

**VILLAGE OF LOCH ARBOUR
MINUTES – REGULAR MEETING
THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF
LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS CONDUCTED BY**

<https://zoom.us/j/9871856747>

Meeting ID: 987 185 6747

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ON SEPTEMBER 2, 2020, CALLED TO ORDER AT 6:30 P.M. BY DEPUTY MAYOR CHESWICK

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

Also present was William Healey, Village Attorney and Marilyn Simons, Village Clerk.

The Village 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 3, 2020 and August 13, 2020 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 D' Angelo, seconded by Commissioner Cheswick, carried, the payment of bills totaling \$142,024.66 for the month of, September 2020 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried the payment to the Loch Arbour Board of Education in the amount of \$41,662.00 for the month of September, 2020 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

MINUTES

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

- Minutes of the Regular Meeting held on August 5, 2020.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, the following reports for the period ending August 31, 2020, 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/Delinquent Taxes Report for 2020
- Deal Police Department, Monthly Incident Report
- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

OLD BUSINESS –

A. Ordinance 2020-465-

**The Deputy Mayor read the Ordinance by Title, advised of its publication
in The Coaster on August 13, 2020.**

VILLAGE OF LOCH ARBOUR

**AN ORDINANCE TO AMEND ORDINANCES NOS. 207, 220, 243, 309,
345, 366, 376, 382, 2017-425 and 2019-453 OF THE VILLAGE OF LOCH ARBOUR, ENTITLED “AN
ORDINANCE TO CREATE A MUNICIPAL BEACH IN THE VILLAGE OF LOCH ARBOUR,
COUNTY OF MONMOUTH, TO MAINTAIN THE DESIGNATION OF THE BEACHES AND
REGULATE THE REGISTRATION AND ADMISSION TO THE BEACHES; FOR THE USE OF THE
MUNICIPAL BEACH AND FACILITIES
IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH”**

WHEREAS, the Village of Loch Arbour adopted an Ordinance creating a municipal beach and providing for certain regulations and guidelines for the municipal beach.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners in the Village of Loch Arbour, County of Monmouth, State of New Jersey that the Code of the Village of Loch Arbour be and is hereby further amended as follows:

ARTICLE I – DESIGNATION OF BEACHES

Section 3. No person shall be permitted on the “Village Beach” during the “bathing season” between the hours of sunrise and 6 p.m., except upon the payment of certain fees and after registration, a hereinafter provided. Notwithstanding this section, no fees shall be charged solely for access to or use of tidal waterways and their shores.

ARTICLE II – REGISTRATION AND ADMISSION TO BEACHES

Section 1. Each and every person using the Village Beach and waters adjacent thereto between the hours of sunrise and 6 p.m. during the “bathing season” shall, before using the same and before entering upon the same, display his or her beach badge to the duly authorized employee or agents of the Village of Loch Arbour employed for that purpose, giving his or her name and address and such other information as may be required by the Village or its authorized representatives. Notwithstanding this section, public access to and use of tidal waterways and their shores shall not be conditioned upon providing identification.

Section 3.

(m) Daily and seasonal badges issued under the provisions of this section shall be registered in the name of a specific person. Seasonal badges shall be transferrable at the discretion of the badge holder. Seasonal badges may be transferred from person-to-person within the categories set forth above under subsections (a) and (b).

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D’ Angelo, carried, the meeting be opened for comments on Ordinance only.

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

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D’ Angelo

Nays: None

Absent: Mayor Fernicola

UPON MOTION of Commissioner D’ Angelo, seconded by Commissioner Cheswick, carried, Ordinance 2020-465 be and the same is hereby adopted on final reading directing the Clerk to post and publish as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D’ Angelo

Nays: None

Absent: Mayor Fernicola

NEW BUSINESS –

A. Resolution 2020-14: UPON MOTION of Commissioner D’ Angelo, seconded by Commissioner Cheswick, carried the following Resolution be adopted:

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit report entitled:

GENERAL COMMENTS
RECOMMENDATIONS;

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than 45 days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52: “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition, shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Village of Loch Arbour hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Recorded Vote:

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

B. ABC License Renewals

1. Resolution 2020-15: Loch Arbour Liquors, Inc. (1324-44-002-002)

The Clerk reported the following information

- Renewal application has been completed and filed;
- Appropriate fees submitted;
- Tax clearance certificate received;
- Report received from the Borough of Deal Police Department indicating no problems with renewal.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the meeting be opened for the public hearing on the said license renewal only.

There were no comments from the public. UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the public hearing be closed.

Recorded Vote:

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

Resolution 2020-15: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, an application was made for a Plenary Retail Distribution License renewal (#1324-44-002-002) by Loch Arbour Liquors, Inc., t/a Loch Arbour Liquors, for the premises located at 541 Main Street (north store), Loch Arbour, accompanied by a check in the amount of \$1,150.00 for the required municipal license fee. A check in the amount of \$200.00 for the required State fee, was paid directly to the State of New Jersey; and,

WHEREAS, the governing body makes the following findings with respect to the Plenary Retail Distribution License to be issued by it:

1. The submitted application form is correct in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations.

3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license, and the licensed business and/or additional financing obtained in the previous license term for use in the licensed business.

NOW, THEREFORE, BE IT RESOLVED, as follows:

That a Plenary Retail Distribution License, State assigned license number 1324-44-002-002, for the period July 1, 2020 through June 30, 2021, both dates inclusive, be issued to Loch Arbour Liquors, Inc., t/a Loch Arbour Liquors, for the premises located at 541 Main Street (north store), Loch Arbour, New Jersey; and,

BE IT FURTHER RESOLVED that the Village Clerk be and she is hereby authorized and directed to execute and deliver said license certificate to the aforementioned applicant; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Loch Arbour Liquors, Inc. t/a Loch Arbour Liquors, and to the Alcoholic Beverage Control of the State of New Jersey.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

2. Resolution 2020-16: 601 Main Hospitality, LLC t/a Deal Lake Bar + Co., (1324-33-001-017)

The Clerk reported the following information

- Renewal application has been completed and filed;
- Appropriate fees submitted;
- Tax clearance certificate received;
- Report received from the Borough of Deal Police Department indicating no problems with renewal.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, the meeting be opened for the public hearing on the said license renewal only.

