

MINUTES - ORGANIZATION MEETING
March 21, 2012

THE ORGANIZATION 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, MARCH 21, 2012 AND WAS CALLED TO ORDER IMMEDIATELY FOLLOWING THE CONCLUSION OF THE SINE DIE MEETING OF THE BOARD OF TRUSTEES.

The Clerk announced the results of the Special Election held March 13, 2012 to elect three persons to the Board of Commissioners: Alfred J. Cheswick - 67 votes, Paul V. Fernicola - 63 votes; Denis D'Angelo - 57 votes.

THE OATH OF OFFICE WAS ADMINISTERED TO THE NEWLY ELECTED COMMISSIONERS FOR FULL FOUR-YEAR TERMS AS COMMISSIONER THROUGH JUNE 30, 2016.

Resolution 2012-01: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, that the following resolution be adopted:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Paul V. Fernicola be and he is hereby appointed Mayor of the Board of Commissioners of the Village of Loch Arbour for a period of four years, commencing March 21, 2012 through June 30, 2016, inclusive, and until his successor has been duly appointed.

Recorded Vote:

Ayes: Mr. Cheswick, Mr. D'Angelo, Mr. Fernicola
Nays: None Absent: None

Resolution 2012-02: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, pursuant to N.J.S.A. 40:72-4 through 40:72-6, inclusive, the Board of Commissioners of the Village of Loch Arbour shall establish Departments and assign a Commissioner to oversee each Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the following Departments be and the same are hereby established and do hereby assigns the Commissioner designated to oversee each Department:

Department of Public Affairs and Public Safety - Mayor Paul V. Fernicola

- Municipal Clerk, including Elections
- Legal Services
- Planning Board
- Police
- Fire
- EMS
- Emergency Management
- Board of Health
- Animal Control
- Public Assistance
- Municipal Court (including Municipal Prosecutor, Public Defender)

Department of Revenue and Finance - Commissioner Alfred J. Cheswick

- Financial Administration
- Audit Services
- Tax Collection
- Tax Assessment
- Insurances
- Licenses (Dog, Mercantile)
- Deal Lake Commission (Interlocal - Administrative-CFO Services)
- Capital Improvement Fund
- Debt Service

Department of Public Works, Public Property and Beaches - Commissioner Denis D'Angelo

- Engineering - contractual
- Streets and Road Maintenance
- Meters
- Uniform Construction Code
- Zoning
- Sewerage (Other)
- Sewerage (TOSA)
- Street Lighting
- Refuse/Recycling
- Deal Lake Commission
- Village Beach Club

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Resolution 2012-03 (continued)

Recorded Vote:

Ayes: Mr. Cheswick, Mr. D'Angelo, Mr. Fernicola
Nays: None Absent: None

Resolution 2012-03: UPON MOTION of Mayor Fernicola, seconded by Commissioner D'Angelo, carried, that the following resolution be adopted:

WHEREAS, N.J.S.A. 40:72-12, the Commissioner of Revenue and Finance shall be designated Vice-President of the Board and, in the case of vacancy in the office of Mayor, shall perform the duties of that office.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Commissioner Alfred J. Cheswick, the Commissioner of Revenue and Finance shall be designated Vice-President of the Board and, in the case of vacancy in the office of Mayor, shall perform the duties of that office.

Recorded Vote:

Ayes: Mr. Cheswick, Mr. D'Angelo, Mr. Fernicola
Nays: None Absent: None

ORGANIZATION APPOINTMENTS AND RESOLUTION (consent agenda)

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

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

Resolution 2012-04:

WHEREAS, there exists a need for a Certified Tax Assessor to perform the statutory duties of Village Assessor pursuant to N.J.S.A. 40A:9-146; and,

WHEREAS, Renee Frotton has served the Village as its Assessor since April 1, 2011 and satisfactorily performed the duties of the office.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Renee Frotton be hereby appointed as the Certified Tax Assessor for the Village of Loch Arbour for the four-year term effective immediately and through June 30, 2016, inclusive, and until her successor be duly appointed.

