

VILLAGE OF LOCH ARBOUR

MINUTES –REGULAR MEETING

JULY 5, 2023

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD AT THE KIELY PAVILION, VILLAGE BEACH, OCEAN PLACE, LOCH ARBOUR, NEW JERSEY

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.

BILLS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D’ Angelo, carried, that the payment of bills totaling \$28,914.20. for the month of July, 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 D’ Angelo, seconded by Commissioner Cheswick, carried, that the payment to the Loch Arbour Board of Education in the amount of \$25,000.00 for the month of July, 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 Mayor Fernicola, 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 May 3, 2023

Recorded Vote:

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

REPORTS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D’ Angelo, carried, that the following Reports for the period ending June 30, 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 Commissioner Cheswick, seconded by Commissioner D’ Angelo, 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;
- NJDEP Municipal Stormwater Pollution Prevention Plan.

Recorded Vote:

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

OLD BUSINESS –

The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on June 22, 2023.

VILLAGE OF LOCH ARBOUR

ORDINANCE NO. 2023-489

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.
 - b. If granted for a lot or parcel of land for which a building permit is required but for which no variances, subdivision, or site plan approval is required or has been approved by the Planning Board until expiration of building permit granted with such Tree Removal permit.

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 9. Appeals. Whenever any application for a Tree Removal Permit shall be denied by the ENFORCING OFFICER or his/her designee, the applicant may appeal the denial to the Village Clerk by a filing a written notice of appeal with the Village Clerk within ten days after receiving notice of denial. Upon receipt of the notice of appeal, the Village Clerk shall appoint a hearing panel consisting of three members: the Village Engineer or his/her designee, and any other two designees of the Village Clerk. This panel shall proceed to hear the appeal upon notice to the applicant within thirty (30) days of the filing of such notice of appeal. This panel shall have the discretion, after interviewing the applicant and the ENFORCING OFFICER or his/her designee, to reverse, affirm, or modify the aforesaid decision.

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 barrier

acceptable to the Construction Official and Village Engineer, shall be placed around trees that are not to be removed. The protective barriers shall be placed at the dripline or canopy line of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits, or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the Removal of the barriers. Any landscaping activities subsequent to the Removal of the barriers shall be accomplished with light machinery or hand labor.

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 Ordinance 2023-489 be TABLED UNTIL THE NEXT COMMISSIONERS MEETING SCHEDULED FOR AUGUST 2, 2023 AT 6:30 PM TO BE HELD AT THE VILLAGE MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW JERSEY.

Recorded Vote:

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, authorize the Clerk to re-notice the meeting for August 2, 2023 to change the venue from the Kiely Pavilion to the Village Municipal Building, 550 Main Street, Loch Arbour, New Jersey.

Recorded Vote:

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

NEW BUSINESS

Resolution 2023-70: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2024; and

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

- Improvements to Ocean Place from Edgemont Drive to Elberon Avenue.

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

FURTHER BE IT RESOLVED that the Village Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Improvements to Ocean Place – 00202 to the New Jersey Department of Transportation on behalf of the Village of Loch Arbour: and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Loch Arbour and that their signatures constitute 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 2023-71: 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 that the following persons are appointed for employment at the Village Beach Club, Loch Arbour, commencing July 1, 2023 for the summer season of 2023:

NAME	TITLE	SALARY PER HOUR
Ryder Grigoli	Gateperson	12.93
Maxwell Larauri	Gateperson	12.93

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

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

Albert Barnathan, Homeowner, John Scarpino, Contractor appeared before the Mayor and Commissioners to request certain work to be done during the Village of Loch Arbour Summer Moratorium. After a discussion, several of the items that were listed on the request have been completed. There are 5 items remaining.

1. Life Safety Issue: Install the remainder of the pool gate, approximately 35 linear feet.
2. Life Safety Issue: Install the remainder section of the hand railing on the 2nd floor.
3. Complete connection of roof drain to landscape drain on West side of driveway.
4. Landscape: plant replacement arbor vitae shrubbery along rear of backyard.
5. Replenish driveway stone damaged during construction.

Jane Cushing, beach patron, requested the work be done after hours from 5 p.m. to 8 p.m. to not disturb the beach patrons of the Village of Loch Arbour.

