

Village of Loch Arbour Charter Study Commission

Minutes - Regular Meeting

February 7, 2011

The regular meeting of the Village of Loch Arbour Charter Commission was held in the Village Municipal Building on February 7, 2011. It was called to order at 7:05p by Chairman Fernicola.

Following the salute to the flag, Chairman Fernicola called the roll. Members of the Commission; present were Mr. Cummings, Mr. Fernicola, Mr. Reng and Mrs. Virks-Lee. Absent was Mr. Loushine.

The notice requirements of C.231, P.L. 1975, have been satisfied by transmitting the notice of the Organizational Meeting to the Village's two official newspapers on November 15, 2010, posting the notice on the Village Office bulletin board on the same date, and filing a copy of the notice in the Village Clerk's office.

Resolution #1: Approve Minutes of January 17, 2011 Regular Meeting

- Upon Motion with second, Meeting Minutes were unanimously **Approved**. Voting were Mr. Cummings and Mr. Fernicola; Mr. Loushine was absent.

Discussion Items:

1. **Conference Call with DCA and DOE:** A conference call was initiated on February 1st by DCA as a result of a previous meeting DCA/VLA meeting. Participating in the conference call for DCA were Deputy Commissioner DeCroce, LGS Director Neff and DAG Julie Cavanaugh; for DOE Mr. Taylor and a DAG representative; and for VLA Commissioner Fernicola. The purpose of the meeting was to respond to questions raised in previous meetings.
 - o DCA indicated there was no problem in merging two municipalities with different forms of government, i.e., Allenhurst has a Commission form while VLA has a Village (Township) form.
 - o DOE stated that if VLA were to merge with another municipality, it would sever its' relationship with the OTSD.
 - o Commissioner Fernicola requested these opinions be formalized in letters to VLA by both DCA and DOE NLT February 18th. This would permit the Village to move forward as quickly as possible in addressing its school tax problem. Both DCA and DOE did not believe that they would have the letters finalized by February 18th.

Commissioner Fernicola indicated the CSC had received correspondence from VLA Trustee Williams requesting any opinions expressed by Trenton to be confirmed in writing. As stated previously, he has made such a request.

2. **Chairman Fernicola's Proposed Report of Charter Study Commission:**

Chairman Fernicola prepared a draft report detailing the findings of the CSC. He covered the highlights set forth in the report. He included the history of villages within New Jersey referencing pertinent statutes as well as the circumstances under which the Village of Loch Arbour was established in 1957. He reviewed the 'type' and 'form' of VLA's present charter along with pertinent statutes as well as why a change in the form of the current VLA government would not have any effect on school taxes. Also addressed were details concerning the 'Kiely Bill' and the effect of its' repeal by SFRA. He then addressed how a merger with Allenhurst under the 'Sparsely Populated Municipal Consolidation Act' would offer a solution to the Villages school tax burden. Mr. Fernicola indicated the draft report would be reviewed by the Commissioner's with the hope of finalizing it by the next meeting. Mr. Reng raised the issue as to what would be the benefits accruing to Allenhurst in agreeing to such a merger. Mr. Cummings stated in response to Mr. Reng's desire to provide a copy of the draft report to the Village Trustees that he could do that on his own but not as coming from the CSC.

Public Comment:

- Robert Fernicola: Wants the CSC to take a vote on the 'Form' of government question and then give results to the Trustees.
- Melanie Nolan: What are Allenhurst's issues in a merger? What about Allenhurst's Non-Op school district? Why can't VLA be considered as being contiguous also with Ocean Twp as we all border Deal Lake? Feels certain Allenhurst would not want to inherit the VLA school tax problem. What does Allenhurst gain from a merger, i.e., why would Allenhurst want to merge?
 - Mr. Reng thought Allenhurst's prime reason for agreeing to a merger would be to support their police force. There also was general agreement that Allenhurst would need to be assured prior to agreeing to merger that the school tax issue would not come along with Loch Arbour. Regarding Deal Lake, there are municipal boundaries covering the lake and there is no common boundary for VLA/OT.
- Frank Romeldeli: Any merger proposal is of such importance that needs to be put to a vote of the entire Village and not left solely to the Trustees to decide.
- Cathy Cunniff: We must deal only with facts. Any understanding gained from a discussion such as Allenhurst making arrangements with Long Branch for schooling needs to be supported by documentation. Every issue must be backed up with formal documentation to ensure decisions are made on actual facts and not on hearsay. Also wanted to understand the difference between 'type' and 'form' of government. Further, recommended the Trustees should put the merger issue to a vote of all voters but should ensure all the facts are laid out. Wanted to know what the ballot question was that established the CSC.
 - Mr. Cummings indicated Loch Arbour was incorporated (municipal corporation) as a 'Village' type of municipality while form refers to how Loch Arbour is organized to govern itself. Mr. Fernicola cited also specific documentation supporting the differentiation between type and form.

- Allen Cheswick: There's a 9 month window before the November general election in which to conduct due diligence regarding a merger.
- Jerry Kamber: Felt there was a general malaise within the Village at addressing the tax problem. To be successful, an enthusiastic and united front needs to be established to deal successfully with the issue. The Trustees need to take a leadership role in this area.
- Melanie Nolan: Suggested that if a meeting was held to discuss a merger that all property owners should be notified by mail of such a gathering.
- Chairman Fernicola: After the comments from the various members of the public, Chairman Fernicola stated that he would attempt to present a proposed report of the Charter Study Commission at the next meeting scheduled for February 7, 2011.
- Public session closed.

Reopen Commission Discussion:

1. Chairman Fernicola recommended the Commission vote as to whether the members had reached a conclusion as to what effect a change in government would have on the school tax. He proposed the following:

“The Charter Study Commission has concluded that no change in the form of government for the Village of Loch Arbour would be reasonably likely to alleviate the current school tax problems.”

The proposal was **Approved**. Voting in the affirmative were Mr. Cummings, Mr. Fernicola and Mr. Reng; voting in the negative was Mrs. Virks-Lee

Meeting Adjourned: By consensus, the meeting concluded at 920p.