

**VILLAGE OF LOCH ARBOUR**  
**MINUTES – rescheduled REGULAR MEETING**  
**OCTOBER 5, 2017**

**THE rescheduled REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW JERSEY ON OCTOBER 5, 2017, CALLED TO ORDER AT 6:00 P.M. BY MAYOR PAUL FERNICOLA.**

Following the salute to the Flag the Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo and Mayor Fernicola.

Also present were William Healey, Village Attorney, Marilyn Simons, Village Clerk and Dan Mason, Village Deputy Clerk

The Clerk read the Open Public Meetings Announcement: The notice requirements of C.231, P.L. 1975, have been satisfied by transmitting the notice of this rescheduled Regular Meeting to the Village's two official newspapers on September 14, 2017 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

**PAYMENT OF BILLS**

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the payment of bills totaling \$11,307.30 for the month of October, 2017 be and the same is hereby approved as presented.

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo Mayor Fernicola  
Nays: None Absent: None

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the payment to the Loch Arbour Board of Education in the amount of \$57,710.17 for the month of October, 2017 be and the same is hereby approved as presented.

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**MINUTES**

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the minutes of the following meeting be approved:

- The minutes of the rescheduled Regular Meeting held September 7, 2017.

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**REPORTS/CORRESPONDENCE**

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following reports for the period ending September 30, 2017 on file in the Village Clerk's office, be and the same are hereby ordered received and filed:

- Expenditure Report
- Revenue Received Report
- Tax Collections Report
- Deal Police Department, Monthly Incident Report
  
- Monmouth Regional Health Commissioner No. 1, agenda and various reports/correspondence;
- Thank you note from Mary Farrar, 319 Euclid Avenue, thanking the Mayor and Commissioners for all the extraordinary work they did regarding the tax burden in the Village;
- Letter from the State of New Jersey, Department of Transportation, announcing Applications can be submitted for the NJ DOT 2018 State Aid Programs;
- City of Asbury Park, Public Notice – Master Plan Reexamination Report.

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo Mayor Fernicola  
Nays: None Absent: None

**OLD BUSINESS -**

**A. Ordinance 2017-432** – The Mayor read the Ordinance by Title and advised of its publication in its entirety in *The Coaster* on September 14, 2017.

**ORDINANCE NO. 2017-432**

**AN ORDINANCE TO REGULATE THE USE AND LOCATION  
OF DUMPSTERS AND ROLL-OFF CONTAINERS IN THE RESIDENTIAL ZONE  
IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:

**SECTION 1. DEFINITIONS**

*"Dumpster"* or *"roll-off container"* shall mean a bulk storage container for waste materials that can be hauled directly to the point of disposal or emptied into a large compactor-type truck for disposal. Included in this definition are the moving and/or self-storage containers commonly known as "PODS," as well as similar containers.

*"Rubbish"* shall mean combustible paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding dunnage or non-combustible metal, metal furniture, dirt, glass, and crockery.

*"Waste materials"* shall include all other categories of materials to be disposed of, excluding garbage or recyclable materials.

**SECTION 2. PROVISIONS FOR USE**

- a) No dumpster or roll-off container shall be placed upon any lot in the residential zone or within the public right of way of the abutting street without a permit therefor issued by the Local Code Enforcement and Zoning Official of the Village of Loch Arbour or his/her authorized representative.
- b) All such dumpsters or roll-off containers shall bear an identification number assigned by the State, and the name, address and telephone number of the person responsible therefor.
- c) All such dumpsters or roll-off containers that remain within the public right-of-way during the hours between sunset of one day and sunrise of the next day shall be equipped with suitable reflectors or other warning devices as may be required by the Local Code and Zoning Official or the Borough of Deal Police Department. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of five hundred (500') feet.
- d) Rubbish and waste materials must be completely contained within the dumpster or roll-off container. The accumulation of rubbish or waste materials will be not permitted outside the confines of dumpster or roll-off container, nor will it be permitted to accumulate so that the attached cover cannot be firmly closed. In the event that the dumpster or roll-off container does not have an attached cover, the rubbish or waste material must not accumulate higher than the top of the sides of the dumpster or roll-off container and must be covered by either a tarp or similar covering, except when rubbish and waste materials are being deposited in the dumpster or roll-off container.

