

A regular meeting of the Board of Commissioners of the Borough of Deal, New Jersey was held on October 7, 2024 at 09:00 A.M. This meeting was conducted in the Court Room at Borough Hall.

Flag salute led by Mayor Cohen.

OPEN PUBLIC MEETING STATEMENT: *Read by temp. Sandra Martin-* Pursuant to the provisions of New Jersey Open Public Meetings Act, adequate notice of this meeting was properly provided by transmitting the Notice of the meeting for publication in the Asbury Park Press and the Coaster. Notice of this meeting of the Board of Commissioners has been posted in the corridor of the Municipal Building and in the Office of the Municipal Clerk.

Present: Cohen, Simhon & Kassin  
Also Present: Acting Clerk/Administrator, Chief Ronen Neuman  
Borough Attorney, Ian Goldman  
temp. Sandra Martin, RMC

**APPROVAL OF THE MEETING MINUTES:**

- August 6, 2024 Closed Session
- August 19, 2024 Closed Session
- August 19, 2024 Special Meeting
- September 5, 2024 Regular Meeting

Moved by Commissioner Simhon, Seconded by Mayor Cohen

In Favor: Cohen, Simhon, Kassin

Carries: Yes

**ORDINANCES:**

*Public Hearing & Adoption:* **Ordinance 1292** STORMWATER CONTROL

*Mayor Cohen opened the floor up to public comment.*

Public Comment: None

*Seeing no additional hands Mayor Cohen closed the public comment session.*

**ORDINANCE 1292  
STORMWATER CONTROL**

**Section I. Scope and Purpose:**

**A. Policy Statement**

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

**B. Purpose**

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

**C. Applicability**

1. This ordinance shall be applicable to the following major developments:
  - i. Non-residential major developments and redevelopment projects; and
  - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Deal.
3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

#### D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

### **Section II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

### **Section III. Design and Performance Standards for Stormwater Management Measures:**

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

### **Section IV. Solids and Floatable Materials Control Standards:**

A. Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads

(including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in IV.A.1. above does not apply:
- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
  - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
  - iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
    - b. A bar screen having a bar spacing of 0.5 inches.

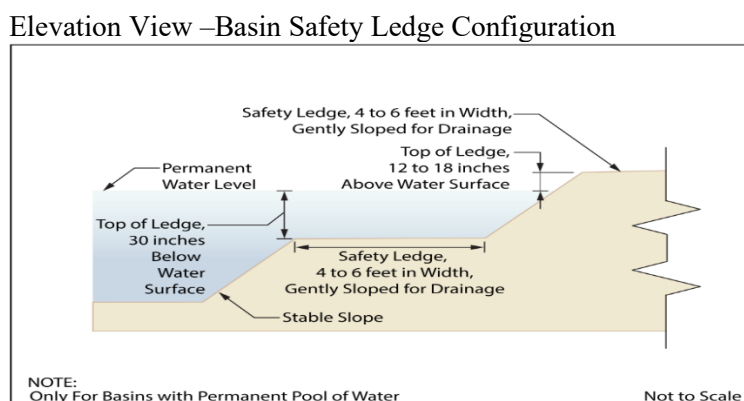
Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**Section V. Safety Standards for Stormwater Management Basins:**

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

**B. Safety Ledge Illustration**



**Section VI. Requirements for a Site Development Stormwater Plan:**

**A. Submission of Site Development Stormwater Plan**

- 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist

for the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit eight (8) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

#### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

#### C. Submission of Site Development Stormwater Plan

The following information shall be required:

##### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

##### 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

##### 3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

##### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

##### 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each

outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations
  - i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance.
  - ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## **Section VII. Maintenance and Repair:**

### **A. Applicability**

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

### **B. General Maintenance**

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
  - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
  - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

*Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:*

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality

shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

#### **Section VIII. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties as specified in Subsection 5-9.1 of the Borough of Deal Municipal Code.

#### **Section IX. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

#### **Section X. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Board of Commissioners on first reading at a special meeting of the Board of Commissioners of the Borough of Deal held on the 5th day of September, 2024 and will be considered for second reading and final passage at a regular meeting of the Board of Commissioners to held on the 7th day of October, 2024 at 9:00 am in the Court Room of Borough Hall, 190 Norwood Avenue, Deal, New Jersey at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

INTRODUCED: September 5, 2024

ADOPTED: October 7, 2024

Seconded by: Mayor Cohen

Roll Call: Commissioner Simhon: Yes; Simhon: Yes; Kassin: Yes

Carries: Yes

### **ORDINANCE 1293 Tree Removal & Replacement**

#### **Public Hearing & Adoption: Ordinance 1293 Tree Removal & Replacement**

*Mayor Cohen opened the floor up to public comment.*

Public Comment:

*Resident, 85 Norwood Avenue:* Inquired how residents will be notified of the new ordinance. Reported there are trees the borough needs to address.

