

Chairman Martinelly called the meeting to order @ 7:30 pm

Salute to the flag, roll call, open public statement read.

Present: Martinelly, Canonico, Murphy, Carnes, Edwards, Roache, Pietricola, Akerblom  
Absent: Daly  
Attorney: Kennedy  
Engineer: Cranmer

Mr. Kennedy requested an Executive Session for the purpose of pending Litigation matters and other matters that allowed under the law. Pursuant to NJ Law minutes will be kept and made available to the public when the need for confidentiality no longer exists, which will be held at the end of the meeting. Mr. Kennedy will provide minutes.

Oaths of Office:

Peter Roache – Regular members

Robert Pietricola – Alt #1

Beverlee Akerblom – Alt #2

**Minutes:**

A motion was made by Ms. Canonico, seconded by Mr. Roache to adopt & memorialize the Executive Session minutes from the August 2, 2017 meeting minutes as submitted.

Roll Call:

Affirmative: Canonico, Edwards, Roache

Negative: None

A motion was made by Ms. Canonico, seconded by Mr. Carnes to adopt & memorialize the minutes of the November 1, 2017 meeting minutes & Transcript as submitted.

Roll Call:

Affirmative: Martinelly, Canonico, Murphy, Carnes, Roache, Pietricola

Negative: None

A motion was made by Ms. Canonico, seconded by Mr. Carnes to adopt & memorialize the Executive Session 11/1/2017 minutes as submitted.

Roll Call:

Affirmative: Martinelly, Canonico, Murphy, Carnes, Roache, Pietricola

Negative: None

A motion was made by Mr. Carnes, seconded by Mr. Murphy approving the meeting dates for 2018 as follows: All approved.

Meeting Dates for 2018:

***January 3, 2018- Reorganization @ 7:00 pm***

***February 7, 2018***

***March 7, 2018***

***April 4, 2018***

***May 2, 2018***

***June 6, 2018***

***July 11, 2018 \*\* 2<sup>nd</sup> Wednesday***

***August 1, 2018***

***September 5, 2018***

***October 3, 2018***

***November 7, 2018***

***December 5, 2018***

***January 2, 2019 @ 7:00 pm- reorganization \*\*  
(re-renotice M/C reorg date)***

A motion was made by Mr. Carnes, seconded by Mr. Murphy to adopt the mentioned meeting dates for 2018 will be published and posted. All approved  
These dates will also be listed on the January reorganization agenda.

**Unfinished Business:**

**Paul Sgro:**  
**d/b/a Lees Garage**

**Adoption of Resolution**

A motion was made by Mr. Carnes, seconded by Mr. Pietricola to adopt & memorialize resolution of approval for a Use Variance/Waiver of Site Plan to Paul Sgro d/b/a Lees Garage 24 Riordan Place with conditions.

Roll Call:

Affirmative: Martinelly, Canonico, Murphy, Carnes, Roache, Pietricola

Negative: None

**Eleven 11 Hospitality LLC:**

d/b/a Greens & Grains

Bl: 31, Lot: 1

Carry to 1/3/2018

without further notice

Ms. Martinelly announced that a letter was received from Ms. Kerri Higgins, Esq dated 12/6/2017 requesting this matter be carried to the January 3, 2018 meeting @ 7:30 pm without further notice, Tinton Falls was not noticed, but will be noticed for 1/3/2018 meeting.

Ms. Higgins has extended the time for the board to act.

**Mr. James Whalen:** Carry to the end of the meeting

201 Patterson Ave

Bl: 2, Lot: 8

**M/M Peter McManus:**

86 Patterson Ave

Bl: 18, Lot: 1

**Bulk variances for new home**

Mr. Kennedy announced that he has reviewed the service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. Kennedy marked the following into the record.

A-1: Application form, dated 11/24/2017

A-2: Zoning Denial, dated 11/17/2017

A-3: Survey, dated 10/12/2015 prepared by Morgan Surveying

A-4: Elevations – Alameda Court

A-5: Elevations – Patterson Ave

Mr. David Cranmer, Zoning Officer, was sworn.

Mr. Peter McManus & Ms. Melissa McManus were both sworn.

