

VILLAGE OF LOCH ARBOUR

MINUTES –REGULAR MEETING

APRIL 5, 2023

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, APRIL 5, 2023 AT 6:30 P.M.

Salute to the Flag. Present were Commissioner Cheswick, Commissioner D’ Angelo, Mayor Fernicola.

Also present was William Healey, Esq., 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 10, 2023 posting the notice on the office bulletin board of the same date and filing a copy of this notice in the Clerk’s office.

Sam Avakian, Village Planning Board Engineer – Discussed recommendations from the Loch Arbour Planning Board for potential Land Use Ordinance changes regarding Front Porches, Parking Requirements, and Soil Borings for new Pool installations. There was a lengthy discussion regarding the three proposed development Ordinances.

The Planning Board is looking to amend the definition of a front porch and lot coverage. The change would allow the footprint of the front porch to be calculated and included in the total lot coverage and not as building coverage. Also, the Planning Board also requested that there be no habitable space above the porch or basement space, and address the minimum depth of the porch, currently a minimum of 8 feet.

The Planning Board is looking to amend the requirement for pool construction to include a soil boring prior to construction to be reviewed by the Board and Professionals. Also discussed was historical groundwater mapping.

The Planning Board requested amending the off-street parking requirements for Land Use Applications. Ms. Appello and Mr. Avakian spoke to the Mayor and Commissioners regarding the RSIS Standards presently, and the 3 options how the Village can revise the parking definition and requirements for a Residential Site.

After a lengthy discussion it was agreed to by the Mayor and Board of Commissioners, Mr. Avakian will draft up three separate Ordinances for further review by the Board.

BILLS

UPON MOTION of Mayor Fernicola, seconded by Commissioner D’ Angelo, carried, that the payment of bills totaling \$ 14,544.38. for the month of April, 2023 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 Commissioner Cheswick, seconded by Commissioner D’Angelo, carried, that the payment to the Loch Arbour Board of Education in the amount of \$41,662.00 for the month of April, 2023 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 D’ Angelo, seconded by Commissioner Cheswick, carried, that the minutes of the following meeting are hereby approved:

- Minutes of the Regular Meeting and Executive Session held on March 1, 2023

Recorded Vote:

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

Nays: None

Absent: None

REPORTS

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following Reports for the period ending March 31, 2023 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 2023
- Borough of Deal Police Dept. Monthly Incident Report

Recorded Vote:

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

Nays: None

Absent: None

CORRESPONDENCE

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following Correspondence, on file in the Village Clerk's office, be and the same is hereby ordered received and filed:

- Monmouth Regional Health Commissioner No. 1, agenda and various reports/correspondence;
- Bulletin from the Municipal Excess JIF regarding Local Government Unit Websites;
- Letter from Monmouth County Clerk launching a new initiative to preserve Government Records from the recent public health crisis (COVID-19)

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS -

- A. Ordinance 2023-486 The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on May 9, 2023.

ORDINANCE NO. 2023-486

AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2023

MUNICIPAL BUDGET APPROPRIATION LIMITS AND

TO ESTABLISH A CAP BANK

(N.J.S.A. 40A:4-45.14)

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour as follows:

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Village of Loch Arbour in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 1% increase in the budget for the said year, amounting to \$7,619.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Village of Loch Arbour shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$26,668.88 and that the CY 2023 municipal budget for the Village of Loch Arbour be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the meeting be opened for comments on Ordinance 2023-486 only.

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

Recorded Vote:

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

Nays: None

Absent: None

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried Ordinance 2023-486 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, Mayor Fernicola

Nays: None

Absent: None

B. Ordinance 2023-487 The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on May 9, 2023. Said Ordinance will be considered for adoption at the next Commissioners Meeting scheduled for May 3, 2023.

There was a lengthy discussion regarding the size of the tree to be included in the Ordinance.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that Ordinance 2023-487 be amended under Section 2 – Definitions

Heritage Tree – shall mean any tree with a circumference of 19 inches (changed from 6 inches) or more.

Recorded Vote:

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

Nays: None

Absent: None

VILLAGE OF LOCH ARBOUR ORDINANCE NO. 2023-487

An Ordinance Entitled “An Ordinance Establishing a “Protection of Trees” 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:

ESTABLISHING AN ENFORCEMENT OFFICER

ARTICLE 1

Section 1. Purpose. The purpose of this Ordinance is to enhance the Village's aesthetic environment and quality of life; aid in the stability of the soil by the prevention of erosion and sedimentation; reduce storm water runoff and the resulting costs of same; help the air quality in the Village with the production of oxygen and the removal of carbon dioxide; provide a buffer and screen against noise; provide shade; aid in the control of drainage; provide a haven for wildlife; protect and increase property values and conserve and enhance the Village's unique qualities.