*Resident, 28 Richmond Avenue:* Inquired about permitting process for tree removal. The Board of Commissioners held a brief discussion about the new permits required for tree removal.

*Seeing no additional hands Mayor Cohen closed the public comment session.*

#### **Chapter 30-66.1 Tree Removal-Replacement**

Trees play a critical, often overlooked, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects. This ordinance is intended to ensure that permittees are considering these undervalued assets in their stormwater management efforts.

The 2023 Tier A MS4 permit renewal requires permittees to, at a minimum, adopt and enforce a community-wide ordinance to control tree removal and replacement for all types of properties

where the municipality has jurisdiction. This model ordinance, developed by the Department, can be used by each municipality for consideration in reviewing and/or updating their existing tree ordinance, or adopting a new tree ordinance. This model may also be modified by the municipality to meet the needs of their community.

### **SECTION 30-66.2 Purpose:**

An ordinance to establish requirements for tree removal and replacement in the Borough of Deal to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

### **SECTION 30-66.2.1 Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
  
- B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.
  
- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
  
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
  - 1. Has an infectious disease or insect infestation;
  
  - 2. Is dead or dying;
  
  - 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
  
  - 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
  
  - 5. Is determined to be a threat to public health, safety, and/or welfare.
  
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
  
- F. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

- G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

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### **SECTION 30-66.2.2 Establishment of Conservation Officer:**

There shall be appointed and designated, an official whose formal title shall be that of Conservation Officer or designee of the Borough of Deal. This official shall be charged with the inspection of sites upon which there is an application for site plan approval in regard to the provisions of this section, and with the inspection and enforcement of the tree removal and protection requirements of this section.

### **SECTION 30-66.3.1 Regulated Activities:**

#### **A. Application Process:**

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to the Conservation Officer. No tree shall be removed until the Conservation Officer has reviewed and approved the removal.

For any clearing greater than (3) three acres, a representative five (5%) percent of the wooded areas proposed to be cleared shall be inventoried. The representative five (5%) percent shall be determined by agreement between the Conservation Officer and the Applicant. Where less than (3) acres is proposed to be cleared, all trees to be removed shall be inventoried.

2. Upon application for a tree removal permit, the Applicant shall be charged the following fees:

- a. See Replacement Requirement Table.

#### **B. Tree Replacement Requirements**

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section 30-66.4, shall be subject to the requirements of the Tree Replacement Requirements Table.



2. Any person who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section 30-66.4, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with Appendix A.

Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below.

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2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

**Tree Replacement Requirements Table:**

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Tree Replacement Fee if not Replaced	Application Fee
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed	\$240.00	\$155.00
2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree calipers of 1.5” for each tree removed	\$660.00	\$155.00
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 1.5” for each tree removed	\$2,440.00	\$275.00
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 1.5” for each tree removed	\$3,680.00	\$275.00

**C. Replacement Alternatives:**

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
  - a. Plant replacement trees in a separate area(s) approved by the municipality.
  - b. Pay a fee of Tree Replacement Requirement Table per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

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**SECTION 30-66.4. Exemptions:**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all

persons claiming an exemption. Proper justification shall include photos or statements from NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist.

- A. Residents who remove less than four (4) trees per acre fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

#### **SECTION 30-66.5 Enforcement:**

This ordinance shall be enforced by the Police Department and/or the Conservation Officer of the Borough of Deal during the course of ordinary enforcement duties.

#### **SECTION 30-66.6 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of the amount per tree to be established by municipality but shall not be less than the amount of the required replacement tree(s) and cost of planting.

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#### **SECTION 30-66.7 Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

#### **SECTION 30-66.8 Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Board of Commissioners on first reading at a special meeting of the Board of Commissioners of the Borough of Deal held on the 5th day of September, 2024 and will be considered for second reading and final passage at a regular meeting of the Board of Commissioners to held on the 7th day of October, 2024 at 9:00 am in the Court Room of Borough Hall, 190 Norwood Avenue, Deal, New Jersey at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

INTRODUCED: September 5, 2024

ADOPTED: October 7, 2024

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## **Appendix A**

Approved list of Replacement tree Species and Planting Standards for the Borough of Deal

Residents and contractors shall select tree species by utilizing the NJ Shade Tree Federation Publication “Trees for New Jersey’s Streets” and the “Street Trees Factsheets”.

Moved by : Mayor Cohen

Seconded by: Commissioner Kassin

Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes

**Carries: Yes**

*Public Hearing & Adoption: Ordinance 1294 STORMWATER CONTROL  
Mayor Cohen opened the floor up to public comment.*

*Seeing no hands Mayor Cohen closed the public comment session.*

### **Ordinance 1294 Privately-Owned Salt Storage**

#### **SECTION I. Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Deal Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

#### **SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and

5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. “Resident” means a person who resides on a residential property where de-icing material is stored.

