

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, ON WEDNESDAY, JANUARY 9, 2023 AT 6:30 P.M. AND WAS CONTINUED AFTER THE REORGANIZATION MEETING

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

Recorded Vote:

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

NEW BUSINESS

The following Resolution may be moved by a single motion. Any Commissioner may request that any item be removed from the Consent Agenda for discussion.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolutions be adopted:

Resolution 2023-28: WHEREAS, there is a need of Janitorial Services at the Village Municipal Building; and WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2023 Temporary Appropriations of the Village and provision will be made this contract in the finally adopted 2023 budget.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Asbury Park Window Cleaning Co., be hereby awarded the contract for 2023 Janitorial Services renewal at the annual cost of \$2,460.00.

BE IT FURTHER RESOLVED, that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be supplied to Asbury Park Window Cleaning Co.

Resolution 2023-29: WHEREAS, the Village of Loch Arbour is in need of professional services to maintain its computer hardware, software and internal network; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2023 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2023 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Cross Over Networks be hereby awarded the contract for 2023 network support and maintenance services, Anti-Virus and Backup Charges at the annual cost of \$3,610.80.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Cross Over Networks.

Resolution 2023-30: WHEREAS, there is the need for the provision of Animal Warden/Control Services in the Village as the current contract with the Associated Humane Societies expired on December 31, 2022; and,

WHEREAS, funds are available in the Village's 2023 Temporary Budget and will be appropriated in the Village's finally adopted 2023 Budget for this purpose and the Chief Financial Officer has so certified.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Associated Humane Societies be and the same is hereby retained as Animal Warden for the Village of Loch Arbour for the one-year period commencing January 1, 2023 through December 31, 2023, inclusive, at the annual cost of \$800.00.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be hereby authorized to execute said Agreement on behalf of the Village.

BE IT FURTHER RESOLVED that a certified copy of this resolution by forwarded with the executed Agreement to the Associated Humane Societies.

Resolution 2023-31: WHEREAS, the Village of Loch Arbour is in need of professional services to maintain its elevator at the Village Municipal Building; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2023 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2023 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Sharp Elevator Company, Inc., be hereby awarded the contract for 2023 maintenance services at the annual cost of \$1,584.00.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Sharp Elevator Company, Inc.

Resolution 2023-32: WHEREAS, the Village of Loch Arbour is in need of professional services to provide payroll processing services; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2023 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2023 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Casa Payroll Services be hereby awarded the contract for 2023 payroll processing services at the annual cost as per the 2023 Service Agreement.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Casa Payroll Services.

Resolution 2023-33: WHEREAS, the Jersey Shore Running Club has requested permission to use Village streets for the RunAPalooza road race to Benefit Special Olympics, to be held on Saturday, April 1, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to the Jersey Shore Running Club; to use Village streets for the RunAPalooza road race to Benefit Special Olympics to be held on Saturday, April 1, 2023, 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 March 15, 2023 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 runners and pedestrians.
4. Traffic control devices, i.e., cones or barricades, must be supplied by the Jersey Shore Running Club to be set-up and removed as necessary by personnel supplied by the Jersey Shore Running Club;
5. Execution of the required Hold Harmless Agreement.

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

1. Jersey Shore Running Club
2. Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2023-34: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, National MS Society- New Jersey Metro; has requested permission to use Village streets for Bike MS: Coast the Coast fundraiser to be held on Saturday, May 13, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to National MS Society – New Jersey Metro to use Village streets for Bike MS: Coast the Coast fundraiser to be held on Saturday, May 13, 2023, 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 May 1, 2023 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 bikers and pedestrians.
4. Traffic control devices, i.e., cones or barricades, must be supplied by National MS Society – New Jersey Metro to be set-up and removed as necessary by personnel supplied by National MS Society – New Jersey Metro;
5. Execution of the required Hold Harmless Agreement.

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

1. National MS Society – New Jersey Metro
2. Chief Ronen Neuman, Borough of Deal Police Department

Resolution 2023-35: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, Clean Ocean Action has requested permission to conduct the Spring Beach Sweeps to be held on Saturday, April 1, 2023 and Fall Beach Sweeps to be held on Saturday, October 21, 2023 at the Village Beach from 9:00 AM to 12:30 PM; and,

WHEREAS, the Board of Commissioners support the efforts of Clean Ocean Action to preserve and protect our fragile shore environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Clean Ocean Action to conduct the Spring Beach Sweeps on Saturday, April 1, 2023 and Fall Beach Sweeps on Saturday, October 21, 2023 to be held at the Village Beach from 9:00 AM to 12:30 PM; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Clean Ocean Action.