Mr. McManus testified that he is the owner of 86 Patterson Ave for approximately 2 years, which has a single family home on the site which currently is vacant. Mr. McManus testified that the home is currently in a pre-existing non-conforming location of the site and there was an issue with the walls falling down during the renovation of the home. They were in the middle of putting a new roof on the home, they opened some of the walls and discovered that the home was infested with termite damage. They took down too many walls creating a variance situation. The plans for the roof replacement were approved, but in order to continue they need bulk variances to put the roof on a complete the renovations. There is no roof on the house and the remainder of the house is tarped.

Mr. Cranmer stated that the house was non- conforming with the front yard setbacks. There were some rights to the home as long as the structure continued to exist (94-4.1), and too many walls were taken down which created them the loose the right to continue and the protection.

Mr. Cranmer explained the unique situation on this property. The property is located on the corner of Patterson Ave & Alameda Court. He explained that there is a 5' wide strip of land which separates the applicant's property from Alameda Court.

Mr. Carnes & Mr. Murphy disclosed that they have both worked with Mr. McManus and have no financial relationships and they can hear this application impartially judicate the application. Mr. Kennedy did not have any issues.

Mr. Cranmer explained that the same situation exists on the other corner of 1' wide strip. The two lots were under contiguous ownership, which is non- conforming lot. The front yard setback to Alameda Court would be b 35' which can be reduced to 25' when there are multiple frontages on a lot in the R4, so there would be 25' which would overlap the 5' strip of land. He feels that since the front yard setback would extend beyond Lot: 16 they would need a variance. The 5' strip does nothing for the neighborhood other than that as being a front yard. At some point they would have an "Adverse Possession" or some other action that the McManus' would have to undertake to merge the two properties into 1 lot since their driveway goes over top it. Mr. Carnes stated that they do not have a corner lot? Mr. Cranmer said through interpretation it would not be a corner lot, but they should seek the relief as a corner lot. Mr. Cranmer asked Mr. McManus if it is his intent to absorb the 5' strip into his? Mr. McManus said yes.

Mr. Cranmer stated that there was a house that was there for a number of years, the applicants want to rebuild the house in the same spot, no closer to any street lines. Right now there isn't an intent to do any expansions to the house. He feels that the board should consider the variances that would be needed for a corner lot to Alameda Court and treat it as a front yard, their current set back is 9' which is a variance from the side yard where 10' is required. We can issue a variance for 10' for a side yard setback or a variance for a front yard setback of 14' where 25' is required to Alameda Court.

Mr. McManus explained that they will be doing major renovations in order to flip the house, the house was reduced from its original size because they took down the rear porch which was not a legal structure off, which reduces the building coverage, along with the garage that was originally on the site which also has been taken down. The applicant understands that they cannot rebuild the garage until permits are applied for. They plan is to only have a driveway off Alameda Drive, but will not eliminate the Patterson Ave until the Alameda Drive situation is resolved.

**A-5:** Survey prepared by Morgan, 10/12/2015 with the garage & dumpster

Mr. Cranmer referred to A-3 Sketch prepared by Morgan 10/12/2015 which shows what is now existing on the site, no garage, no dumpster (prepared by Mr. McManus).

Mr. Kennedy addressed the driveway off Alameda Court, he explained that since it crosses over Lot: 16 the board cannot give the applicant permission to use the driveway. Mr. Kennedy suggested there may already be an easement in place or they may have a Prescriptive Easement or an Adverse Possession, these are things that the applicants must check with their attorney.

Mr. Kennedy suggested that they do not eliminate the driveway on Patterson Ave until the survey issues are resolved. Mr. Kennedy wants the applicant's to sign a "Hold Harmless provision" into the resolution for future use. Mr. McManus agreed. Mr. Kennedy will prepare the document for signature. Mr. Kennedy also suggested that eventually the applicants merge the 2 lots together for future use.

Ms. Canonico clarified that the applicant is not changing anything on the property, if the roof didn't fall in the applicants would not be here. Mr. Cranmer agreed, and if the board doesn't address the front yard issue now, it would put the lot into a variance condition, it is his opinion that the board should handle it now, and eventually when the applicant's acquire Lot: 16 it should be merged with Lot: 1. Mr. McManus will want first right of refusal on Lot: 1.

A motion was made by Ms. Canonico, seconded by Mr. Carnes to open the meeting to the public. All approved.

No comments/questions

A motion was made by Ms. Canonico, seconded by Mr. Carnes to close the meeting to the public. All approved.