**SECTION III. Deicing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
  1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;
    - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
      - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
  5. Containers must be sealed when not in use; and
  6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**SECTION IV. Exemptions:**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials

from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Police Department and/or Zoning Officer of the Borough of Deal during the course of ordinary enforcement duties.

**SECTION VI. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to a fine in accordance with the General Penalty of the Revised General Ordinances of the Borough of Deal

**SECTION VII. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Board of Commissioners on first reading at a special meeting of the Board of Commissioners of the Borough of Deal held on the 5th day of September, 2024 and will be considered for second reading and final passage at a regular meeting of the Board of Commissioners to held on the 7th day of October, 2024 at 9:00 am in the Court Room of Borough Hall, 190 Norwood Avenue, Deal, New Jersey at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

INTRODUCED: September 5, 2024

ADOPTED: October 7, 2024

Moved by : Mayor Cohen

Seconded by: Commissioner Simhon

Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes

**Carries: Yes**

**Public Hearing & Adoption: Ordinance 1295 Beach Club**

*Mayor Cohen opened the floor up to public comment.*

Mayor Cohen inquired what qualifies a person as a veteran.

*Resident, 28 Richmond Avenue:* Inquired if Israel veteran qualified for free beach access.

*Resident, 85 Norwood Avenue:* Reported that Allenhurst is generous with their resident fees. Inquired if Conover Pavilion revenue has decreased due to parking fees. Expressed concern about whether revenue has because of enforced parking fees. Requests bulk rate for camps advertised and availability posted on the Deal website. Inquired if bulk rates will be raised.

*Seeing no additional hands Mayor Cohen closed the public comment session.*

**ORDINANCE #1295**

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

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

Section 1. That Chapter VI, Beach Regulations, of the “Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 6-1 **Conover Pavilion** is amended to

read as follows: 6-1.4 Conover Pavilion Rates; Charges;

Qualifications for Use

Rates and charges at the Conover Pavilion are fixed as follows:

a. Bathhouse-Season Rate:

- 1. Two (2) members \$850.0
- 2. Each additional member 12 to 17 years of age \$100.0
- 3. Each additional member 18 years of age and older \$180.0
- 4. Senior Citizens (62 and older) \$775.0
- 5. Veterans no charge

- b. Children under 12 years of age No Charge
- c. Seasonal walk-on fee (8 years of age and older) \$150.0
- d. Weekday admission (Monday -Thursday) \$12.0
- e. Weekend and holiday admission (Friday-Sunday) \$15.0
- f. No refunds or rain checks.
- g. Charges to be reviewed annually.
- h. All guest passes must be purchased by a member of the W. Stanley Conover Pavilion and can be done so ahead of time online ([www.dealborough.com](http://www.dealborough.com)).

Weekend times are Fridays, Saturdays, Sundays and Holidays.  
Weekday times will be Monday – Thursday.

Guest passes purchased will not expire and may be used at any time. Upon cancellation of membership, the associated passes will no longer be valid. Absolutely no refunds or rainchecks will be issued for guest passes. Guest passes are not transferable.

Sale and purchase of guest passes other than from the Borough of Deal is prohibited.

Any member found bringing a guest into the Beach Club without paying the guest fee will be subject to revocation of membership.

- 1. Weekday Guest Pass (Book of 5) \$45.00
- 2. Weekend Guest Pass (Book of 5) \$55.00 6-1.5 Definition.

Member shall mean any family member or friend.

6-1.6 Rules and Regulations.

- a. Payment in full is due by April 15. If payment in full is not received by April 15, a \$350.00 late fee will be added. If payment is not received by April 30, the locker will be given away to the next person on the waitlist. The maximum number of members in each locker may not exceed 10 persons.

- b. No one will be permitted entrance into the Conover Pavilion without being identified as a member or daily guest.
- c. All persons are restricted from remaining on the beach after 10:00 p.m. except during approved special events and ceremonies. Individuals actively engaged in fishing or surfing may be upon any the Conover beach at any time between the applicable beach closing hour of any day.
- d. No tent or similar structures shall be permitted on the beach. Any structure with one complete side is not permitted. Any structure similar to a Cool Cabana are permitted. No member or guest may stake out an area of the beach or use wind screens to block off any section of beach to claim that area. Wind screens under 3 feet are permitted.
- e. No dogs, pets or other animals are permitted on Conover Pavilion property and beaches during the bathing season, with the exception of service animals.
- f. Smoking is prohibited at the Conover Pavilion and on the Beach, except in a designated area determined by the Board of Commissioners.
- g. Bathers are forbidden to bathe outside the designated areas and unprotected areas, or at such times, when in the opinion of the Management or Lifeguards, ocean bathing is unsafe. Operation and use of Jet Skis are prohibited on Deal beaches expect for use by emergency personnel and lifeguards. The use of surf boards on the beaches of the Conover Pavilion are prohibited during the hours the clubs are open. Any person using diving apparatus or other equipment whether or not belonging to the Conover Pavilion, does so at his or her own risk.
- h. The Conover Pavilion assumes no responsibility for damages or loss of property belonging to a guest or member, whether or not the same be entrusted to employees of the Club or checked with the Management.
- i. All personal items must be removed at the end of the season. Any personal items still on premise will be discarded without notice.