Recorded Vote:

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

Ordinance 2023-482 – introduction

ORDINANCE #2023-482

AN ORDINANCE TO AMEND ORDINANCE 2020-463 ENTITLED “AN ORDINANCE ESTABLISHING AND REGULATING PARKING FOR SPECIAL EVENTS FOR ON STREET PARKING AND IN THE VILLAGE’S PARKING LOT; AND FOR THE RENTAL OF THE VILLAGE’S PARKING LOT DURING SPECIAL EVENTS, IN THE VILLAGE OF LOCH ARBOUR COUNTY OF MONMOUTH

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AS FOLLOWS:

Section 1: Section 3 of Ordinance 2020-463, Rental of the Village’s Parking Lot is amended and supplemented to read as follows:

The Village’s Parking Lot may be rented from 6:00 p.m. to 12:00 a.m. midnight, at the rate of \$1,000.00 per day.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance 2023-482 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 February 1, 2023.

Recorded Vote:

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

Ordinance 2023-483 – introduction

ORDINANCE NO. 2023-483

AN ORDINANCE TO AMEND ORDINANCES NOS. 207, 220, 243, 309, 345, 366, 376, 382, 2017-425, 2020-453, 2020-459 and 2021-467 OF THE VILLAGE OF LOCH ARBOUR ENTITLED “AN ORDINANCE TO CREATE A MUNICIPAL BEACH IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, TO REGULATE AND PROVIDE FUNDS TO IMPROVE AND MAINTAIN THE MUNICIPAL BEACH AND FACILITIES, AND TO INCREASE THE FEES AND CHARGES IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH”

BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:

ARTICLE II – REGISTRATION AND ADMISSION TO BEACH is amended and supplemented to read as follows:

Section 3.g. Beginning April 1, 2023, the fee for a 7-day seasonal parking permit, when available, shall be:

(a) Village of Loch resident fee: **\$250.00**

(b) Non-Resident Fee: **\$425.00**

ARTICLE VII – REPEAL, SEVERABILITY is amended as follows:

Section 1. All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 2. If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this Ordinance shall be deemed valid and effective.

Section 3. Effective Date: This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2023-483 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 February 1, 2023.

Recorded Vote:

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

Nays: None

Absent: None

Ordinance 2023-484 – introduction

ORDINANCE #2023-484

AN ORDINANCE ENTITLED “AN ORDINANCE ESTABLISHING AND REGULATING LEAD BASED PAINT HAZARD AND RENTAL PROPERTIES IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH

Building and Housing

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AS FOLLOWS:

Section 1. Lead-based Paint Hazards and Rental Properties is to read as follows:

13-5.1 Definitions

- a. “Dust Wipe Sampling” means a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.
- b. “Tenant Turnover” means the time at which all existing occupants vacates a dwelling unit and all new tenants move into the dwelling unit.
- c. “Visual Assessment” means a visual examination for deteriorated paint or visible surface, dust, debris or residue.
- d. “Municipality” means Village of Loch Arbour.
- e. ‘Permanent Local Agency’ means the Village of Loch Arbour Code Enforcement Department (hereinafter referred to as “Loch Arbour Code Enforcement)

13-5.2 Administration

The Loch Arbour Code Enforcement shall serve as the Department to conduct inspections and enforce laws and Ordinances and Regulations under this Ordinance. Loch Arbour Code Enforcement shall conduct a visual inspection of all required dwellings.

If Loch Arbour Code Enforcement is unable to carry out inspections due to the lack of expertise or certification and enforcing Laws, Ordinances and Regulations concerning buildings and structures within the Village of Loch Arbour, for purposes of this Ordinance, Loch Arbour Code Enforcement shall, through the Village of Loch Arbour, hire a lead evaluation contractor; certified to provide lead-paint inspection services by the Department of Community Affairs, to inspect.

An inspection by Loch Arbour Code Enforcement upon tenant turnover shall not be required if the dwelling owner or landlord directly hires a lead evaluation contractor who is certified to provide lead-based paint inspection services by the Department of Community Affairs to satisfy the requirements of 13-5.3 and 13-5.4.

13-5.3 Required Initial Inspection

The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

13-5.4 Required Recurring Inspection

After the initial inspection required by Section 13-5.3, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

13-5.5 Standards

Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1, et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

13-5.6 Exceptions

A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint; or
- b. was constructed during or after 1978; or
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13A-1, et seq. or
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six months' duration each year by tenants that do not have consecutive lease renewals; or
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

13-5.7 Identified Lead-based Paint Hazards

If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Village's Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

13-5.8 Non Lead-base Paint Hazards

If no lead-based paint hazards are identified, then the Village's Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Village's Code Enforcement Officer. The Village Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

13-5.9 Property Owner Responsibilities

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Village of Loch Arbour at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.

- c. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

13-5.10 Fees

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 13-5.3 and 13-5.4 in which case no additional Lead-Based Paint inspection fee shall be paid.
- b. Upon the Village's need to hire a lead evaluation contractor, any inspection fee shall be the responsibility of the dwelling owner or landlord.
- c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

13-5.11 Violations and Penalties

Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

- a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- b. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect upon passage and publication according to law.

UPON MOTION OF Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2023-484 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 February 1, 2023.