A motion was made by Mr. Carnes, seconded by Mr. Pietricola to approve the application of M/M Peter McManus for the variances as requested to allow the home to be reconstructed in the exact same place as previously recognized prior to the collapse of the home, and this approval does not give the applicants any rights for constructing over property that they do not own, with the following conditions:

- Comply with all commitments and promises during the hearing
- **Hold Harmless** provision against the Borough and Zoning Board
- Compliance with building and construction code requirements
- Recognition that there will not be any rebuilding of the garage before formal approval
- If Lot: 16 is acquired it should be merged with Lot: 1
- Elimination of the driveway not until the survey issues are addressed

Roll Call:

Affirmative: Martinelly, Canonico, Murphy, Edwards, Carnes, Roache, Pietricola

Negative; None

#### **Resolution 1/3/2018.....**

Board Secretary will write to the Construction Department advising of the approval of M/M McManus application and permits may be applied for.

#### **Mr. James Whelan:**

Bl: 2, Lot: 8

#### **Adoption of Resolution**

A motion was made by Ms. Canonico, seconded by Mr. Carnes to adopt & memorialize the resolution of approval to Mr. James Whelan, with conditions as submitted.

Roll Call:

Affirmative: Martinelly, Canonico, Murphy, Edwards, Carnes, Roache

Negative: None.

**Monmouth Truck LLC**  
***d/b/a Excel Termite and Pest Control***  
Bl: 29, Lot: 7

Continuation of: Use Variance/ Site Plan

Mr. David Cranmer, Board Engineer was sworn.

Mr. Kennedy advised the board that due to a malfunction of the recording system Mr. Edwards will not be voting tonight. There are 6 eligible members to vote. Mr. John Anderson, Esq advised he will proceed.

Mr. John Anderson, Foss San Filippo & Milnes represented the applicant. Mr. Anderson reviewed some of the testimony from last month's meeting for a business office for the Excel Termite business, including hours of operation, number of employees, and they will not be storing chemicals on site, and only re-facing the existing sign and 1 façade sign. Mr. Chris Szalay Menlo Engineering, Alison Coffin, Planner to testify for the "D" 1 Variance.

Mr. Chris Szalay, Menlo Engineering, Highland Park NJ, was sworn and gave his educational & professional credentials and was accepted as an expert witnesses.

**A-9:** Revision dated 8/8/2017, revised 10/18/2017 3- sheets marked into evidence, prepared by Menlo Engineering. Described by Mr. Szalay Use Variance Plan and existing conditions.

**A-10:** 6 photos, 8/20/2017 taken by Mr. Anderson. Mr. Szalay described each photo

**A-11:** Photo of existing office, 3 sheets, Alteration 9/11/1973, Kaplan Gaunt DeSantis, for Donald C Seffert DDS. Sheet 3

**A-12:** Sheet 2, 1998 Site Plan, MC Engineering, Monmouth Truck Equipment, Lot: 7 & 8

Mr. Szalay referred A-11 & A-12 which are approved site plans and improvements were completed and described same which were completed prior to the MLUL, with minor exterior alterations to the existing as well as curbing & landscaping, with a 10' right of way dedication to the County, which reduced the lot to 36,064 sq. ft in area, which still exists today.

Cranmer Engineer Review letter, A-5 reviewed the deficient bulk standards. Mr. Szalay reviewed each point:

**Minimum Lot Area** – 36,064 sq. ft where 40,000 sq. ft is required – no changes proposed

**Front Yard Setback** – 24' currently where 24' being proposed – no changes proposed

**Impervious Coverage** - currently 87.6% where 60" permitted – proposing 87.4% - consistent with the previously approved site plan, application will improve the impervious coverage 87.4% no increase is proposed.

**Perimeter buffering** – 20' buffering no reduction in any existing buffering on the site.

**Parking** – no change in parking, the site will be restriped, parking exists within 2' of the property line and no changes on the site is proposed, no new parking is proposed in the front yard or within the right of way on Shrewsbury Ave.- parking stalls exists at 9' x 16' (2' less than what is now required).

Referred to Exhibit A-7 – Mr. Szalay feels there are no issues with the proposed vehicle size fitting into the parking space and the maneuverability of the site, there are no plans to change the drive aisle which currently exists @ 24'.

**A-13:** Traffic Safety Officer's review letter – no comments

**A-14:** Monmouth County Planning Board review letter dated 10/10/2017 – conditional approval with Minor improvements

Mr. Szalay referred to A-9, the changes to the “Stop Bars” have been made, free standing sign will only reface the existing sign at its current height, location and illumination, no other changes are proposed.