#### 6:1-7 Hours

The Pavilion will be open Monday-Thursday from 10:00am until 7:00 pm. On Fridays, Saturdays, Sundays and Holidays the Pavilion will be open from 9:00am-7:00 pm.

The beach will be open Monday-Thursday from 10:00 am until 6:30 pm. On Fridays, Saturday, Sundays and Holidays the beach will be open from 9:00 am until 6:30 pm.

Lifeguards will be on-duty Monday-Thursday from 10:00 am until 6:00 pm. On Friday, Saturday, Sundays and Holidays, lifeguards will be on-duty from 9:00 am until 6:00 pm.

The Pavilion will be exit only from 6:30 pm – 7:00 pm daily. No entry will be permitted during this time.

The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations (Ord. No. 1196)

Section 3. Subsection 6-2 **Deal Casino Beach Club** is amended to

read as follows: 6-2.2 Club Rules and Regulations

#### 1. HEAD OF HOUSEHOLD

The Deal Borough property owner, the renter with lease and Certificate of Occupancy, or when space permits, the non-resident who heads a specific family. All membership fees must be paid through the primary member.

## 2. ADDITIONAL MEMBERS

Any family or friend may be added as additional members.

The maximum number of members in a small bathhouse may not exceed 10 members. Deluxe bathhouse may not exceed 10 members. Pool Cabanas and Beach Houses may not exceed 15 members. Current units with more than the listed members may continue with full payment by the due date listed.

## 3. APPLICATION AND PAYMENT DEADLINE

A \$500.00 deposit to hold your bath house is due on December 1. If deposits are NOT received by this date your bath house will be given away to someone on the waitlist. Payment in full is due by April 15.

If payment in full is not received by April 15 a \$350.00 late fee will be added to your total. If payment in full is not received by April 30, the bath house will be given away to the next person on the wait list and all deposits will be forfeited.

THESE DATES WILL BE STRICTLY FOLLOWED AND THERE WILL BE NO EXCEPTIONS MADE.

## 4. HOURS

The beach club will be open Monday-Thursday from 10:00am until 7:00 pm. On Fridays, Saturdays, Sundays and Holidays the beach club will be open from 9:00am- 7:00 pm.

The beach will be open and lifeguards on duty Monday-Thursday from 10:00 am until 6:00 pm. On Fridays, Saturday, Sundays and Holidays the beach will be open from 9:00 am until 6:00 pm. The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations.

All persons are restricted from remaining on the beach after 10:00 p.m. except during approved special events and ceremonies. Individuals actively engaged in fishing or surfing may be upon any the Deal Casino beach at any time between the applicable beach closing hour of any day.

## 5. GUESTS

All guest passes must be purchased by a member of the club and can be done so ahead of time online ([www.dealborough.com](http://www.dealborough.com)) or at the casino office. Each bathhouse is limited to 40 peak passes for the season. Off-peak passes are unlimited.

Peak times are Friday, Saturday, Sunday, and Holidays. Off peak times will be Monday-Thursday.

Guest passes purchased will not expire and may be used at any time. Upon cancellation of membership, the associated passes will no longer be valid. Absolutely no refunds or rainchecks will be issued for guest passes. Guest passes are not transferable.

Off-Peak guest passes are limited in use to 10 passes per day.

Sale and purchase of guest passes other than from the Borough of Deal is prohibited.

Any member found bringing a guest into the Beach Club without paying the guest fee will be subject to revocation of membership.

## 6. CHILDREN

Children under the age of 12 must be accompanied by an adult.



Members and guest are responsible for the conduct of their children at all times. Any violations shall follow the following: First Offense will result in a written warning. Second Offense will result in membership suspension. Third Offense may result in termination of membership.

## **7. FURNITURE**

Beach Club furniture may not be moved from pool deck, common areas, eating areas, or pool side cabanas. Furniture which is included with cabanas or beach houses is reserved for that specific unit only. Misplaced furniture will be removed. Reserving or rearranging pool deck furniture is prohibited. No Glass Tables will be allowed on beach club property. Refrigerator over 11 cubic feet will be assessed a \$200.00 surcharge. Refrigerators shall be placed in a deluxe cabana and plugged directly into the receptacle, use of extension cords is prohibited.

