

UPON MOTION of Commissioner D' Angelo, seconded by Mayor Fernicola, carried that the payment to the Loch Arbour Board of Education in the amount of \$57,710.17 for the month of November, 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 Commissioner D' Angelo, carried, that the minutes of the following meeting be approved:

- The minutes of the rescheduled Regular Meeting held October 5, 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 Cheswick, carried, that the following reports for the period ending October 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;
- Letter dated October 2, 2017 from Congressman Pallone's announcing the application period for his Youth Advisory Counsel.
- Letter dated October 4, 2017 from New Jersey General Assembly regarding Assembly Resolution No. 216
- Letter dated October 13, 2017, from the Board of Chosen Freeholders, A Resolution opposing any tax reform proposal eliminating State and Local Tax Deduction.
- Complaint from a Loch Arbour Resident regarding the overgrowth of the public access walkway to the South of Kassin Property. Property Owner promptly cleaned the area.

Recorded Vote:

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

OLD BUSINESS -

A. Ordinance 2017-435 – The Mayor read the Ordinance by Title and advised of its publication in its entirety in *The Coaster* on October 12, 2017.

ORDINANCE 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 30th 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 30th.

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

UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance #2017-436 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 December 6, 2017.

Recorded Vote:

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

B. Resolution 2017-82: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, the Lease to operate the James V. Kiely Pavilion at the Village Beach has expired and must be rebid; and,

WHEREAS, the Board of Commissioners reviewed and hereby accepts the proposed bid specifications.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the proposed bid specifications and documents be approved as presented.

BE IT FURTHER RESOLVED that the said specifications will be available to bidders pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

Recorded Vote:

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

REPORTS/DISCUSSION

A. Tax Issue/Board of Education: Mayor Fernicola reported Ocean Township Board of Education's Appeal is still pending at the State Level with no court date scheduled at this time.

B. Installation of Beach Lockers at the Village Beach Club – Commissioner Cheswick outlined the information obtained from other municipalities regarding rental fees, construction costs, and locker dimensions. Commissioner Cheswick also discussed proposed locations for the lockers at the Village Beach Club. The Clerk was instructed by the Mayor and Commissioners to prepare Specifications for the Beach Lockers for consideration at the next Commissioners Meeting.

PUBLIC HEARING

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

Paul Williams, Euclid Avenue, commented on the materials to be used on the proposed Beach Lockers. Mr. Williams also commented on the proposed locations of the Beach Lockers.

Melanie Nowlin, Edgemont Drive, commented on the proposed location of the Beach Lockers.

Mayor Fernicola, instructed the Clerk to have the sand on the East Side of the wall at the Village Beach Club, be removed. The sand is so high that it is coming over the wall and being blown onto Ocean Place.

Melanie Nowlin, Edgemont Drive, urged the Mayor and Commissioners and all residents to oppose the closure of the Railroad Crossing on Allen Avenue, Allenhurst. Mayor Fernicola stated the Mayor and Commissioners sent a letter to the appropriate officials opposing this closure.

Melanie Nowlin, Edgemont Drive, stated the property owner at 101 Euclid Avenue applied for a Local Zoning Determination and the request was granted by the Zoning Officer over 2 years ago, whereby the applicant was swapping out coverage areas; and had to remove the driveway. Mayor Fernicola stated the property owner was to remove the driveway after the addition was completed. The property owner is in the process of completing the addition.

Melanie Nowlin, Edgemont Drive, inquired about the work being done at 401 Euclid Avenue.

Paul Williams, Euclid Avenue, inquired about the status of the property at 205 Edgemont Drive. Mayor Fernicola stated the property has been sold. Mr. Williams also inquired about the Summons issued to the property owner of 109 Edgemont Drive. The summons is pending in the Deal Municipal Court.

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following **Resolution** be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq., 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, Monmouth County, New Jersey, as follows:

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Discuss, contract negotiations and anticipated or threatened litigation and attorney client privileged information regarding school funding and taxation issues. Official action will not be taken after the Executive Session.
3. It is anticipated at this time that the above stated subject matter will be made public within 120 days.
4. This resolution shall be effective immediately.

Recorded Vote:

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

Nays: None

Absent: None

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be finally adjourned at 7:45 p.m.

Marilyn Simons, RMC
Village of Loch Arbour