

THE 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 NOVEMBER 2, 2016. CALLED TO ORDER AT 6:30 P.M. BY MAYOR PAUL V. FERNICOLA.

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

Resolution 2016-32: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, certain other 2016 appropriations show a surplus of funds available; and,

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits transfers between appropriations during the last two months of the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the following appropriations transfers be and the same are hereby authorized:

See Attachment #1

BE IT FURTHER RESOLVED that a copy of this resolution shall be supplied to the Chief Financial Officer for appropriate action.

ATTACHMENT #1

Village of Loch Arbour
Schedule of 2016 Budget Transfer
Commissioner's Meeting: November 2, 2016

ACCOUNT	TRANSFER TO APPROPRIATION (Inside CAPS)	AMOUNT	TOTAL
6-01-28-380-030	Village Beach, OE	\$1,300.00	
6-01-20-150-030	Assessment of Taxes, OE	\$ 200.00	
6-01-27-330-029	Public Health, Contractual	\$ 200.00	
	TOTAL TRANSFERS TO APPROPRIATION (Inside CAPS)		\$1,700.00
	TRANSFER FROM APPROPRIATION (Inside CAPS)		
6-01-20-120-030	Admin/Executive, OE	\$1,700.00	
	TOTAL TRANSFERS FROM APPROPRIATION (Inside CAPS)		\$1,700.00

Recorded Vote:

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

PAYMENT OF BILLS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the payment of bills totaling \$253,754.87 for the month of November, 2016 be and the same is hereby approved as presented.

Recorded Vote:

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the payment to the Township of Ocean Board of Education in the amount of \$167,585.33 for the month of November, 2016 be and the same is hereby approved.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: Commissioner Cheswick Absent: None

MINUTES

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the minutes of the following meeting be approved:

- The minutes of the Regular Meeting held October 5, 2016

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, the following reports and correspondence for the period ending October 30, 2016 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 Commission No. 1, agenda and various reports/correspondence;
- Letter dated October 17, 2016, from the State of New Jersey, Department of Transportation, lifting the Executive Order to proceed with the projects financed using the Transportation Trust Fund (Improvements to Euclid Avenue Phase II and Phase III)
- Municipal Excess Liability Joint Insurance Fund 30th Anniversary Brochure.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None Absent: None

OLD BUSINESS – None

NEW BUSINESS

A. Ordinance 2016-423 - Introduction

The Clerk read the said Ordinance by Title only:

ORDINANCE 2016-423

HISTORIC PRESERVATION ORDINANCE

An Ordinance of the Village of Loch Arbour Establishing a Historic Preservation Zone and Promulgating Regulation Therefore.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance 2016-423 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing as December 7, 2016.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None Absent: None

B. Resolution 2016-33: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, Michael Badders, General Manager of McGillicuddy's Tap House requested permission to open for service at 9:00 AM on Sunday, October 23, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission was granted to McGillicuddy's Tap House to open for service at 9:00 a.m. on Sunday, October, 23, 2016 for the New York Giants game, which started at 9:30 a.m.

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

1. Michael Badders, McGillicuddy's Tap House
2. Ronen Neuman, Chief, Deal Police Department

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None Absent: None

REPORTS/DISCUSSION

A. MEC Clean-up – Presentation given by the Contractor (Arcadis). Representatives from USACE, Baltimore and NY District, as well as the NJ DEP were present.

Julie Kaiser, ACEO, Baltimore Region, explained the project of cleaning up the MEC, found on the Village of Loch Arbour Beach.

Mayor Fernicola explained to the public, the Village of Loch Arbour has been speaking with the ACOE regarding, not only the MEC situation on the Village Beach, but also the issue of the rocks on the Village Beach. The Village has requested the ACOE to use a smaller screen to separate out the MEC and rocks during the remediation project. The Village was just informed tonight the ACOE rejected the Village's request.

Julie Kaiser, ACOE, Baltimore Region, explained on the record the ACOE does not have the authority within this project to reduce the size of the screen or remove the rocks from the Village Beach.

It was also determined the disposal of the rocks to an alternative location will not be done. Ms. Kaiser explained this project is only for the removal of the MEC found on the Village Beach during the replenishment. Mayor Fernicola stated this is not acceptable to the Village.

Janice Fuller, representative from Congressman Pallone's office, joined the meeting and Mayor Fernicola updated Ms. Fuller, what transpired prior to her arrival.

Commissioner Cheswick, conveyed his frustration of not having funds to remove the rocks from the Village Beach.

Paul Jalowski, ACOE, New York Region, explained samples were taken and analyzed and the gradation of the material complies with the Contract requirements. Mr. Jalowski stated with using the three-quarter inch screen, the quality of the sand will approve.

Roy Messaros, ACOE, stated all of the sand replenished in this whole project has come from the same barrow site. Mayor Fernicola stated the Village was previously told the site had been changed.

Mr. Mason, clarified the sand at the Deal Beach and the Loch Arbour Beach are significantly different. The Sand at the Deal Beach is white and the Sand at the Loch Arbour Beach is brown with rocks. Mr. Mason confirmed the Village was told at previous meetings the contractor moved the site.

Janice Fuller, representative from Congressman Pallone's office, suggested to the ACOE, while the work is being done, why not resolve all of the issues at one time.