No outside furniture, rugs or other furnishings may be permitted onto the Public Area of the Deal Casino premises unless expressly approved by Deal Casino Management in writing. Any outside furniture that is brought onto the premises without written permission may be removed and discarded without notice. Outside furniture must be blue and/or white in color only.

## **8. PLAY PENS**

For safety purposes, play pens are prohibited at pool side deck area.

## **9. USE OF BEACHES**

Bathers are forbidden to bathe outside the designated areas and unprotected areas, or at such times, when in the opinion of the Management or Lifeguards, ocean bathing is unsafe. Operation and use of Jet Skis are prohibited on Deal beaches except for use by emergency personnel and lifeguards. The use of surf boards on the beaches of the Conover Pavilion and the Deal Casino are prohibited during the hours the clubs are open. Any person using diving apparatus or other equipment whether or not belonging to the Deal Casino, does so at his or her own risk.

No tent or similar structure shall be permitted on the beach

## **10. POOL CONDUCT**

Ball playing, floating objects, swim boards, tubes, etc. will only be allowed at the discretion of the lifeguards when it is deemed safe in either the main or baby pools. Children using swimmies are permitted if accompanied in the pool by an adult.

Children in diapers are not allowed in either pool per the New Jersey Sanitary Code.

Baby pool is designated for children 4 years of age and under. Each child must be accompanied and watched by a parent or guardian.

## **11. SMOKING**

Smoking is prohibited inside the Deal Casino and on the Beach, except in a designated area designated by the Board of Commissioners.

## **12. PARKING**

The paved lot is permit parking only. All bath houses and cabanas come with one parking permit. Cars without permits are permitted to park in the overflow grass lot to the south of the paved lot. The owner of any vehicle not properly displaying a valid Casino parking permit will be subject to prosecution, and the vehicle can/will be ticketed and or towed away at the owner's expense. Vehicles must be parked properly in designated spots.

**13. PERSONAL PROPERTY**

The Deal Casino assumes no responsibility for damages or loss of property belonging to a guest or member, whether or not the same be entrusted to employees of the Club or checked with the Management. All personal items must be removed at the end of the season. Any personal items still on premise will be discarded without notice.

**14. MEMBERSHIP**

If and when unsold cabanas and bathhouses are available, membership will be offered on a "first come" basis. Priority will be given to residents who have indicated their interest in membership prior to each season. Membership in the Deal Casino is limited to "Head of Household" and "Additional Family Members" of property owners and families residing or renting in the Borough of Deal. When available space permits, non-residents, following the same rules for "family membership" as Borough residents, will be allowed membership for that year according to a schedule and fees established by the Board of Commissioners.

6-2.3 Membership Fee Schedule

Membership Fees

(1) SMALL BATHHOUSE – Two (2) members	\$2,650.00
(2) DELUXE BATHHOUSE – Two (2) members	\$3,400.00
(3) CABANAS SOUTH TERRACE – Two (2) members	\$4,500.00
(4) CABANAS NORTH POOL – Two (2) members	\$4,500.00
(5) CABANAS SOUTH POOL – Two (2) members	\$4,400.00
(6) CABANAS NORTH AISLE A – Two (2) members	\$4,400.00
(7) BEACH CABANAS – Two (2) members	\$5,050.00
(8) Resident and Borough Employee Discount	\$500.00
(9) Additional Family Members	
a. Each additional child member	\$250.00
Each additional child member (After May 1)	\$350.00
b. Each additional adult member	\$400.00
Each additional adult member (After May 1)	\$500.00
(10) Members Children Under 5 Years of Age	No charge
(11) GUEST FEES:	
Off-Peak Passes: Monday-Thursday and Peak Pass Day after 5pm	
Single	\$20.00
Pack of 10 Guest Passes	\$150.00
Peak Passes: Friday, Saturday, Sunday and holidays 9am-4pm	
(Limited to 40 passes)	
Single	\$35.00
Pack of 10 Guest Passes	\$300.00
(12) Refrigerator Fee (over 11 Cubic feet)	\$200.00
(13) Paddle Board Registration and Storage	\$50.00
(14) Kayak Registration and Storage	

\$100.00 Charges to be reviewed annually and dates adjusted to accommodate the operations calendar.

The user charges set in this section shall be reviewed annually and revised periodically by resolution of the Board of Commissioners to reflect actual costs associated with the operation of the Deal Casino.

Section 4. Subsection 6-3 Use of Non-Inflatable Surfing Equipment is amended to read as follows:

The practice of participating in the sport commonly known as "surfing," or any use of noninflatable surf riding equipment shall be prohibited in the area of the Atlantic Ocean in all designated swimming areas between May 15 and September 15 of each year. It is the intention of this section to prohibit surfing in areas designated as protected beaches reserved for swimmers and other areas designated for recreational activities inconsistent

with surfing.

Section 5. Subsection 6-4 **Bathing in Unprotected Waters** is amended to read as follows:

6-4.2 Definitions.