There were no comments from the public. UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the public hearing be closed.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

Resolution 2020-16: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, an application was made for a Plenary Retail Consumption License renewal (#1324-33-001-017) from 601 Main Hospitality, LLC t/a Deal Lake Bar + Co. for the premises located at 601 Main Street, Loch Arbour, accompanied by a check in the amount of \$2,000.00 for the required municipal license fee. A check in the amount of \$200.00 for the required State fee; was paid directly to the State of New Jersey and,

WHEREAS, the governing body makes the following findings with respect to the Plenary Retail Consumption License to be issued by it:

1. The submitted application form is correct in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license, and the licensed business and/or additional financing obtained in the previous license term for use in the licensed business.

NOW, THEREFORE, BE IT RESOLVED, as follows:

That a Plenary Retail Consumption License, State assigned license number 1324-33-001-017, for the period July 1, 2020 through June 30, 2021, both dates inclusive, be issued to 601 Main Hospitality, LLC t/a Deal Lake Bar + Co., for the premises located at 601 Main Street, Loch Arbour, New Jersey with the following special conditions to address the documented problems of prior inappropriate behavior by rowdy patrons leaving the premises in the early morning hours, and prior inappropriate behavior by certain staff members:

1. Within six months of the date of adoption of this resolution, all current bar staff and employees shall attend the Techniques of Alcohol Management (TAMS) training provided by the New Jersey Licensed Beverage Association. New staff members and employees shall attend the TAMS training within six months of initial hire date.
2. Within thirty (30) days of the initial hire date, new staff members and employees shall register with and be photographed by the Borough of Deal Police Department.

3. On an annual basis, all other employees and staff members shall register with and be photographed by the Borough of Deal Police Department.
4. The establishment shall ban problem customers from the premises for a period of one year.
5. Occupancy of the patio area, including bar stools, dining tables and standees, shall not exceed 90 people at any time.
6. Live entertainment shall end at 1:00 AM.
7. Employees of the licensed premise shall make inspections on Friday, Saturday, Sunday and Monday mornings before 11:00 AM along Main Street and Euclid Avenue to Page Avenue for the purpose of removing debris left by departing patrons.

BE IT FURTHER RESOLVED that the Licensee hereby stipulates that he accepts these conditions without appeal to the Director of the Division of Alcohol Beverage Control.

BE IT FURTHER RESOLVED that the Village Clerk be and she is hereby authorized and directed to execute and deliver said license certificate to the aforementioned applicant; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to 601 Main Hospitality, LLC., t/a Deal Lake Bar + Co. and to the Alcoholic Beverage Control of the State of New Jersey.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

C. Resolution 2020-17: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Board of Commissioners authorized and awarded a contract to S. Batata Construction, on February 12, 2020 for the Project known as Improvements to Euclid Avenue, Phase IV; and,

WHEREAS, and changes from the contract plans and specifications have been made: sealer – concrete roadway, pavement milling, hot mix asphalt to enhance the road project; and,

WHEREAS, there is a decrease per the contract in the amount of -\$3,604.00 and an increase to the contract price in the amount of +\$18,240.00 for a net change in contract in the amount of \$14,636.00; and,

WHEREAS, the Board of Commissioners has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Change Order and Supplemental Agreement No. 1 as referenced above totaling increase in the amount of \$14,636.00 to the initial contract amount which is now \$119,028.00, between S. Batata Construction, Inc. and the Village of Loch Arbour for the Project known as Improvements to Euclid Avenue, Phase IV is hereby approved as Change Order and Supplemental Agreement No. 1.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

D. Resolution 2020-18: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, the Village Clerk, in consultation with Beach Manager, has recommended the following personnel for seasonal employment at the Village Beach Club for the summer season of 2020, for a part-time, as needed position; and,

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

1. The following person is appointed for employment at the Village Beach Club, Loch Arbour, for the summer season of 2020:

NAME	TITLE	SALARY PER HOUR	HOURS PER WEEK
Jonathan Goldfarb	Lifeguard	12.50	Part-time as needed

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

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

Nays: None

Absent: Mayor Fernicola

UPDATES/DISCUSSION

A, Next Scheduled Monthly Meeting – Wednesday, October 7, 2020 at 6:30 pm

B. Tent and Bathroom Facility Request – David Dweck and Congregation Magen David of Manhattan requested permission to erect a 40' x 60' tent behind the pavilion at the Village Beach Club Parking Lot, from September 16, 2020 through September 30, 2020 for the purpose of having religious services for Rosh Hashanah and Yom Kippur Jewish Holidays. Mr. Dweck stated a floor would be installed and 200 chairs set up underneath the tent. Mr. Dweck has offered to pay the Village for rental of the parking lot in the amount of \$5,000. He specified the dates and times of the services. This matter was discussed, at length. It was determined that the Clerk would contact Mayor Fernicola with the particulars of this request and a decision will be made by Friday, September 4, 2020, by the Mayor and Commissioners.

C. Clean Ocean Action Fall Beach Sweeps – scheduled for Saturday, October 24, 2020 9 am – 12:30 pm. Participants are urged to wear hats, boots, sunscreen and bring gloves.

PUBLIC HEARING

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

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

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

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

Marilyn Simons, RMC
Village Clerk