Commissioner Cheswick stated beach revenue has been down in Loch Arbour since the beach replenishment was done.

John Bosman, Village Beach Manager, explained all of the complaints he received in the last two summers. Mr. Bosmans indicated the quality of the sand at the Village Beach is horrific.

A presentation was done by Al Larkins and Tom Crowe, Contractor, Arcadis. Mr. Larkin spoke about the MEC found on the Village Beach. Mr. Crowe explained the procedure of the MEC removal from the Village Beach. Mr. Crowe stated the project will begin in Loch Arbour in mid-November and the entire project is slated to end by April 1, 2017. Mr. Crowe referenced the map in the presentation packet prepared by Arcadis. Mr. Crowe explained how each Section will be sifted.

A concern was brought up by the Village Officials - The MEC was found in the sand to the west of the thick black line on the map prepared by Arcadis. ACOE will follow up on this concern and report back to the Village.

Mayor Fernicola asked the Contractor if the ACOE requested a cost estimate to reduce the size of the screen. Mr. Crowe indicated a cost estimate was not requested. Mr. Crowe did indicate, if the screen size was changed, it would slow down production. Mr. Crowe indicated the cost of the current contract is 9.2 million dollars.

Mr. Crowe, as per the contract, indicated the rocks, caught by the sifter, will be buried eight feet, and will not be carted away.

Mayor Fernicola, Mr. Mason and the ACOE had a lengthy discussion regarding the stock pile of sand for the Kassin Beach, which was left on the Village Beach during the replenishment in 2015. Mayor Fernicola stated due to the erosion of the sand, he wants an assurance the sand will not go under the 10.3 level on the Village's beach. The ACOE stated they will confirm the elevation of the sand and report back to the Village. There was not a decision regarding the amount of sand that would be moved over to the Kassin Property.

Chris Crecelius, ACOE, Baltimore Region, will be the on-site Coordinator.

Mr. Crowe requested the Village to lift the restriction of no work being done on Saturday in the Village. The contractor would like to work six days a week, (Monday-Saturday) from 7:00 a.m. – 6:00 p.m. Only fueling the machinery and maintenance would be done during the night hours. The contractor also requested the use of the Village of Loch Arbour Beach Parking Lot.

Dan Mason, indicated at no time the contractor, or any representatives of the contractor, can have access to the Village Beach Parking Lot.

The Contractor indicated site security will be provided 24 hours a day/7 days per week. There will be beach access during this time, but the area will be closed within the working area. Safety is top priority for this project.

The Mayor and Commissioners of the Village of Loch Arbour reiterated, it is not acceptable the smaller screen size is not being used, as well as, the rocks not being removed to an alternative location. The Mayor and Commissioners were extremely upset due to the lack of communication and professionalism from the ACOE, when trying to resolve the issue of rocks on the Village Beach.

There was a five minutes recess taken at this time.

B. School Tax Issue – Mayor Fernicola reported the Village is still waiting for a response from the State of New Jersey, Commissioner of the Department of Education. The Village anticipates an answer from the State in the next couple of weeks.

C. **Update on Improvements to Euclid Avenue, Phase II and Phase III** – Dan Mason explained Governor Christie has lifted the Executive Order to proceed with the projects financed using the Transportation Trust Fund. Mr. Mason indicated this project would start in the first block of Euclid Avenue on approximately November 14, 2016. The contractor will be doing one block at a time. The project consists of Euclid Avenue and extends from Ocean Place west to Evergreen Place.

D. **Best Practices Worksheet** – CY 2016 has been completed by the CFO and was submitted to the State on October 19, 2016 as required; the Village scored 97% and will receive its full allocation of State Aid for 2016.

D. **Deal Lake Fall Cleanup** – scheduled for Saturday, November 5, 2016 at 9:00 a.m. Meeting place: Asbury Park Boat Launch (next to 7-11)

E. Special Meeting –

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo carried a Special Meeting is scheduled for November 7, 2016 at 6:00 pm. The purpose of the meeting is for a closed session with the Tax Assessor, regarding the reassessment program and all other matters which may come before the Board of Commissioners.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: None

PUBLIC HEARING

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

Cathy Cunniff, Euclid Avenue, asked about the project on Euclid Avenue and the schedule for this project.

David DenBleyker, Euclid Avenue, had a conversation with the Mayor regarding the ACOE and the compliance of the contract, regarding the percentage between sand and rocks/other matter. Mr. DenBleyker asked about a breach of intent in the contract.

Paul Williams, Euclid Avenue, asked about the Best Practices Worksheet submitted to the State.

Mr. Williams, discussed with the Mayor and Commissioners about the dilapidated apartment building on Edgemont Drive. It was determined that Mr. Williams would bring the pictures he has taken of the property to the Clerk's office for the Code Enforcement Officer to review.

Cathy Cunniff, Euclid Avenue, asked if the Village can have a pre-determined schedule for street cleaning in the Village and inform the residents of the schedule.

There being no further comments, UPON MOTION, of Mayor Fernicola, seconded by Commissioner D'Angelo, carried, the meeting be closed to the public for comments.

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the meeting be finally adjourned at 8:55 p.m.

Marilyn Simons, RMC
Village of Loch Arbour