**SECTION 3. APPLICATION, PERMIT AND FEES**

- a) Any person desiring to place a dumpster or roll off container on any lot in the residential zone or within the public right of way of the abutting street shall make written application therefor to the Local Code and Zoning Official specifying the exact proposed location of such dumpster or roll-off container, the size and capacity therefor and any other information as required by the Local Code Enforcement and Zoning Official on the form identified for said purpose.
- b) Unless otherwise specified, any permit issued pursuant to this Ordinance, that is to be located on a lot in the residential zone, shall only be valid for a maximum of ninety (90) days and may be renewed for one additional ninety (90) day period, at the discretion of the Local Code Enforcement and Zoning Official, upon completion of a new application and payment of a new permit fee.
- c) Unless otherwise specified, any permit issued pursuant to this Ordinance, that is to be located or within the public right of way of the abutting street, shall only be valid for a maximum of sixty (60) days and may be renewed for one additional sixty (60) day period, at the discretion of the Local Code Enforcement and Zoning Official, upon completion of a new application and payment of a new permit fee.
- d) A permit may be renewed for up to one additional ninety (90) day period at the discretion of the Commissioners for good cause upon written application a minimum of thirty (30) days prior to the expiration of the renewal permit and the payment of a new permit fee.

- e) A maximum of three (3) permits may be issued within the one-year period commencing with the date of issuance of the initial permit. A maximum of one dumpster or roll-off container is permitted on any one lot at any time.
- f) The application for a dumpster or roll-off container permit that is to be located on a lot in the residential zone shall be one hundred (\$100.00) dollars. Each renewal application for a dumpster or roll-off container permit to be located on a lot in the residential zone shall be accompanied by a fee of one hundred (\$100.00) dollars.
- g) The application for a dumpster or roll-off container permit that is to be located or within the public right of way of the abutting street shall be accompanied by a fee of two hundred (\$200.00) dollars. Each renewal application for a dumpster or roll-off container permit to be located or within the public right of way of the abutting street shall be accompanied by a fee of two hundred (\$200.00) dollars.
- h) The application for a dumpster or roll-off container permit to be located within a public right-of-way shall also be accompanied by an indemnity deposit of five hundred (\$500.00) dollars (by cashier's check) to reimburse the Village for the costs of any extraordinary cleanup or repairs that may be incurred by the Village as a result of the use permitted. The applicant shall be responsible for the cost of removing the dumpster and the repair of any damage to any street. The indemnity deposit shall not relieve the applicant from costs in excess of this sum if the deposit is not sufficient to cause the removal of any dumpster or the repair of any street.
- i) Said indemnity deposit shall be released upon the inspection and certification of the Local Code and Zoning Official as to the completed repairs to the public right of way.

#### SECTION 4. REFUSAL OR REVOCATION OF PERMIT; EMERGENCY REMOVAL

- a) The Local Code Enforcement and Zoning Official may, in his discretion, refuse to issue a permit if he/she deems same to constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- b) The Local Code Enforcement and Zoning Official may, in his/her discretion, revoke a permit if he/she deems same to constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- c) If the Local Code Enforcement and Zoning Official shall at any time determine that an emergency situation exists with regard to said dumpster or roll-off container, he/she may remove same without notice at the owner's expense.
- d) If a permit is revoked, the dumpster or roll-off container shall be immediately removed from the property or the public right of way.
- e) Upon the expiration of a permit, the applicant shall immediately cause the removal of the dumpster or roll-off container from the property or the public right of way.

#### SECTION 5. VIOLATIONS AND PENALTIES

Any person or persons, partnership or corporation who shall violate the terms of this Ordinance shall be subject to a penalty of not more than five hundred (\$500.00) dollars per day, and each day's continuance of the violation shall constitute a separate and distinct violation.

#### SECTION 6. SEVERABILITY

If any section, clause or provision of this Ordinance shall be adjudged invalid, said invalidity shall apply only to the section, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

#### SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective upon its final passage and publication.

**UPON MOTION** of Mayor Fernicola, seconded by Commissioner D'Angelo, carried, that the meeting be opened for comments on the said Ordinance only.

Cathy Cunniff, Euclid Avenue, is opposed to the fees being increased.

There being no additional public comments, and **UPON MOTION** of Commissioner D'Angelo, seconded by Commissioner Cheswick, carried, that the public hearing be closed.

**UPON MOTION, of Mayor Fernicola and seconded by Commissioner D'Angelo, carried that the following fees be amended in the proposed Ordinance 2017-432.**

- f) The application for a dumpster or roll-off container permit that is to be located on a lot in the residential zone shall be fifty (\$50.00) dollars. Each renewal application for a dumpster or roll-off container permit to be located on a lot in the residential zone shall be accompanied by a fee of fifty (\$50.00) dollars.**

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**UPON MOTION** of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that said Ordinance 2017-432 be and the same is hereby adopted on final reading **as amended**, directing the Clerk to post and publish as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

## **NEW BUSINESS**

### **A. Ordinance 2017-433 – Introduction**

**The Mayor read the Ordinance by Title:**

#### **AMEND ORDINANCE 296 – Property Maintenance Code FEES – AIR BnB**

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that Ordinance 2017-433 is tabled until the next regular scheduled Board of Commissioner meeting.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