Section 2. Definitions.

Village property shall mean any and all land designed by the Village Tax Map as land owned solely and exclusively by the Village of Loch Arbour, including but not limited to Village parks and Village property or rights-of-way located between the sidewalks and curbs.

Circumference at breast height shall mean the circumference of the main stem of a tree measured at a point on the stem four and one-half (4 ½) feet above ground.

Tree shall mean any woody perennial plant having a single stem diameter minimum of two (2) inches measured at a point six (6) inches above the ground.

Section 3. Prohibited Acts. No person shall do or cause to be done any of the following acts on Village-owned property, right-of-way, street, road, highway, park or parkway without the recommendation and approval of ENFORCING OFFICER.

- a. Cut, trim break, remove, climb with spikes, disturb the roots or otherwise intentionally injure, misuse or spray with harmful chemicals any tree two (2) inches or more in diameter measured six (6) inches above the ground or remove any device installed to support or protect such trees.
- b. Plant any tree.
- c. Fasten any rope, wire, electrical equipment, sign or other device to a tree or install any guard about such a tree.
- d. Pile, heap or store any building materials, soil, debris or other matter or make mortar or cement within a distance of three (3) feet of a tree.
- e. Cause any oil, gas or other injurious chemical to come in contact with the trunk or roots of any tree.

Section 4. Exemptions. Reasonable pruning of trees by utility companies necessary to provide for line clearance for utility wires shall be exempt from the provisions of this chapter.

Section 5. Rights of other Authorities and Contractors. No statute giving an individual or State or Municipal Board, body or official, power or authority to lay any sidewalk along, or to

open, construct curb or pave any street or do any like act shall be held or construed or permit or authorize any interference with or injury to a highway shade tree with the consent of the ENFORCING OFFICER; provided that, in all cases the ENFORCING OFFICER, shall reasonably cooperate with such individual board, body or official for the general public good.

ARTICLE II

Section 1. Tree Preservation and Removal. The purpose of this Ordinance is to prevent indiscriminate, uncontrolled, and excessive destruction, Removal, and Clear Cutting of trees upon lots and tracts of land within the Village of Loch Arbour in order to maintain the aesthetic character of the Village of Loch Arbour, prevent erosion, and control actions that will substantially change drainage patterns, and restrict actions that will cause a hazard to persons or property.

Section 2. Definitions

Clear Cutting – the removal of all standing trees on a site or portion of a site.

Emergency – any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property.

Heritage Tree – shall mean any tree with a circumference of **19 inches** or more.

Public Right-of-Way – any street or road shown upon a map or plan filed in the Monmouth County Clerk's office or on the Official Map of the Village of Loch Arbour.

Removal – the actual removal of trees, or direct or indirect actions resulting in the effective removal of trees through damage or poison, or similar actions directly or indirectly resulting in the death of trees subject to the provisions of this Ordinance. Moving a tree to a different location on the same property does not constitute removal. Removal shall not include pruning for maintenance purposes.

Site – any lot, tract, parcel or parcels of land within the Village.

Tree Removal Permit – a certificate issued by the Village to remove trees as defined in this section.

Undisturbed Area – an area in which trees, shrubs, and understory will not be disturbed by filling, cutting or by any other means.

Section 3. Tree Removal Prohibited. No person shall remove, or cause to be removed, any Heritage Tree upon any lands within the Village of Loch Arbour except as follows:

1. Trees that are to be removed as the direct result of a Development Application that has been approved by the Village of Loch Arbour Planning Board.
2. Any trees cut or removed in accordance with a “management plan” developed by the New Jersey Department of Environmental protection, Bureau of Forestry, filed with the Clerk of the Village of Loch Arbour.
3. Trees directed to be removed by municipal, county, state or federal authority.
4. Trees that are to be removed as a result of the issuance of a Tree Removal Permit.

No person shall remove any tree growing or over a Public Right of Way or public land with the express written consent of the municipal authority.

Section 4. Tree Removal Permit – A Tree Removal Permit shall be required for the Removal of any Heritage Tree, as follows:

1. Heritage Trees that are dead severely damaged, or in an advanced state of decline by natural causes or accident other point that the natural habit of the Heritage Tree cannot be restored as determined by a NJ Licensed Tree Expert or competent Public Authority; Heritage Trees that are severely diseased and require Removal as certified by a NJ Licensed Tree Expert or competent Public Authority; or Heritage Trees that pose an imminent public safety hazard as determined by a NJ Licensed Tree Expert or competent Public Authority.
2. Heritage Trees required to be removed subject to a construction permit as issued by the construction official for construction of new residences, additions to residences, or the construction of swimming pools or other accessory buildings or structures that are not the subject of Planning

Board application approvals. Such trees shall clearly be shown on the construction plans and identified by size and the Removal of same shall, in the opinion of the construction official or his designee, clearly be necessary for the construction of the subject building or structure.