As used in this section:

*Protected beach* shall be defined as one which has the following equipment and personnel:

- a. Two (2) parallel lines of sound, serviceable and strong manila or hemp rope, not less than one (1) inch in diameter, anchored at some point above high water. Such lines shall be made to extend as far into the surf as bathing is ordinarily safe for persons who are not expert in swimming, and, at such points of safety, shall be anchored and buoyed. Such points shall be at least far enough seaward so that at low tide the depth of the water at such points is at least five (5) feet. Such lines shall be such distance apart so as to provide and identify the space set apart for such bathing and swimming.

The swimming area may also be designated by the use of beach flag markers posted on the beach.

Section 6. Subsection 6-6 **Public Beach** is amended to

read as follows: 6-6.2 Municipal Beach Delineated.

The entire beach area lying between the border of the City of Long Branch and the Borough of Allenhurst. The existing public access points will be utilized. The Conover Pavilion and Deal Casino Beach Club rules and regulations will be separately outlined in Section 6-1 and 6-2, respectively.

6-6.3 Pass / Bracelet Required: Transferability and Loss.

- a. No person twelve (12) years of age and over shall bathe at or otherwise use or be upon the beaches or areas set forth in subsection 10-6.2 without having first acquired and then having in his or her possession a proper and effective season pass, daily bracelet or other insignia to use the beaches, which shall be worn conspicuously by such person during said use, so that it shall be visible at all times and shall be exhibited on demand to the beach inspectors, gate tenders, Police of the Borough of Deal or other duly authorized representative of the Borough.
- b. All daily bracelets or other insignia issued shall be for the exclusive use of the holder, and shall not be loaned, given, sold or transferred to any other person, and shall be used only by the person to whom originally issued.

6-6.4 Fees and Charges.

In order to provide funds to improve, maintain and police the municipal beach and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged the person using said lands and bathing facilities for access to the beaches and bathing and recreational facilities during the normal bathing season:

- a. Daily admission to the beach:
  1. No fee shall be charged of children under the age of twelve (12).
  2. Twelve dollars \$12.00 per day per person on all days with the exception of Fridays, Saturdays, Sundays and holidays.
  3. Fifteen dollars \$15.00 per day per person during Fridays, Saturdays, Sundays, and holidays.

- a. Seasonal admission to the beach:
  - 1. One hundred fifty (\$150.00) dollars for a seasonal pass ages **12** and over for admission to the beach for the entire bathing season for one year.

6-6.5 Hours.

The respective beaches and other areas established by subsection 6-6.2 shall be open for such periods as the Board of Commissioners shall annually designate by resolution. Unless otherwise designated by resolution of the Board of Commissioners, beach season pass, daily bracelet or other insignia shall be required between the hours of 9:00 a.m. and 6:00 p.m. prevailing time daily. The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations.

All persons are restricted from remaining on the beach after 10:00 p.m. except during approved special events and ceremonies. Individuals actively engaged in fishing or surfing may be upon any Municipal beach at any time between the applicable beach closing hour of any day.

No tent or similar structure shall be permitted on the beach. Any structure with one complete side is not permitted. Any structure similar to a Cool Cabana are permitted. No member or guest may stake out an area of the beach or use wind screens to block off any section of beach to claim that area. Wind screens under 3 feet are permitted.

Section 7. This Ordinance shall take effect upon passage and publication according to law.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Board of Commissioners on first reading at a special meeting of the Board of Commissioners of the Borough of Deal held on the 5th day of September, 2024 and will be considered for second reading and final passage at a regular meeting of the Board of Commissioners to held on the 7th day of October, 2024 at 9:00 am in the Court Room of Borough Hall, 190 Norwood Avenue, Deal, New Jersey at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Moved by : Commissioner Simhon  
Seconded by: Mayor Cohen  
Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes  
**Carries: Yes**

**RESOLUTIONS (24-141) – (24-148):** *Chief Neuman read by title for the record to be voted on as a consent agenda.*  
nance.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Simhon offers the following Resolution:

**Resolution 24-141**

**Authorizing a Shared Service Agreement with the Monmouth County SPCA**

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Deal, that the Mayor is hereby authorized by the governing body of the Borough to execute a Shared Service Agreement for 2025 with the Monmouth County SPCA for the purpose of Animal Control and the Acting Borough Clerk to attest to the Agreement.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Simhon offers the following Resolution:

**Resolution 24-142**

**Imposing a Curfew During the 2024 Halloween Season**

WHEREAS, the Commissioners are of the opinion that it is necessary for the protection of property and the citizens of the Borough of Deal that regulations and restrictions be imposed during the Halloween period, in order to prevent vandalism and to preserve law and order in the Borough of Deal during said period of time.

