer recommended the following change to improvements to the parking lot:

- | | |
|------------------------------------|----------------------|
| 1. Utility Relocation | Subtract \$30,318.75 |
| 2. Additional Concrete Curb | Add \$16,500.00 |
| 3. Repair irrigation systems | Add \$4,162.75 |
| 4. Sanitary sewer pipe and manhole | Add \$9,656.00 |

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Deal hereby authorizes the changes recommended to the Improvements to Atlantic Avenue as specified by the Borough Engineer at no additional cost to the contract amount.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

November 9, 2016

Commissioner Ades offers the following Resolution:

Resolution 16-137

WHEREAS, Underground Utility Corp., 711 Commerce Road Linden, NJ 07036 has been awarded a contract for the improvements to the Marine Place Drainage at a cost of \$673,298.00; and

WHEREAS, Underground Utility Corp. has requested a payment in the amount of \$29,712.38; and

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that a payment of \$29,712.38 be made to Underground Utility Corp. for the improvements to the Marine Place Drainage.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-138

WHEREAS, the Borough of Deal has received bids for the Deal Casino Snack Bar; and

WHEREAS, the Borough solicited proposals and received bids from three (3) vendors that includes the lease of the concession at the Deal Casino Snack Bar; and

WHEREAS, proposals were received ranging in cost from a low of \$43,000.00 from Otto's, Ocean, NJ and a high bid of \$88,500.00 from Gavy De Concessions.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Gavy De Concessions be awarded the snack bar concessions for 2017 at the Deal Casino Snack Bar at a cost of \$17,500.00; 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 2018: \$17,600.00, 2019: \$17,700.00, 2020: \$17,800.00, and 2021: \$17,900.00.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

November 9, 2016

Commissioner Ades offers the following Resolution:

Resolution 16-139

WHEREAS, the Borough of Deal has received bids for the Deal Casino Kosher Snack Hut; and

WHEREAS, the Borough solicited proposals and received bids from one (1) vendor that includes the lease of the concession at the Deal Casino Kosher Snack Hut; and

WHEREAS, the sole proposal was received at a cost of \$2,500 from Nicole's Kitchen, 323 Main Street, Allenhurst, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that Nicole's Kitchen be awarded the kosher snack hut concession for 2017 for the Deal Casino Snack Bar at a cost of \$2,500.00.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-140

WHEREAS, the Borough of Deal has received bids for the W. Stanley Conover Snack Bar; and

WHEREAS, the Borough solicited proposals and received bids from four (4) vendors that includes the lease of the concession at the W. Stanley Conover Pavilion Snack Bar; and

WHEREAS, proposals were received ranging in cost from a low of \$52,100.00 from Boardwalk Grill, Toms River NJ, and a high bid of \$75,106.00 from TM Foods, Cranford, NJ.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that TM Foods be awarded the snack bar concessions for 2017 at the Deal Casino Snack Bar at a cost of \$13,639.00; 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 2018: \$13,739.00, 2019: \$13,839.00, 2020: \$13,890.00, and 2021: \$19,999.00.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

Commissioner Ades offers the following Resolution:

Resolution 16-141

WHEREAS, due to the fact it may not be possible to hold the scheduled regular meeting on Friday, November 25, 2016; and

November 9, 2016

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Deal that payroll and associated deductions for the period ending November 30, 2016 be approved in the amount not to exceed \$200,000.00; and

BE IT FURTHER RESOLVED that the miscellaneous expenses not to exceed the amount of \$200,000.00 be paid at this time.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

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

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

The Legislative Bulletin was received from the NJ League of Municipalities for October 2016.

A letter was received from the Superior Court of NJ Monmouth Vicinage advising of the 2017 review of the Deal Court System. The letter requested any issues from the Board of Commissioner, but none were noted.

A letter was received from the NJ Department of Agriculture advising that the gypsy moth egg mass survey reported no major infestation within the Borough of Deal.

The Monmouth Municipal Joint Insurance Fund provided their 2017 proposed budget.

A resolution was received from the Monmouth County Board of Chosen Freeholders opposing the proposal permitting the general public to utilize housing units at Naval Weapons Station Earle.

A report on Healthy Food, Strong Kids: Building a Community Response to Childhood Hunger was received from Advocates for Children of New Jersey.

The 80th Anniversary Program Booklet was received from the Monmouth County Regional Health Commission.

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 16-11 of the Warrant Register in the amount of \$522,079.15.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

November 9, 2016

Mayor Cohen requested comments from the floor.

Irwin Levine, 28 Richmond Avenue, asked the Board of Commissioners if there is any oversight on the snack bar tenants to include signage. Mayor Cohen stated that he will work with the tenants to have appropriate signage. Mr. Levine asked if the bids were guaranteed, Martin Barger stated that the tenants can supply a bid bond.

Renee Levine, 28 Richmond Avenue, commented that the tone at the beginning of the meeting was completely unnecessary. Mrs. Levine asked that the tenor of the meeting be civil. Barbara Coffey, 85 Norwood Avenue, stated that she brought up to clarify that the Open Public Meeting Act was followed.

Patty Verrochi, 246 Jerome Ave, Ocean Twp., thanked the Commissioners for the evening meeting. Mrs. Verrochi asked for clarification on the purpose of Ordinance 1136, Mrs. Verrochi was advised that this ordinance updated the Deal Casino Membership Rules and Regulations. Mrs. Verrochi then read an email from Maraliese Beveridge about forming a committee for public beach access. Mayor Cohen stated he received the email today and will respond. Mrs. Verrochi stated that the public access at Roosevelt Avenue is closed. Mayor Cohen stated that she should contact the Army Corp of Engineers.

Isadora Chamlin, 5 Poplar Avenue, asked about the status of the pier. Mayor Cohen stated he spoke with Senator Beck and is on her list to look into.

John Weber, Bradley Beach, stated to the Board of Commissioners that he would also like to be a part of the committee for public beach access. Mr. Weber asked about where there maybe charging for beach access with lifeguards. Mayor Cohen stated that he is considering Hathaway Avenue which would include purchasing a beach cleaning machine.

Isadora Chamlin as the Board of Commissioners about a rumor that metered parking was going to be added. Mayor Cohen stated that that was not true.

Mayor Cohen asked for any additional comments from the public, which there was none and closed the floor to public comments.

Commissioner Ades offers the following Resolution:

Resolution 16-142

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 Contractual Matters and Negotiations.

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.

November 9, 2016

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Deal hereby exclude the public from this meeting.

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Ades
Absent 1; Simhon

The Board of Commissioners entered into closed session to discuss contractual matters at 7:29 P.M.

The Commissioners returned to open session at 8:10 P.M.

It was announced that the next meeting of the Board of Commissioners will be on Wednesday, December 14, 2016 at 7:00 P.M.

There being no further business or comments, it was moved, seconded and approved that the meeting be adjourned at 8:10 P.M.

SC _____

MA _____

DS _____ ABSENT _____

Clerk