Mr. Szalay described the new fence in the rear of the property which will screen some mechanicals. There was a previously submitted new front door at the center of the building with a new sidewalk which is shown on one of the older plans that will be removed upon the resubmission.

Mr. Szalay summarized his testimony:

- Lot area/impervious coverage will not change
- Parking in front yard, right of way, drive aisle, parking stall size will not change
- Positive/Negative Criteria is met and there will not be any negative impact with the surrounding areas, buildings, or community.
- No substantial detriment to the Zone Plan or Zoning Ordinance since this has been in existence since 1973.
- It would be a hardship for the applicant to reconfigure the site
- Site is “move in” ready
- No detriment to the public good with the granting of the 2 variances that have been requested

**A-15:** Aerial of site marked into evidence, prepared by Maser Consulting, Shrewsbury Ave & Sycamore Ave.

Mr. Szalay testified that there is enough parking even with Monmouth Truck parking on the site. The site is sufficiently screened from Sycamore Ave., and from public view.

A motion was made by Ms. Canonico, seconded by Mr. Carnes to open the meeting to the public. All approved.

No comments/no questions.

A motion was made by Ms. Canonico, seconded by Mr. Murphy to close the meeting to the public. All approved.

Mr. Cranmer asked Mr. Szalay to describe the traffic circulation with respect to customer, employees, refuse collection. Mr. Szalay described the pattern coming off of Shrewsbury Ave which is south of the building. Parking is immediate to the southern end of the site, which is where the employees will park. There are 2 additional parking spaces in the back of site, with the dumpster enclosure. They will move the handicapped stall to where the dumpster is located, and they can add a space on the side where the existing handicapped space is located closer to Shrewsbury Ave, and giving more room for the garbage truck to back into the area where the dumpster is located and allow a turn-around area. They would be willing to create a 5' turn-around area by the existing fence, he will clear this with the board engineer and will address this on their revised plans. Mr. Cranmer agreed that moving the handicapped spaces to the rear. Mr. Cranmer referred to the Site Triangle Easement. Mr. Szalay said that he would dedicate this area and make note on the revised plan.

Mr. Cranmer referred to the 1973 Site Plan, he would recommend that the board acknowledge the existence of the non-conformities and permit the continuance and not grant variances, so if this building is destroyed, the applicant would not have the ability to reconstruct. Mr. Anderson agreed.

Ms. Allison Coffin, Planner, was sworn, gave her educational & professional background and was accepted as an expert witness.

Mr. Kennedy disclosed that he is working with Ms. Coffin on another application and has not direct or indirect financial relationship with Ms. Coffin.

Ms. Coffin described the surrounding area referred to A-15 aerial, P1 Zone.:

- Site is 36,064 sq. ft
- 142.7' frontage on Shrewsbury Ave
- Small office on the front portion with 9 parking spaces
- Previously operated by Monmouth Hose & Hydraulics, currently vacant
- Fence in parking lot to the rear used in conjunction with Monmouth Truck Equipment on Lot 8
- Structure that occupied the rear of the site burned down in 2006
- Front portion to be used as an office building and 9 parking space for Excel Termite & Pest Control – no change to the parking in the fenced area
- Office hours 8-5pm, Monday – Friday 8-12pm on Saturday, 1 employee, no retail sales or chemical storage.
- Technicians come to the site to receive their appointments, no customers come to the site.
- Rear is to be used for the car storage for Monmouth Truck Equipment, this area is separated from the front of the lot through fencing and is accessible through the front parking lot via a gate on the site, if needed, and from the rear of the lot where Monmouth Truck has its main operations.
- Site is located in a commercial & light industrial uses
- Referred to A-15 and described the surrounding uses.
- D1 variance – for storage of outside vehicles is being requested
- No alterations to the site, other than the pre-existing conditions
- Special reasons for the granting of the variances, the suitability of the proposed business office is not detrimental to the Zone Plan or Ordinances of the Borough, it is a typical office use, with less employees on the site. No customer visits to the property, traffic impact is less than an office space.
- The office meets the intended purposes of the permitted professional office use than the prior industrial tenant of the building did.
- The unique features of the site, the site is located on a heavily travelled roadway with high visibility, adjacent to the LI Zone, which are more intense than the proposed office. Rear of the site is used for overflow parking for the adjacent use of Monmouth Truck.
- This building does not lend the type of permitted offices, but it is appropriate for the type of office proposed.
- Described the traffic flow for both Lot: 7 & Lot 8 crossing over the lot lines for both uses. This is an area where outside storage is a common use.
- The proposal is not a detriment to the Zone Plan and no changes are proposed.
- The use will not generate significant traffic, noise, trash or pollutants, and will not impact light air and open space or a detriment to the area.
- Bulk variances can be granted without detriment. The lot area is an existing condition, front yard setback are consistent with previously approved site plans. Impervious coverage will be slightly decreased over the existing condition, and consistent with the 1997 site plan.
- Visual screening is provided by existing screening.