Recorded Vote:

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

Nays: None

Absent: None

Ordinance 2023-485 – introduction

ORDINANCE #2023-485

AN ORDINANCE TO AMEND ORDINANCE 67, 313 and 330, ENTITLED "AN ORDINANCE PROVIDING FOR THE REGULATION AND CONTROL OF VEHICULAR TRAFFIC AND PARKING UPON THE STREETS, HIGHWAY AND ROADS IN THE VILLAGE OF LOCH ARBOUR COUNTY OF MONMOUTH AND PROVIDING PENALTIES FOR THE VIOLATION.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AS FOLLOWS:

Section 1. Article 3, Section 302 of Ordinance 67 – Parking Prohibitions, Limits and Methods is amended as follows:

When appropriately signed, no person shall park a vehicle for a period of more than 20 minutes continuously between the hours of 8:00 am and 8:00 pm on the following street located in the Village of Loch Arbour:

- (a) Along the west side of Main Street beginning with its intersection with Edgemont Drive and thence running in a northerly direction to the Borough of Allenhurst Boundary Line.

Section 2. Violations and Penalties

- (a) Unless another penalty is expressly provided by the statutes of the State of New Jersey, any person violating or causing to be violated any of the provisions of this Ordinance shall be subject to a fine of not less than two hundred fifty (\$250.00) dollars and not more than One Thousand Two Hundred Fifty (\$1,250.00) Dollars.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2023-485 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 February 1, 2023.

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/DISCUSSION

A. Next Commissioners Meeting is scheduled for February 1, 2023 at 6:30 p.m.

B. Kiely Pavilion Lease – presentation by Alberto Smeke, James Kiely Pavilion, LLC., regarding renovations to the Village of Loch Arbour Kiely Pavilion Snack Bar Area.

Alberto Smeke, Sal Smeke and David Mizrahi, Salt Restaurant, appeared to discuss the proposed renovations to the Loch Arbour Kiely Pavilion Snack Bar Area. Alberto Smeke bought a house in Loch Arbour last year. His family has lived in Loch Arbour for many years. Mr. Smeke's main goal is to give this establishment a total makeover and make it a success for the Village of Loch Arbour. He discussed the renovations he would like to make to the Pavilion.

1. The only structural change would be to remove the knee walls on the east side of the building,
2. Vending machines – for easy access to food. Self-checkout. There will be counter service for hamburgers, hot dogs, etc.
3. Breakfast, lunch and dinner will be served, weather permitting.
4. The establishment would remain open daily from 6 pm to 9 pm to serve dinner. Mr. Smeke is proposing to have 60 seats outside of the pavilion, on the deck and on the sand. All paper products used will be environmentally friendly. Tiki torches will be used for lighting.

Mr. Smeke inquired, because of the extent of the renovations he is proposing, at his expense, if he could extend the Lease to a 20 year term.

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

Robert Fernicola, Euclid Avenue, is opposed to any exterior seating and staying open past 6 pm daily for dinner service.

Melanie Nowlin, Edgemont Drive, is opposed to this plan. Ms. Nowlin stated there is already a parking issue in the Village and staying open after hours will make the parking more difficult in the Village.

Cathy Cuniff, Euclid Avenue, inquired about the non-profit 501C status.

Remo Maisto, Elberon Avenue, is opposed to the project.

Margot Fernicola, Euclid Avenue, is opposed to the project – she is opposed to changing the façade of the building. She is opposed to extended hours. Ms. Fernicola is concerned about the additional garbage, due to the extended hours and the vendor proposing to use all paper products.

Mary Farrar, Euclid Avenue, is concerned about the additional parking.

Andy, Euclid Avenue, is concerned for the private properties that are located near the facility.

Mr. Smeke proposed he update the whole kitchen facility with new appliances. Mr. Smeke is willing to compromise on the proposed renovations. If the 2 year lease, with the 3rd year option, is imposed, he would not do the extensive renovations to the pavilion, but will fulfill the lease obligation.

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

Recorded Vote:

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

Nays: None

Absent: None

Mayor Fernicola stated, by law, the Mayor and Commissioners cannot extend the Lease, unless the Lease was rebid with the exact specifications.

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

WHEREAS, the current Lease holder to operate the James V. Kiely Pavilion has proposed extending the hours of operation from 10:00 am to 9:00 pm every day;

WHEREAS, the current Lease holder to operate the James v. Kiely Pavilion has proposed extending the Lease from a 2-year lease, option for a 3rd year, to a 20 year lease.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the proposed extension of hours is hereby denied.

BE IT FURTHER RESOLVED, that the request to extend the Lease is hereby denied.

Recorded Vote:

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

Nays: None

Absent: None

PUBLIC HEARING:

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

Robert Fernicola, asked the Mayor and Commissioners to consider a resident parking permit.

Melanie Nowlin, Edgemont Drive, inquired about the status of the proposed Tree Ordinance.

Margot Fernicola, Euclid Avenue, representative of the Deal Lake Commission, inquired about the snow fencing at the Village Beach.

UPON MOTION, Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, the meeting be closed to the public.

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 D' Angelo, that the meeting be adjourned at 8:20 p.m.

Marilyn Simons, RMC
Village Clerk