Robert Fernicola, Euclid Avenue, discussed the project. Mr. Fernicola referenced the contractor calling the structure being built a “cabana” and a cabana is not a permitted use in the Village of Loch Arbour. On the plans submitted it states “sun room”. Mayor Fernicola stated that is not an issue for the Board of Commissioners to consider at this time. Mr. Fernicola’s property is adjacent to this property. He spoke about the fence and trees and the drainage. Mr. Fernicola asked if the Board of Commissioners can approve the drainage request.

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

WHEREAS, a couple of the items requested were completed prior to the Moratorium date;

NOW THEREFORE, BE IT RESOLVED, by the Village of Loch Arbour Board of Commissioners grant permission to finish only the following projects on the property at 101 Edgemont Drive:

1. Life Safety Issue: Install the remainder of the pool gate, approximately 35 linear feet.
2. Life Safety Issue: Install the remainder section of the hand railing on the 2nd floor.
3. Complete connection of roof drain to landscape drain on West side of driveway.

BE IT FURTHER RESOLVED, the above projects are hereby approved with the following stipulations:

1. All necessary building permits be obtained by the Borough of Deal Building Department prior to the start of all work.
2. All work must be completed within 2 days of the start date.
3. All work must be done during Monday through Friday between 8 am To 6 pm.

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

1. Albert Barnathan
2. Borough of Deal Building Department

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2023-73: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be and the same is hereby adopted:

WHEREAS, the State of New Jersey, Department of Environmental Protection, Division of Land Use Regulation has notified the Village of Loch Arbour that a separate Individual CAFRA Permit must be submitted for beach and dune maintenance and temporary structures on the Village Beach; and

WHEREAS, the Village of Loch Arbour is desirous of applying;

NOW, THEREFORE, BE IT RESOLVED by the Village Commissioners of Loch Arbour, County of Monmouth, State of New Jersey, formally approves the Individual CAFRA Permit application; and

FURTHER BE IT RESOLVED that the Village Engineer and Municipal Clerk are hereby authorized to apply identified as Individual CAFRA Permit for beach and dune maintenance and temporary structures on the Village Beach to the New Jersey Department of Environmental Protection on behalf of the Village of Loch Arbour; and

FURTHER BE IT RESOLVED that the Village Engineer and Municipal Clerk are hereby authorized to sign the Application on behalf of the Village of Loch Arbour and that their signatures constitute acceptance of the terms and conditions of the Application and approves the execution of the Application.

Recorded Vote:

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

Nays: None

Absent: None

UPDATES/DISCUSSION

A. Next Commissioners Meeting is scheduled for August 2, 2023 at 6:30 p.m. The Venue of this meeting has been changed to the Village Municipal Building, 550 Main Street, Loch Arbour, New Jersey.

PUBLIC HEARING:

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

Michael Harari, West Deal, appreciates the town officials and all they have done for the Village.

Cathy Cunniff, Loch Arbour, asked why the meeting is not inside the pavilion. Mayor Fernicola stated due to the crowd, the meeting is being conducted on the deck outside.

Jane Cushing, Wayside, is dissatisfied with the Snack Bar. She stated the Snack Bar does not accommodate everyone in this area. She also spoke about the overcrowding of the tables on the southside of the deck, and the access to the bathrooms.

Mary Kezolowsky, Interlaken, is concerned during inclement weather there is no access to the pavilion. This is a safety concern for her. She also spoke about the menu.

Robert Salame, Loch Arbour, explained this is a change for the Village beach, but he has visited the beach and had a pleasant experience. He recommends more seating.

Robert Wiener, Loch Arbour, asked why the buoys are not out this year in the ocean, to designate the swimming section at the Loch Arbour Beach. He confirmed with the Mayor and Commissioners there should be no table service at the snack bar.

Jason Elo, Edgemont Drive, is in favor of the improvements and believes it is a nicer atmosphere. He explained the ordering and pick up of the food ordered, and how seamless it is.

Patrick Brinkerhoff, Ocean, stated the menu has limited options and the cost is too high. Also questioned the snack bar not being fully open on Saturdays.

David Dweck, Euclid Avenue, is in favor of the improvements to the snack bar as well as the addition of the Grab and Go Section.

Don Brockel, West Allenhurst, requested another shower be installed on the south side of the pavilion. He stated the snack bar should cater to the whole beach, and the selection and the pricing is not acceptable.

Danielle Hedaya, Euclid Avenue, suggested a solution to accommodate everyone is to bring in food trucks.

Heather Kruger, Ocean, stated on social media the snack bar is referenced as a restaurant. She is concerned during inclement weather the snack bar area is not accessible for the patrons to be protected by the weather.