- The traffic pattern will function safely for the pest control business, since the public does not visit the site, on technicians that visit the site. The models of trucks that they will use is less than the 16' length of the parking spaces currently exists at.
- There is no long term physical impairment to the future use of the space.
- It is Ms. Coffin's opinion that special reason exists for the granting of the requested variances, with detriment to the health, safety and general welfare of the public and the variances would result in the use of the site in a manner which is consistent with the Master Plan & Zoning Ordinance.

Ms. Coffin presented

A-16: 2007 & 2010 Aerials GEO Web Site, shows the existing parking in the rear of the parking lot

A-17: Deeds – Monmouth Truck Inc., Monmouth Truck Rental Partnership, Monmouth Truck Holdings recorded 9/12/2008 -Or 8739 page 46 & 47 described same

Mr. Anderson testified that Monmouth Truck site plan showed 14 parking spaces on Lot: 7 – shows on exhibit A:12, shows storage of vehicles since 1998 on Lot: 8, conveys parking on Lot 7 & Lot 8, using the chain link as a boundary where they can park.

A motion was made by Mr. Carnes, seconded by Ms. Canonico to open the meeting to the public. All approved.

Mr. Stuart Minis, was sworn. He asked if there will be a Landscaping Plan? He was advised no, but they will add consider some evergreens along the fence.

A motion was made by Mr. Carnes, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Patrick Trushell, Monmouth Truck, Operation Mgr, 4 years was sworn, and described his position for the operation of the business.

Mr. Trushell described the operations of Monmouth Truck:

- Outfit trucks with bodies, snow plows etc.
- State gives them trucks and they convert them into construction vehicles
- The trucks on site are contracted trucks from Municipalities, Turnpike, public utility trucks etc.
- Monmouth Truck is not a repair shop, they create "fleet vehicles"
- All work will be done on the back lot
- They could have 35-60 vehicles on site during their peak season which is summer, which they must move the trucks out within 120 days.
- Monmouth Truck has their own driveway to enter and exit the site to the right of the office (south) of the front office beyond the fenced in area.
- A-16 shows how Monmouth Truck keeps the site orderly and clean, and the screening to the north of the site.
- Monmouth Truck would agree to construct a 5' turning area at the border of Lot: 7 & Lot 8 for the refuse trucks. Currently the garbage trucks comes down their driveway and goes directly to the dumpster and do a "K" turn and leave.
- Applicant will consider some reasonable additions to the landscaping

Mr. Cranmer asked if a 6' fence will be constructed from the Pest Control against the existing fence. Mr. Trushell explained that there is a row of trees that you cannot see through. Mr. Cranmer asked if they can screen the Surgery Center, he asked if the vinyl fence can be extended down the side yard with some additional landscaping? Mr. Trushell said yes, and they will consult the Shade Tree to review their plan, and Mr. Cranmer will review it also.

Mr. Anderson referred to the new fence. Mr. Cranmer said that the plans propose a 6' white p.v.c. fence, and not a new chain link, which can be placed in front of the existing chain link, referred to A-9, 6' white fence will be placed along the side of the northwest corner of the building, along Shrewsbury Ave.

Mr. Cranmer asked if the quantify the degree of storage that will take place on this lot, so a future board doesn't have to address this again, with a lease line/storage area. Mr. Anderson said that he will submit a revised plan showing the outer bounds of the parking area. Mr. Cranmer agreed that a graphic exhibit that would establish the limits of the area which the board consented to the D1 Variance for the storage of vehicles on Lot: 7.

Mr. Cranmer suggested a condition "no work to be conducted outdoors on Lot 7, work has to be done indoors only, at the Monmouth Truck Center on Lot: 8. Mr. Trushell testified that all the work is currently done inside.

Board members agreed that they would like to see the 5' turn around for the garbage pick-ups. Mr. Cranmer indicated that he will work with their engineer.