3. Heritage Trees may only be removed for compelling reasons based on the totality of the circumstances. The ENFORCING OFFICER or his/her designee shall use best efforts to reach a determination that fairly takes into account the objectives of this ordinance and the concerns of the applicant. In evaluating a Tree Removal Permit application. The ENFORCING OFFICER or his/her designee may consider, without limitation, the following factors.
 1. The health of the tree;
 2. Impact of tree Removal on ecological systems;
 3. Impact of tree Removal on wildlife;
 4. Topography of the area and drainage impact;
 5. Impact of tree Removal on noise; light or air quality;
 6. Density of tree area;
 7. Overall effect of tree Removal on the physical and aesthetic value of the property;
 8. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.

Section 5. Tree Removal Permit Requirements: Application Form: An application form can be obtained from the Village Clerk and shall include the following information:

1. Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation).
2. Description of the premises where Removal is to take place, including lot and block numbers, and street address as assigned if different than the address of the owner;
3. Purpose of Heritage Tree Removal;
4. In addition to the application form, a survey or diagram showing the approximate location and size of Heritage Trees exist on the lot and identifying those trees to be removed.
5. If a Heritage Tree is removed under the requirements of Section 4, a mitigation plan must be submitted which will provide for the replacement of all removed heritage trees by planting a tree of 3" to 3 ½" caliper with a similar mature height or a fee to the Village of Loch Arbour in the amount of \$500.00 per tree removed.
6. For any Heritage Trees to be removed under the requirements of Section 4, a replacement plan must be submitted showing the planting of trees for any Heritage Tree Removal. The replacement trees must be a minimum caliper of 3" to 3 ½" with a similar mature height or a fee to the Village of Loch Arbour in the amount of \$500.00 per tree removed.
6. These plans must be submitted and approved by the ENFORCING OFFICER or his/her designee prior to the issuance of any permits.

Section 6. Fees – Upon the filing of an application with the ENFORCING OFFICER for a Tree Removal Permit under the terms of this section, the applicant shall pay an application fee of \$25.00. An application may include more than one Heritage Tree within a single application fee.

Section 7. Permit Approval

1. Time limits for action.
 - a. The ENFORCING OFFICER or his/her designee shall act on an application for Tree Removal permit within thirty (30) days of the receipt of a complete application. Failure to act within thirty (30) days shall be deemed to be an approval of the application and thereafter, a Tree Removal Permit shall be issued.
2. Duration of Permits
 - a. If granted for a lot or parcel of land for which no building permit is required 3 months from the date of issuance.

- Section 8. Completion.** The holder of a Tree Removal Permit shall notify the ENFORCING OFFICER when the tree Removal has been completed and when replacement trees, as required, have been planted.

Section 10. Protection of Existing Trees. In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective

Section 11. Emergency Action. In the event of an Emergency, any person otherwise subject to this section, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient, unhealthy or obnoxious conditions resulting from the Emergency, may, without first applying for and obtaining a permit under this section, take any lawful action which is otherwise a regulated activity. However, such person or the agent or designee of such person, shall apply for a Tree Removal Permit not later than the end of the second succeeding business day after any regulated activity takes place and may not proceed with non-Emergency work including restoration, until a permit is obtained.

Section 12. Penalties. When regulated trees are removed without a Tree Removal Permit, the affected areas shall be replanted as required by the Enforcing Officer or his/her designee. Any person guilty of violating any of the provisions of this section shall be subject to a fine not exceeding \$1,250.00 per removed tree. Each Heritage Tree removed or destroyed in violation of this section shall be considered a separate violation.

Section 13. This Ordinance shall take effect immediately upon passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that REVISED Ordinance 2023-487 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 May 3, 2023.

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

NEW BUSINESS

Resolution 2023-49: UPON MOTION OF Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following resolution be adopted:

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023:

Appropriations within "CAPS"	
Municipal Purposes	\$ 774,189.24

Appropriations excluded from "CAPS":
Municipal Purposes \$ 431,700.50

Reserve for Uncollected Taxes	\$ 76,716.27
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Total General Appropriations \$ 1,282,606.01

Less: Anticipated Revenues other than current property tax \$ 652,206.01

Difference: Amount to be raised by Taxes for Support of Municipal Budget as follows:

Local tax for Municipal Purposes including Reserve for Uncollected Taxes \$ 630,400.00

BE IT ALSO RESOLVED, that said Budget be published in the Coaster in the issue of **April 13, 2023**; and

BE IT FURTHER RESOLVED, that the Governing Body of the Village of Loch Arbour does hereby approve the following as the Budget for the year 2023.

