

VILLAGE OF LOCH ARBOUR
MINUTES ~ REGULAR MEETING
MAY 4, 2016

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 MAY 4, 2016, CALLED TO ORDER AT 6:30 P.M. BY MAYOR PAUL V. FERNICOLA.

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

Also present were William H. Healey, Esq., Village Attorney, Marilyn Simons, 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 Regular Meeting to the Village's two official newspapers on January 14, 2016 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

Resolution 2016-56: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following Resolution be adopted:

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2016 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the total appropriations in the 2015 current fund budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,449,606.94 and

WHEREAS, 26.25% of the total appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance in said budget is the sum of \$380,521.82 and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, State of New Jersey, that the attached listing (Attachment 1 ~ 2016 Temporary Budget Worksheet) of appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

Recorded Vote:

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

Nays: None

Absent: None

PAYMENT OF BILLS

UPON MOTION of Commissioner D' Angelo, seconded by Mayor Fernicola, carried, that the payment of bills totaling \$258,896.48 for the month of May, 2016 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 Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the payment to the Township of Ocean Board of Education in the amount of \$164,347.00 for the month of May, 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 Mayor Fernicola, carried, that the minutes of the following meetings be approved:

- The minutes of the Regular Meeting held April 6, 2016;
- The minutes of the Special Meeting held April 14, 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, that the following reports and correspondence for the period ending April 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;
- MSPP Report for 2015 from Village Engineer for the Municipal Storm Water Management Regulations Program.
- Letter from the State of New Jersey, Department of Transportation stating the NJDOT is unable to provide Municipal Aid Grant for Euclid Avenue, Phase IV for fiscal year 2016.

Recorded Vote:

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

Nays: None Absent: None

OLD BUSINESS ~

Ordinance No. 2016-420 ~

The Mayor read the said Ordinance by Title and advised of its publication in its entirety in The Coaster on April 14, 2016.

ORDINANCE NO. 2016-420

AN ORDINANCE TO AMEND ORDINANCE NO. 156 and ORDINANCE 306 AMENDING THE DEFINITION OF BUILDING COVERAGE FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

Section 1. The term "Building Coverage" in Section 302 of Article 3 (Definitions) is amended to read as follows:

The square footage or other area measurement by which a building and/or structure occupies the land as measured on a horizontal plane and including the area under the roof of any structure supported by columns or walls, as measured around the extremities of the roof above the columns. The maximum building

coverage requirements permitted by this ordinance shall be the total area of all building and structures. Buildings and structures include, but are not limited to, buildings, structures dwellings, accessory buildings, garages, storage sheds, tool sheds, recreation courts, pools, pool houses, cabanas, decks, patios, driveways, walkways, and all other areas covered by stone, gravel, pavers or impervious materials.

Section 2. This Ordinance shall become effective twenty days after its final passage and publication as required by law.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the meeting be opened to the public for comments on Ordinance 2016-420 only.

Erin Dolan, Edgemont Drive, asked for a clarification of the coverage percentages.

Mark Maisto, Elberon Avenue, asked if this Ordinance would pertain to stone in a flower bed.

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

The Mayor and Commissioners had a conversation about the materials listed in the Ordinance.

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the meeting be opened to the public for comments on Ordinance 2016-420 only.

Cathy Cunniff, Euclid Avenue, spoke about pavers and if they are an impervious material.

Paul Williams, Euclid Avenue, asked for clarification of different types of pavers.

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

UPON MOTION of Mayor Fernicola, no second was made. Ordinance dies on the table.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the Ordinance be amended to omit "stone and gravel".

Recorded Vote:

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

Nays: None

Absent: None

ORDINANCE NO. 2016-420

AN ORDINANCE TO AMEND ORDINANCE NO. 156 and ORDINANCE 306 AMENDING THE DEFINITION OF BUILDING COVERAGE FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

Section 1. The term "Building Coverage" in Section 302 of Article 3 (Definitions) is amended to read as follows:

The square footage or other area measurement by which a building and/or structure occupies the land as measured on a horizontal plane and including the area under the roof of any structure supported by columns or walls, as measured around the extremities of the roof above the columns. The maximum building coverage requirements permitted by this ordinance shall be the total area of all building and structures. Buildings and structures include, but are not limited to, buildings, structures dwellings, accessory buildings, garages, storage sheds, tool sheds, recreation courts, pools, pool houses, cabanas, decks, patios, driveways, walkways, and all other areas covered by pavers or impervious materials.