NOW, THEREFORE, BE IT RESOLVED, AND PROCLAIMED By the Board of Commissioners of the Borough of Deal as follows:

1) That no persons under the age of 18 years shall be permitted in any public place, public street, or public property in the Borough of Deal between the hours of 8:00 P.M. and 6:00 A.M., prevailing time, on each and every day during the period from October 28 through the morning of November 1, 2024, inclusive, unless such person shall, during said hours, be returning from work, night school, church, social or school meeting, or enroute to and returning from a physician's office or dentist's office where treatment is to be rendered or has been rendered by such physician or dentist, or is accompanied by his or her guardian or parent over the age of 18 years.

That during said hours and days, no person shall wear any appliance for the purpose of covering any portion of his or her face, or partial mask, in any public place, public street or public property in the Borough of Deal.

2) That all persons, regardless of age, excepting those who are attending minor children, who shall participate in the traditional Halloween activity of "Trick or Treat", within the Borough of Deal on October 31, 2024, shall be in costume, and, shall curtail all "Trick or Treat" activities by 8:00 P.M. on this date.

3) That any person who is a parent or guardian or standing in loco parentis of any person under the age of 18 years who permits, consents or allows any person under the age of 18 years to violate the provisions of this resolution of any part thereof, shall likewise be guilty of a violation of this resolution.

4) That any person who shall violate this resolution shall be subject upon conviction to a fine not exceeding \$200.00 or imprisonment of not more than 30 days, or both, in the discretion of the Municipal Court of the Borough of Deal.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Simhon offers the following Resolution:

**Resolution 24-143**

**Authorizing Emily Walsh to Take the January 2025 Monmouth County Police Academy  
for Class II Special Police Officers Course Upon Successful Completion of a Background  
Check & Psychological Exam**

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers;  
and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Emily Walsh as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Emily Walsh will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Emily Walsh is hereby appointed to take the January 2025 course at the Monmouth County Police Academy for Class II Special Police Officers upon successful completion of a background check and psychological exam.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

Mayor Cohen offers the following Resolution:

**Resolution 24-144**

**Authorizing John Krzyzczuk to Take the January 2025 Monmouth County Police Academy for Class II Special Police Officers Course Upon Successful Completion of a Background Check & Psychological Exam**

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of John Krzyzczuk as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, John Krzyzczuk will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that John Krzyzczuk is hereby appointed to take the January 2025 course at the Monmouth County Police Academy for Class II Special Police Officers upon successful completion of a background check and psychological exam.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

Mayor Cohen offers the following Resolution:

**Resolution 24-145**

**Authorizing Joseph Reynoso to Take the January 2025 Monmouth County Police Academy for Class II Special Police Officers Course Upon Successful Completion of a Background Check & Psychological Exam**

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of Joseph Reynoso as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, Joseph Reynoso will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that Joseph Reynoso is hereby appointed to take the January 2025 course at the Monmouth County Police Academy for Class II Special Police Officers upon successful completion of a background check and psychological exam.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

Mayor Cohen offers the following Resolution:

**Resolution 24-146**

**Authorizing James Nappo to Take the January 2025 Monmouth County Police Academy for Class II Special Police Officers Course Upon Successful Completion of a Background Check & Psychological Exam**

WHEREAS, Borough Ordinance 4-9 permits the appointment of Special Police Officers; and

WHEREAS, Police Chief Ronen Neuman has recommended the appointment of James Nappo as a Class II Special Police Officer in the Borough of Deal.

WHEREAS, James Nappo will be attending his course of instruction at the Monmouth County Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Deal that James Nappo is hereby appointed to take the January 2025 course at the Monmouth County Police Academy for Class II Special Police Officers upon successful completion of a background check and psychological exam.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

Commissioner Kassin offers the following Resolution:

**Resolution 24-147**

**Appointing Ryan Westerlind to the Position of Police Dispatcher**

WHEREAS, Ryan Westerlind, has applied for the position Police Dispatcher with the Deal Police Department; and

NOW THEREFORE BE IT RESOLVED that Ryan Westerlind be hereby appointed as a Police Dispatcher in the Police Department of the Borough of Deal, New Jersey, effective October 8, 2024, at an hourly rate of \$17.00 per hour be approved; and

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

**Resolution 24-148**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT FOR  
LEGAL SERVICES RELATED TO ENVIRONMENTAL MATTERS.  
RESOLUTION NO. 24-148**

WHEREAS, the Borough of Deal ("Borough") has a need for professional legal services in connection with certain redevelopment activities related to the Deal Casino that require legal advice related to environmental matters; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., specifically, N.J.S.A.40A:11-5, permits the award of professional services without public advertisement as defined in N.J.S.A. 19:44A-20.7 or competitive bidding, pursuant to the provisions of N.J.S.A.19:44A-20.4; and

WHEREAS, the Borough, through its counsel, solicited these services from Michael Gross, Esq. of Giordano, Halleran & Ciesla, P.C. and received a proposal to provide professional legal services on behalf of the Borough hereto attached as **Exhibit A**; and