Sam Shamie, Loch Arbour, reported his daughter got a large splinter from the boardwalk at the Village Beach. He asked if the beach can have better stocked first aid supplies, the supplies provided were lacking.

Sara Hedaya, Loch Arbour, reported she was at the beach after hours this week and she observed the beach cleaner driving on the beach at a high rate of speed. She is very concerned for the safety of the children.

Paul Drucker, Ocean Twp., does not want to see more seating on the deck area. He feels like it is overcrowded.

Nick Kezelowsky, Interlaken, suggested to bring in a food truck for the items that are missing on the menu at the snack bar.

Fran Needelman, Ocean Twp., spoke about food safety. She spoke to the Board regarding the procedure of the beach closing during inclement weather. The Mayor stated the Beach Manager has the sole authority to make the decision during inclement weather.

Robert Fernicola, Euclid Avenue, spoke about the expansion of the use of the snack bar to a restaurant. He also spoke about the bidder of the snack bar is different than the operator of the snack bar "Paralia Kitchen".

Denise Geary, Oakhurst, asked for different options on the menu. She stated she believes the snack bar should be a more casual feel.

Joseph Terzi, Loch Arbour, stated the Smeke family has put a large investment into this project and would like it to succeed. He would like to see the establishment stay open later into September.

Margot Fernicola, Euclid Avenue, reminded everyone to clean up after themselves and dispose of garbage properly.

Barbara Cohen, stated the snack bar is not welcoming and she is concerned about the safety of the food under the heat lamps in the Grab and Go Section. She stated the cost of the food is too high. She also spoke about the Village leaving on a skeleton crew during inclement weather.

Remo Maisto, Elberon Avenue, is in favor of the good old beach bum snack bar.

Carla Zeitouny, Euclid Avenue, had a bad experience the first time at the snack bar. She since came back for lunch and her experience was great. She encourages all beach patrons to try the snack bar.

Vicki Harari, Euclid Avenue, talked about transition and change is hard, it takes time but all can be happy. Everyone should feel that they belong in the Village. Work on the menu and work together to change.

Maria Garafolo, Ocean, she was at the beach today, and the improvements to the snack bar are remarkable. However, they were taking pictures of their food, which is probably going on social media. She believes that this is a restaurant, not a snack bar.

Cathy Cunniff, Euclid Avenue, spoke about the presentation at a prior meeting of the Board, including having the snack bar as a restaurant and how the Commissioners could not act upon this request. Ms. Cunniff suggested the prices are too high at the snack bar for a simple lunch.

Ryan White, Ocean, stated that everyone should work together to make this snack bar and beach a success.

Maureen Manopla, Loch Arbour, spoke about the service and believes the menu should be tweaked to have kid friendly food added.

Abe Sultan, Loch Arbour, stated that everyone should communicate and work together to come to an amicable solution. He agreed to have a new kids menu and improve the pricing.

Linda Abani, Deal, spoke about the dishwasher not being installed.

Nick Keselowksy, Interlaken, spoke about the hours of the snack bar.

Melanie Nowlin, Loch Arbour, asked when the snack bar is open at night, if there are lifeguards on duty. Mayor Fernicola stated no lifeguards are on duty after 6 pm.

Mary Keselowsky, Interlaken, stated the everyone has beach access 24 hours a day.

David Dweck, Loch Arbour, stated to work on a solution between all parties.

Heather Kruger, Ocean, stated she would like the beach to stay open after hours to include having lifeguards on.

Don Brockel, West Allenhurst, stated in the old days the beach would stay open after hours for parties for the beach patrons.

Robert Fernicola, Loch Arbour, stated he is opposed to the snack bar staying open after hours.

Simon Williams, Loch Arbour, stated there is a public safety hazard regarding the traffic and the pedestrians in the Village.

Pam O'Callaghan, Loch Arbour, spoke about the Lease and about limiting the nights the snack bar can be open.

Denise Geary, Oakhurst, spoke about the beach staying open for Sunday night cookouts and movie nights.

Jack Hedaya, Loch Arbour, stated the beach should have events at night to bring the community together.

Flora Tawil, Loch Arbour, stated having the new snack bar, the pros outweigh the cons. Change is good, if all work together.

UPON MOTION, 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

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

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq., permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Potential and 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

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, that the meeting be adjourned at 8:45 p.m.

Marilyn Simons, RMC
Village Clerk