BE IT FINALLY RESOLVED that a Hearing on the Budget and Tax Resolution will be held at the Village Municipal Building on May 3, 2023 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

Recorded Vote:

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

Nays: None Absent: None

Resolution 2023-50: UPON MOTION OF Mayor Fernicola, seconded by, Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the State of New Jersey, Department of Environmental Protection has notified all municipalities of the availability of funding for eligible MS4 permittees; and

WHEREAS, the Village of Loch Arbour is desirous of submitting an application under this program for the following purpose:

- Existing Tier A Municipalities can apply for up to \$25,000. to develop a Stormwater Infrastructure Map.

NOW, THEREFORE, BE IT RESOLVED by the Village Commissioners of Loch Arbour, County of Monmouth, State of New Jersey, formally approve the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Village Engineer and Municipal Clerk are hereby authorized to submit an electronic grant application identified as NJDEP Stormwater Assistance Grant Application to the New Jersey Department of Environmental Protection on behalf of the Village of Loch Arbour; and

FURTHER BE IT RESOLVED that the Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Loch Arbour and that her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Recorded Vote:

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

Nays: None Absent: None

Resolution 2023-51: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution is adopted.

WHEREAS, Robert Wiener, Page Avenue, Loch Arbour requested permission to have his band practice on the north deck of the Kiely Pavilion, with an open date between April 15, 2023 and May 26, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey that permission is granted to Robert Wiener to hold his band practice on the north deck of the Kiely Pavilion, subject to the following:

1. The date will be between April 15, 2023 and May 26, 2023. Mr. Wiener will inform the Village Clerk a day prior to the event happening.
2. The event will be between the hours of noon and dusk.
3. The speaker/amp will face the ocean and the band will practice on the north deck of the Kiely Pavilion.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2023-52: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, USDA Wildlife Services has an Agreement with the Deal Lake Commission and has requested permission to look for nests and addle their eggs to prevent hatching along Deal Lake in the Village of Loch Arbour; and,

WHEREAS, the Board of Commissioners support the efforts of the Deal Lake Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour authorizes the Municipal Clerk to sign the Agreement from the USDA Wildlife Services to look for nesting Canada Geese and addle their eggs to prevent hatching along Deal Lake in the Village of Loch Arbour; and,

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

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: Commissioner D' Angelo Absent: None

Mayor Fernicola added the following Resolution to the Agenda

Resolution 2023-53: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, Clean Ocean Action has requested permission to reschedule the Spring Beach Sweeps for Saturday, April 15, 2023 (originally scheduled for Saturday, April 1, 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 the rescheduled date of Saturday, April 15, 2023; 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

UPDATES/DISCUSSION

A. Next Commissioners Meeting is scheduled for May 3, 2023 at 6:30 p.m.

PUBLIC HEARING:

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

Remo Maisto, Elberon Avenue, asked what the cost would be to map the aquifers in the Village. Sam Avakian responded approximately \$65,000.

Erin Dolan, Edgemont Drive, discussed the pool situation in the Village.

Margot Fernicola, Euclid Avenue, is in favor of soil boring testing. Mr. Avakian discussed the procedure regarding the soil borings.

Remo Maisto, Elberon Avenue, discussed the Budget with the Mayor.

Margot Fernicola, Euclid Avenue, stated she participated in the Deal Lake Clean-up on Edgemont Drive and discussed the speeding on Edgemont Drive. She also stated a duck was hit on Edgemont Drive.

Erin Dolan, Edgemont Drive, confirmed there is a speeding problem on Edgemont Drive.

Mayor and Commissioners authorized the Village Clerk to contact the Deal Police Department to do a speed survey on Edgemont Drive in June.

UPON MOTION, Commissioner Cheswick, 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

UPON MOTION of, Mayor Fernicola, seconded by Commissioner Cheswick, 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: Pending Litigation/Attorney client privileged information.
Action may 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

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

WHEREAS, the Lease holder at the Kiely Pavilion contact the Village asking to make certain changes to the snack bar area.

WHEREAS, the Mayor and Commissioners considered the changes to the snack bar area.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey that the Village Attorney will draft an amendment to the Lease.

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 7:45 p.m.

Marilyn Simons, RMC
Village Clerk