Section 2. This Ordinance shall become effective twenty days after its final passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the amended Ordinance be adopted on final reading, 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

Resolution 2016-57: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following Resolution is adopted:

WHEREAS, N.J.S. 40:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and,

WHEREAS, the Village of Loch Arbour and the Borough of Deal wish to enter into an agreement whereby the Borough of Deal will provide Beach Cleaning Services to the Village of Loch Arbour effective for the 2016 Beach Season.

WHEREAS, the Board of Commissioners has duly considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Mayor of the Board of Commissioners and Acting Clerk of the Village of Loch Arbour be the same are hereby authorized to execute and deliver an agreement with the Borough of Deal for a Beach Cleaning Agreement for the 2016 Beach Season, which agreement is on file in the office of the Village Clerk at the Village of Loch Arbour Municipal Building, 550 Main Street, and available for public inspection during regular business hours.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the following:

Stephen Carasia, Borough Clerk-Administrator, Borough of Deal
Michael Mariniello, Acting CFO, Village of Loch Arbour

Recorded Vote:

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

Nays: *None*

Absent: *None*

Resolution 2016-58: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution is adopted:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that, for the protection of the general public and for the purpose of controlling the public municipal beach of the Village of Loch Arbour, known and designated as "Village Beach Club, Loch Arbour" said beach shall be closed on the following dates to all persons who have not paid certain fees in accordance with Beach ordinances of the Village of Loch Arbour:

May 28, 29 and 30. June 4, 5, 11, 12 and everyday thereafter commencing June 18 and ending September 5, 2016, inclusive,

between the hours of 9:00 AM and 6:00 PM.

BE IT FURTHER RESOLVED that no person or persons shall be permitted on said beach during the periods hereinabove set forth except after registering and upon payment of certain fees as provided in the Beach Ordinances of the Village of Loch Arbour.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2016-59: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following Resolution is adopted:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that, pursuant to Article 1, Section 2 of Village Ordinance No. 207, the bathing areas for the 2016 season of the Village Beach Club, Loch Arbour, to wit: May 28, 29 and 30. June 4, 5, 11, 12 and thereafter commencing June 18 and ending September 5, 2016, inclusive, between the hours of 9:00 AM and 6:00 PM.

"The main bathing area of the beachfront shall be between the area beginning approximately ten feet north of the old wooden groin located at the end of Euclid Ave, and ending approximately ten feet south of the small jetty at the end of Elberon Ave. These areas will be marked with a line drop and buoys marking the perimeter of the designated bathing area. The South Beach bathing area shall be located approximately ten feet south of the old wooden groin located at the end of Euclid Ave and extend to approximately ten feet north of the new Loch Arbour/Kassin Beach border. The northern perimeter of this bathing area shall be marked with a rope drop and buoys. The southern perimeter will be marked with either a rope drop and buoys or flag. Bathing and/or the use of floatable recreational devices shall be permitted in these areas only at the discretion of the beach manager, based upon weather, ocean and crowd conditions."

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2016-60: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following Resolution is adopted:

WHEREAS, the Village Clerk, in consultation with Beach Manager, John Bosmans, has recommended the following personnel for seasonal employment at the Village Beach Club commencing May 28, 2016 for the summer season of 2016; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the following persons are appointed for employment at the Village Beach Club, Loch Arbour, commencing May 28, 2016 for the summer season of 2016:

NAME	TITLE	SALARY PER HOUR	HOURS PER WEEK
Jeff Siciliano	Head Guard	13.26	48 hours
Dillon Henrichsen	Deputy Head Guard	12.24	48 hours
Frank Henry	Guard	9.87	48 hours
Patrick Parenty	Guard	9.87	40 hours
Henry Lee	Guard	9.36	48 hours
Cole Mehr	Guard	9.36	48 hours
Deandra Henry	Guard	8.84	48 hours
Sarah Nichols	Guard	8.84	40 Hours
Malia Wolf	Guard	8.67	40 Hours
Todd Ganghamer	Guard	10.20	Part Time – (as needed)
Christopher Nagy	Head Gateperson	14.28	48 hours
Michael Nagy	Gateperson	11.73	48 hours
Crosby Surmonte	Gateperson	9.10	48 hours
Arvo Lee	Gateperson	9.36	40 hours
Abigail Collins	Gateperson	8.55	40 hours
Allie Collins	Gateperson	8.38	40 hours
Ben Appio	Gateperson	8.38	40 hours
Sofia Escandon	Gateperson	8.38	40 hours

BE IT FURTHER RESOLVED that the weekly scheduled hours for each employee may be changed at the Beach Manager's discretion based upon the staffing needs of the Village Beach Club.

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

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2016-61: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, Board of Commissioners of the Village of Loch Arbour wishes to offer residents the opportunity to participate in a Village-wide Garage Sale, with no permit or fees required.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that residents may conduct a garage sale on Saturday, June 11, 2016 (raindate: June 12, 2016) between the hours of 9:00 AM and 3:00 PM.

BE IT FURTHER RESOLVED that the permit and fee requirements of Village Ordinance No. 125 are hereby waived for this event.

BE IT FURTHER RESOLVED that the Village Clerk be and she is hereby directed to advertise this sale in The Coaster and place a notice of the same on the Village's website.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2016-62: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need of Beach Mats due to the extension of the beach from the beach replenishment.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Loch Arbour that the proposal from Access Mats, Inc. to purchase 100' of beach mats in the amount of \$2,979.75 be approved.

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/DISCUSSION

A. School Tax Issue ~ Mayor Fernicola stated no further updates to the School Tax Issue.

B. Village Beach ~ request by resident.

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

WHEREAS, Erin Dolan (The Wass Family), has requested permission to hold a graduation party, at the Village Beach beginning at 6:30 PM and ending not later than 11:00 PM on Saturday, June 25, 2016 inclusive; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Erin Dolan (The Wass Family), to hold a graduation party at the Village Beach beginning at 6:30 PM and ending not later than 11:00 PM on Saturday, June 25, 2016 inclusive, subject to the following:

1. All participants to leave the beach and the removal of all debris and other trash not later than 11:00 PM on Saturday June 25, 2016 so as to avoid conflict with the daily operations of the Village Beach Staff;

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, Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: None

C. **Village Beach Club** ~ Official opening, May 28, 2016, weekends, only through June 18; beginning June 18 open daily through Labor Day, September 5, 2016.

D. **Memorial Day Ceremony** - Saturday, May 28, 2016 at 10: 30 a.m. at the entrance of the Village Beach Club.

E. **McBain Memorial** ~ A request was made by the McBain Family to have a Memorial Plaque attached to the lifeguard stand at the Village Beach for William McBain, who recently passed away.

The Mayor and Commissioners determined this will be discussed at the Executive Session.

PUBLIC HEARING

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

Cathy Cunniff, Euclid Avenue, commented the Deal DPW, is not picking up yard waste in a timely manner. Mrs. Cunniff asked about the Beach Cleaning Agreement with the Borough of Deal. Mrs. Cunniff and the Mayor and Commissioners had a discussion about how to Keep the Village Beach Clean.

Paul Williams, Euclid Avenue, commented the Beach Staff should be more forceful to implicate the rules/regulations at the Village Beach. Mr. Williams asked the Commissioners to consider a Drone Ordinance.

Remo Maisto, Elberon Avenue, asked the Commissioners to consider adopting a Hedge Ordinance.

Mark Maisto, Elberon Avenue, suggested to plant flowers in flower pots on the outside of the beach fence on Ocean Place.

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following Resolution be adopted:

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. Mayor Fernicola stated no official action will 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 Fericola

Nays: None

Absent: None

There being no further business, and UPON MOTION of Mayor Fericola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 8:40 p.m.

Marilyn Simons, RMC

Village of Loch Arbour