Mr. Cranmer asked if the current lighting on the site is adequate? Mr. Szalay indicated that he did not do a light study, but he did visit the site when it was dark and he feels that the lighting is adequate. Light fixtures are needed they will install at the minimum standards. Mr. Cranmer said they would have to be .05 foot candle on the average, Mr. Szalay said yes, they will maintain a safe level in the rear, by either a light or a wall pack.

Mr. Kennedy referred to the "Merger" issue, and he would recommend, since there is no case law that they board should not address it. Mr. Anderson agreed, and explained why, that this property should remain as is, for resale purposes.

A motion was made by Ms. Canonico, seconded by Mr. Murphy to open the meeting to the public. All approved.

No comments/questions

A motion was made by Ms. Canonico, seconded by Mr. Carnes to close the meeting to the public. All approved.

Mr. Kennedy asked Mr. Anderson if he would be proceeding with a vote or returning next month for the vote, Mr. Anderson said that he would proceed with the vote.

Mr. Kennedy summarized the conditions:

- Comply with the commitments & representations made
- Comply of prior approval
- Comply with Cranmer Engineering Review letter
- Compliance with Affordable Housing regulations
- No retail sales
- No storage
- No manufacturing on site
- No outdoor repairs on Lot: 7, inside work only on Lot: 8
- Monmouth County Planning Board approval
- Compliance with Building & Construction Code Regulations
- Revise plans to eliminate the change to the front door
- A.D.A. compliance
- Private garbage collection, more frequent if necessary
- Barrier free stall to be relocated to the rear of the building
- Design a new turn around area in rear parking lot
- Ensure that there is adequate lighting in rear parking lot
- Shade Tree Commission to review the additional landscaping for a year round screening for the vehicle storage lot
- Diagram of the demarcated storage area to be provided for resolution compliance
- Preexisting conditions were recognized only, no variances granted for bulk variances, only a D1 variance for a use which is not permitted in the P1 Zone, and D1 variance for outdoor storage of vehicles on Lot: 7
- Work is limited to Lot: 8
- 6' vinyl fencing (combination of landscaping & fencing) as needed to provide year around screening

A motion was made by Ms. Canonico, seconded by Mr. Carnes to approve the application of Monmouth Truck d/b/a Excel Termite and Pest Control for Use Variances & conditions as recited by Mr. Kennedy (above).

Roll Call:

Affirmative: Martinelly, Canonico, Murphy, Carnes, Roache, Pietricola

Negative: None

**Resolution 1/3/2018.....**

A motion was made by Ms. Canonico, seconded by Mr. Carnes to open the meeting to the public. All approved.

Mr. Stuart Minis, Shrewsbury pointed out that the trees at the Sherwin Williams, along Shrewsbury Ave site are dying. Mr. Cranmer said that he will look into it, there is a 2 year Maintenance Bond on file.

Mr. Minis asked for an update on the Shop Rite & Shadowbrook.

Mr. Kennedy advised that the Shop Rite trial was postponed until March 2018, Shadowbrook there is a settlement conference on 12/8/2017 at the Court House, and Shore Investments is still in the Appeal period of 45 days.

Mr. Minis said that he has filled out the Talen Bank

A motion was made by Ms. Canonico, seconded by Mr. Carnes to close the meeting to the public. All approved.

Closed Session:

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Mr. Kennedy requested an Executive Session for the purpose of pending Litigation matters and other matters that allowed under the law. Pursuant to NJ Law minutes will be kept and made available to the public when the need for confidentiality no longer exists, which will be held at the end of the meeting. Mr. Kennedy will provide minutes.

Mr. James Whalan, Shop Rite Litigation, Shadowbrook Litigation, Shore Investments update.

A motion was made by Mr. Murphy, seconded by Ms. Canonico to go into Executive Session. All approved.

**In Attendance: Martinelly, Canonico, Murphy, Edwards, Carnes, Roache, Pietricola**

A motion was made by Ms. Canonico, seconded by Mr. Carnes to go back into Public Session. All approved.

**10:52 pm:**

Mr. Kennedy announced that the board discussed Litigation matters, Shop Rite, Shadowbrook, and potential Litigation with Shore Investments and Whalen. Minutes will be kept and made available for the public when the need for confidentiality no longer exists.

A motion was made by Ms. Canonico, seconded by Mr. Carnes to adjourn the meeting @ 11:00 pm. All approved.