

**VILLAGE OF LOCH ARBOUR**  
**MINUTES – rescheduled REGULAR MEETING**  
**AUGUST 9, 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 AUGUST 9, 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 and Mayor Fernicola. Commissioner D' Angelo was absent.

Also present were William Healey, Village Attorney, Marilyn Simons, Village Clerk and Dan Mason, Deputy Village 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 July 24, 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 Mayor Fernicola, carried, that the payment of bills totaling \$206,544.31 for the month of August, 2017 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

UPON MOTION of Mayor Fernicola, 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 July, 2017 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

UPON MOTION of Mayor Fernicola, 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 August, 2017 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**MINUTES**

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

- The minutes of the Special Meeting held April 4, 2017;
- The minutes of the rescheduled Regular Meeting held April 7, 2017;
- The minutes of the Special Meeting held April 17, 2017;
- The minutes of the rescheduled Regular Meeting held May 10, 2017.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**REPORTS/CORRESPONDENCE**

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following reports for the period ending July 31, 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.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**OLD BUSINESS - None**

**NEW BUSINESS**

**A. Ordinance 2017-432 – Introduction**  
**The Mayor read the Ordinance by Title**

**ORDINANCE #2017-432**  
**AMEND DUMSPETER ORDINANCE**

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that Ordinance 2017-432 is tabled until the next regular scheduled Board of Commissioners meeting.

Recorded Vote:

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

**B. 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 Cheswick, carried that Ordinance 2017-433 is tabled until the next regular scheduled Board of Commissioner meeting.

Recorded Vote:

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

**C. Resolution 2017-65:** UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following Resolution be adopted:

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1967, c. 102, established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and,

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Board of Commissioners to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Village of Loch Arbour hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund used solely for the purposes of recycling.

Recorded Vote:

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

**D. Resolution 2017-66:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following Resolution be adopted:

WHEREAS, Euclid Avenue was paved in July, 2017. In accordance with Ordinance #380 no permits shall be issued for an opening of Euclid Avenue within a five years (July, 2022) except by the direction of the Board of Commissioner of the Village of Loch Arbour.

WHEREAS, an application for a Street Opening Permit has been received from the Engineer firm of H2M Architects + Engineers for the intersection of Route 71 and Euclid Avenue to connect new water main to existing water main;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the application for a Street Opening Permit is hereby granted to H2M Architects + Engineers for the intersection of Route 71 and Euclid Avenue to connect new water main to existing water main.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to H2M Architects + Engineers.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**E. Resolution 2017-67:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following Resolution be adopted:

WHEREAS, John W. Grossarth, of the Rumson Fair Haven High School Surf Team has requested permission to hold a Surfing Contest on the south end of the Village of Loch Arbour Beach on Friday, September 8, 2017 and Friday, September 22, 2017 and alternate no wave dates requested for Monday, October 9, 2017 or Sunday, October 22, 2017;

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 hold a Surfing Contest on Friday, September 8, 2017 and Friday, September 22, 2017 and alternate no wave dates requested for Monday, October 9, 2017 or Sunday, October 22, 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 August 31, 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, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**F. Resolution 2017-68:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, Tom Moore, TM Foods, Tenant of the Kiely Pavilion Snack Bar, has requested permission to use the option to remain open for two additional weekends (Saturday and Sunday (September 9<sup>th</sup> and 10<sup>th</sup>, 2017 and September 16<sup>th</sup> and 17<sup>th</sup>, 2017 after Labor Day between 10:00 a.m. and 6:00 p.m., as per the Lease dated March 4, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to Tom Moore, TM Foods, Tenant, to remain open for two additional weekends (Saturday and Sunday, September 9<sup>th</sup> and 10<sup>th</sup>, 2017 and September 16<sup>th</sup> and 17<sup>th</sup>, 2017 after Labor Day between 10:00 a.m. and 6:00 p.m. with the following conditions:

1. The parking lot shall remain closed at all times during this after-season opening.
2. No lifeguards will be present during the designated hours.
3. Tenant shall be responsible for building and beach clean-up.
4. Tenant shall pay directly to the Village the hourly rate for one Village Beach Employee to be present on the premises during the designated hours.

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

1. Tom Moore, TM Foods;
2. Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**G. Resolution 2017-69:** UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following Resolution be adopted:

WHEREAS, Boy Scout Troop #76, Wayside, has requested permission to hold an overnight camp-out with an open fire, size not to exceed 3' x 3', at the Village Beach beginning at 6:00 PM on Saturday, August 26, 2017 through 8:00 AM on Sunday, August 27<sup>th</sup>, inclusive; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Troop #76, Wayside, with an open fire, size not to exceed 3' x 3', at the Village Beach beginning at 6:00 PM on Saturday, August 26, 2017 through 8:00 AM on Sunday, August 27, 2017, inclusive, subject to the following:

1. Execution of the required Indemnification and Hold Harmless Agreement to be submitted to the Village Clerk on or before August 20, 2017, executed by the appropriate Troop officials;
2. All participants to leave the beach and The removal of all debris and other trash not later than 8:00 AM on Sunday morning so as to avoid conflict with the daily operations of the Village Beach Staff;
3. Open fire not to exceed 3' x 3' to be monitored by adult chaperones at all times.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be supplied to:  
 Chief Ronen Neuman, Deal Police Department  
 John Bosmans, Beach Manager

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**H. Resolution 2017-70:** UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following Resolution be adopted:

WHEREAS, Pursuant to N.J.S.A. 54:4-64, the statutory mailing date for final tax bills for calendar year municipalities is June 14; and,

WHEREAS, C.72, P.L.1994, requires that the Tax Collector file an Affidavit of Tax Bill Mailing that certifies the date by which all original bills were mailed and the date by which payments will be received without interest; and,

WHEREAS, final tax bills for the Village of Loch Arbour were mailed later than the date required by statute due to delays by the State and County in certifying the tax rate and the Tax Collector has extended the due date for payments for the third quarter 2017 to August 28, 2017 (not less than 25 days from the date of mailing) without any additional grace period.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that they hereby memorialize the action of the Tax Collector in setting the new due date for third quarter 2017 payments to be received without interest.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

## REPORTS/DISCUSSION

**A. Tax Issue/Board of Education:** Mayor Fernicola reported the Decision was received from Judge Thorton and all claims were dismissed against the Loch Arbour Board of Education. Mayor Fernicola stated a letter was sent to all residents/taxpayers. The letter urged all parents to register school age children in the West Long Branch Grammar School and Shore Regional High School.

**B. Discussion regarding Resolution received from the Village of Loch Arbour Planning Board** – Mayor Fernicola stated an Ordinance for off-street parking and mandated garages will be considered at the next Commissioners Meeting. He instructed the Village Attorney to draft a proposed Ordinance.

**C. UPON MOTION** of Mayor Fernicola, seconded by Commissioner Cheswick, carried the regular meeting of the Board of Commissioners scheduled for September 6, 2017, is being cancelled and being rescheduled for Thursday, September, 7, 2017 at 6:00 p.m.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

## 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, had a conversation with the Mayor regarding the tuition students being accepted at the Ocean Township Schools.

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

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be finally adjourned at 7:00 p.m.

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Marilyn Simons, RMC  
 Village of Loch Arbour