### **B. Ordinance 2017-435 – Introduction**

**The Mayor read the Ordinance by Title**

#### **ORDINANCE NO. 2017-435**

#### **AN ORDINANCE TO PROHIBIT CONSTRUCTION DURING CERTAIN MONTHS**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:

#### **SECTION 1. PROHIBITIONS**

- a. No building, construction, reconstruction, remodeling, or repairs (except emergency repairs) shall be made, undertaken or continued within the limits of the Village between June 30<sup>th</sup> and the Wednesday after Labor Day (hereinafter, the "Moratorium").
- b. No power tools, including but not limited to, power sanders, chain saws, power saws, nail guns, etc. shall be allowed during the Moratorium.
- c. All construction machinery, debris, vehicles, dumpsters, portable toilets and items not normally found in a residential setting must be removed by no later than June 30<sup>th</sup>.

#### **SECTION 2. EXCEPTIONS: ALLOWED WORK**

The following work shall be allowed during the Moratorium:

- a. Regular landscaping tools, such as lawn mowers, leaf blowers, grass trimmers, or hand trimming of tress and hedges. Dead branches may be trimmed and dead trees may be taken out if considered a safety hazard. Certification from a landscaping company must accompany request for removal of dead trees and branches.
- b. Painting is allowed during the Moratorium. However, power sanding and outside scaffolding is not permitted. Sanding, by hand only, is permitted.
- c. Power-washing is permitted.
- d. Construction, reconstruction and remodeling and repairs where a dwelling or other structure is fully enclosed and the only work remaining to be done consists of exterior painting, interior plastering and decorating, and installation of interior fixtures and equipment.

#### **SECTION 3. EMERGENCY WAIVERS**

Homeowners may request emergency waivers from the Moratorium. For an emergency waiver, the Homeowner shall submit a statement detailing the hardship presented and relief requested, notify the adjoining property owners within two hundred (200) feet, and present the request to the Commissioners for consideration.

#### **SECTION 4. VIOLATIONS AND PENALTIES.**

Any person who shall violate the terms of this Ordinance shall be subject to a penalty, for a first offense, of \$100. Each day's continuance of the violation shall constitute a separate and distinct violation. Any person who shall violate the terms of this Ordinance on a second day shall be subject to a penalty of \$500. Any person who shall violate the terms of this Ordinance on a third day shall be subject to a penalty of \$1,000. Any person who shall violate the terms of this Ordinance on a fourth day, and any day thereafter, shall be subject to a penalty of \$2,000 per day. Alternatively, any person who shall violate the terms of this Ordinance on a fourth day, and any day thereafter, shall be subject

to imprisonment for any term not exceeding 90 days or a period of community service not exceeding 90 days.

**SECTION 5. SEVERABILITY.**

If any section, clause or provision of this Ordinance shall be adjudged invalid, said invalidity shall apply only to the section, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall become effective upon its final passage and publication.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance #2017-435 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing for the next scheduled Commissioners Meeting on November 1, 2017.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**C. Resolution 2017-74:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted.

WHEREAS, N.J.S.A 40A:5-4 requires the Governing Body of every local unit to cause an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year; and

WHEREAS, the audit for transition year ending December 31, 2016 was presented to the Governing Body on July 12, 2017; and

WHEREAS, the Corrective Action Plan shall cover all findings and recommendations, including State, Federal and general or financial statement findings in the audit report; and

WHEREAS, the Chief Financial Officer shall prepare said Corrective Action Plan with the assistance from other officials affected by the audit recommendations; and

WHEREAS, the Corrective Action Plan must be approved by the Governing Body of the local unit and is to be submitted to the Division of Local Government Services no later than sixty days from the receipt of the audit report.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the Corrective Action Plan for transition year ended December 31, 2016 is hereby approved; and

BE IT FURTHER RESOLVED, that a copy of the Corrective Action Plan will be placed on file in the Office of the Village Clerk.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**D. Resolution 2017-75:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2018; and

WHEREAS, the Village of Loch Arbour is desirous of submitting an application under this program for the following purpose:

- Improvements to Euclid Avenue-Phase IV from Evergreen Place to Edgemont Drive

NOW, THEREFORE, BE IT RESOLVED by the Village Commissioners of Loch Arbour, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Village Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2018 -Euclid Avenue Phase IV – 00185 to the New Jersey Department of Transportation on behalf of the Village of Loch Arbour; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Loch Arbour and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**E. Resolution 2017-76:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, John W. Grossarth, of the Rumson Fair Haven High School Surf Team has requested permission to revise dates on the Village of Loch Arbour Resolution 2017-67 to hold a Surfing Contest on the south end of the Village of Loch Arbour Beach on Monday, October 9, 2017 and Friday, October 20, 2017 from 3:00 pm to dusk;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to John W. Grossarth, of the Rumson Fair Haven High School Surf Team to revise dates on the Village of Loch Arbour Resolution 2017-67 to hold a Surfing Contest on the south end of the Village of Loch Arbour Beach on Monday, October 9, 2017 and Friday, October 20, 2017 from 3:00 pm to dusk, subject to the following conditions:

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before October 6, 2017 along with a copy of the insurance policy;
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of the Surfers and the Patrons.
4. Execution of the required Hold Harmless Agreement.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to:

- 1 John W. Grossarth, Rumson Fair Haven High School Surf Team
- 2 Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**F. Resolution 2017-77:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, the Shore Regional High School Surf Team has requested permission to hold Surfing Practices on the south end of the Village of Loch Arbour Beach on Tuesday or Wednesday (on occasion) in the months of October and November, 2017 from 4:00 p.m. to 6:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to the Shore Regional High School Surf Team to hold Surfing Practice on the south end of the Village of Loch Arbour Beach on Tuesday and Wednesday (on occasion) in the months of October and November, 2017 from 4:00 p.m. to 6:00 p.m., subject to the following conditions:

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before October 6, 2017 along with a copy of the insurance policy;
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of the Surfers and the Patrons.
4. Execution of the required Hold Harmless Agreement.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to:

- 1 John W. Grossarth, Rumson Fair Haven High School Surf Team
- 2 Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**G. Resolution 2017-78:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, Gerald V. Mathews, of the Eastern Surfing Association has requested permission to hold a Surfing Contest on the south end of Loch Arbour Beach on October 7, 2017 and October 8, 2017, with no wave dates being October 14, 2017 and October 15, 2017, and,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that permission is granted to Gerald V. Mathews of the Eastern Surfing Association to hold a Surfing Contest on October 7, 2017 and October 8, 2017, with no wave dates being October 14, 2017 and October 15, 2017 subject to the following conditions.

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before October 6, 2017 along with a copy of the insurance policy;
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of Surfers and Patrons.
4. Execution of the required Hold Harmless Agreement.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be supplied to:

- Gerald V. Mathews, The Eastern Surfing Association
- Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**H. Resolution 2017-79:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, Clean Ocean Action has requested permission to conduct the Fall Beach Sweeps at the Village Beach on Saturday, October 21, 2017 from 9:00 AM to 12:30 PM; and,

WHEREAS, the Board of Commissioners support the efforts of Clean Ocean Action to preserve and protect our fragile shore environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Clean Ocean Action to conduct the Fall Beach Sweeps at the Village Beach on Saturday, October 21, 2017, from 9:00 AM to 12:30 PM; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Clean Ocean Action.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**I. Resolution 2017-80:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, Chief Neuman of the Borough of Deal Police Department has requested the Village adopt a curfew for all unaccompanied minors from 8:00 PM to 6:00 AM, inclusive, for the period beginning at 8:00 PM on October 29, 2017 through 6:00 AM on November 1, 2017, inclusive; and,

WHEREAS, said curfew has been authorized in previous years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that a curfew is hereby authorized for all minors, unaccompanied by parent or designated adult guardian, from 8:00 PM to 6:00 AM, inclusive, each evening beginning October 29, 2017 through 6:00 AM on November 1, 2017, inclusive.

BE IT FURTHER RESOLVED that a certified copy of this resolution be supplied to Chief Neuman of the Borough of Deal Police Department for his information and distribution.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

**Dan Mason left the meeting.**

## **REPORTS/DISCUSSION**

**A. Tax Issue/Board of Education:** Mayor Fernicola reported the lawsuit filed by the Ocean Township Board of Education in August was dismissed. Ocean Township Board of Education refiled the same lawsuit with the Department of Education in Trenton.

**B. Halloween Party** – The Borough of Allenhurst would like to invite the residents of the Village of Loch Arbour to their Annual Halloween Party on Saturday, October 21<sup>st</sup> at 11:00 a.m. The party will be at the Railroad Plaza Park. There will be hay rides, decorate your own pumpkin and refreshments.

## **PUBLIC HEARING**

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the meeting be opened to the public for comments.

Jim Markey, JCP&L, reported the two JCP&L buildings located on Main Street, Allenhurst are up for sale. It is a bid process and the bids are due on or before November 6, 2017.

Mark Maisto, Elberon Avenue, stated he was stopped by the Deal Police Department for working with power tools at his house on a weekend day. Mr. Maisto has the opinion the Deal Police Department selectively enforce the Noise Ordinance.

Cathy Cunniff, Euclid Avenue, clarified the weekend work that can be done, with reference to the Noise Ordinance.

There being no other comments, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the public hearing be closed.

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 6:50 p.m.

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Marilyn Simons, RMC  
Village of Loch Arbour