**WHEREAS**, notwithstanding the hourly rates set forth in said proposal, Mr. Gross has agreed to the following hourly rates: four hundred and seventy five dollars (\$475.00) per hour for Mr. Gross's time, three hundred and fifty dollars (\$350.00) for Linda Lee, Esquires time, between two hundred seventy five (\$275) dollars to six hundred fifty dollars (\$650) for rates of other attorney's in the firm and between one hundred twenty five (\$125) to two hundred (\$200) dollars per hour for paralegal and assistant time; and

**WHEREAS**, this Contract shall not exceed twenty thousand dollars (\$20,000.00); and

**WHEREAS**, this Contract shall expire on December 31, 2024 and may be revoked at any time prior to said date;

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

1. The Mayor is hereby authorized to execute a retainer agreement with Giordano, Halleran & Ciesla, P.C., a copy of which is annexed hereto as **Exhibit B**.
2. Notwithstanding the hourly rates set forth in Mr. Gross's proposal and referenced in the fourth "Whereas", this Contract is awarded without competitive bidding as a "professional service" under the Local Public Contracts Law, more specifically N.J.S.A 40A:11-5, which permits such work be performed without advertising for bids.
3. A Certification of Available Funds shall be provided by the Chief Financial Officer.
4. A notice of this action shall be printed in the official newspapers required by law within ten (10) days of the adoption of this Resolution.

**AUTHROIZE RESOLUTIONS (24-141) – (24-148)**

Moved by : Commissioner Simhon

Seconded by: Commissioner Kassin

Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes

**Carries: Yes**

MONTHLY REPORTS: - *temp.* Sandra Martin RMC., CMR announced the monthly reports for the Municipal Court & Police Department were provided to the Board of Commissioners prior to the meeting.

*The Board of Commissioners engaged in a brief discussion concerning*

CORRESPONDENCE

*Chief Ronen* read for the record:

Authorizations:

- 1) Carry from Aug 6, 2024 BOC Meeting from Ms. Mime Levy to install a little free library in Deal. Photos were provided via email.

*The Commissioners approved the request.*

- 2) Bike MS Coast to Coast to be held on Saturday, May 10, 2025 Use of the Casino & Lot.

*The Commissioners approved the request.*

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

AUTHORIZATION TO PAY ALL BILLS APPROVED BY THE FINANCE COMMITTEE:  
Read by *temp.* Sandra Martin: Be It Resolved: By the Board of Commissioners of the Borough of Deal, NJ that the following bills reported by the Finance Committee be ordered paid and the vouchers drawn through October 30<sup>th</sup>.



Moved by : Mayor Cohen  
Seconded by: Commissioner Simhon  
Roll Call: Cohen: Yes; Simhon: Yes; Kassin: Yes  
**Carries: Yes**

PUBLIC COMMENT

*Mayor Cohen opened the session for public comment.*

Resident, 85 Norwood Avenue: Expressed concern about the notice for the special meeting held on August 19<sup>th</sup>. Inquired about the total amount of funds collected for the recent Swegy concert also suggesting to raise the rental fees. Expressed concern the concert is a nuisance to beach goers.

Resident, 21 Richmond Avenue: Reported the tiles for the two-steps going down into Centennial Park are in need of repair. Expressed concern with overgrown hedges on residential properties around the borough. Will provide areas of concern to the Police Department. *Mayor Cohen requested review of Ocean Township's ordinance to see if Deal should update accordingly.*

Katherine, Ocean Township Resident: Expressed concern regarding the recent story of the surfer in Belmar getting arrested asking for Deals' surfing regulations.

There being no further business or comments, Acting Administrator Neuman explained the Board of Commissioners will enter an Executive (Closed) Session excluding the public. No official action will take place once the meeting is adjourned and reopened into public session.

*Chief Neuman read Resolution 24-139 in its entirety into the record.*

Executive (Closed) Session began at 09:51 am.

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

**Resolution 24-149**

**Authorizing The Board Commissioners to Meet in Closed Executive Session**

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 Potential Litigation and Personnel Matters; and

WHEREAS, Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

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

Motion to close executive session and reenter into public session made by Commissioner Simhon, seconded by Mayor Cohen.

All in Favor: Ayes  
Any Opposed: None  
Carried: Yes

The Board of Commissioners returned to open session at 11:58 am.

There being no further business or comments, it was moved by Mayor Cohen and seconded by Commissioner Kassin that the meeting be adjourned at 12:00 am.

October 7, 2024

SC \_\_\_\_\_

DS \_\_\_\_\_

JK \_\_\_\_\_

Respectfully Submitted,

\_\_\_\_\_  
Ronen Neuman,  
Acting Municipal Clerk/Administrator

APPROVED: 12.13.2024