Resolution 2012-05:

WHEREAS, the need exists for the appointment of a Village Attorney to serve the Village of Loch Arbour; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that:

1. The Board of Commissioners is hereby authorized and directed to engage the services of:
Attorney: Campbell, Foley, Delano & Adams
2. This appointment is made for the period March 21, 2012 through December 31, 2012, inclusive.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Resolution 2012-06:

WHEREAS, the need exists for the appointment of Bond Counsel to serve the Village of Loch Arbour; and,

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Resolution 2012-06 (continued)

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that:

1. The Board of Commissioners is hereby authorized and directed to engage the services of:
Bond Counsel: John L. Kraft, LLC
2. This appointment is made for the period commencing March 21, 2012 through December 31, 2012 and until his successor be duly appointed.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Resolution 2012-07:

WHEREAS, there exists a need for a Village Auditor; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that:

1. The Board of Commissioners is hereby authorized and directed to engage the services of:
Auditor: Robert A. Hulsart and Co.
2. This appointment is made for the period commencing March 21, 2012 through December 31, 2012 and until his successor be duly appointed.
3. This appointment is made without competitive bidding because this appointments involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Resolution 2012-08:

WHEREAS, there exists a need for a Village Engineer; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that:

1. The Board of Commissioners is hereby authorized and directed to engage the services of:
Engineer: Peter R. Avakian of the firm Leon S. Avakian, Inc.
2. This appointment is made for the period commencing March 21, 2012 through December 31, 2012 and until his successor be duly appointed.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Resolution 2012-09:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Lorraine Carafa, Tax Collector, be and she is hereby appointed and designated to make examinations of municipal records for the year 2012 with respect to any and all unpaid municipal liens and to certify the results thereof to any person making a request therefor.

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Resolution 2012-09 (continued)

BE IT FURTHER RESOLVED that said Tax Collector shall be vested with the power to make official certificates of searches for municipal liens and to issue the same upon receipt of the statutory fees.

Resolution 2012-10:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Lorraine Carafa, Village Clerk, be and she is hereby appointed and designated to make examinations of municipal records for the year 2012 with respect to liability for assessments for municipal improvements and to certify the results thereof to any person making a request therefor.

BE IT FURTHER RESOLVED that said Village Clerk shall be vested with the power to make official certificates as to liability for assessments for municipal improvements and to issue the same upon receipt of the statutory fees.

Resolution 2012-11:

WHEREAS, the Village of Loch Arbour must designate a Certifying Officer and Supervisor of the Certifying Officer charged with the responsibilities of certifying at the local level all documents pertaining to the Public Employees' Retirement System (PERS), Police and Firemen's Retirement System (PFRS) and Defined Contribution Retirement Plan (DCRP), including, but not limited to, enrollments, transfer of member accounts, retirements, withdrawals and insurance claims.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons be designated as the Certifying Officer and Lorraine Carafa, RMC as the Supervisor of the Certifying Officer for the above-referenced purposes effective immediately through December 31, 2012.

Resolution 2012-12:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Todd A. Ganghamer be and he is hereby appointed Zoning and Housing Official of the Village for the one year period commencing March 21, 2012 through December 31, 2012, inclusive, and until his successor has been duly appointed, at the salary provided in the Salary Ordinance and resolutions of the Village.

BE IT FURTHER RESOLVED that Mr. Ganghamer, in his capacity as the Enforcement Officer of Village Ordinance No. 156 et seq., shall be paid \$30.00 per Certificate of Occupancy.

BE IT FURTHER RESOLVED that Mr. Ganghamer, in his capacity as Zoning Official, be designated as the Code Official for the enforcement of Village Ordinances No. 156, 201, and 296 and any other Ordinances adopted during 2012 specifying the Zoning and Housing Official as the Enforcement Agent.

Resolution 2012-13:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that Joseph Marinaccio be and he is hereby appointed Superintendent of Parking Meters and Collector of Parking Meter Monies of the Village of Loch Arbour for the period commencing March 21, 2012 through December 31, 2012, inclusive, and until his successor be duly appointed, at the salary provided in the Salary Ordinance and resolutions of the Village.

Resolution 2012-14:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Lorraine Carafa be and she is hereby appointed as Fund Commissioner to the Monmouth Municipal Joint Insurance Fund for the period commencing March 21, 2012 through December 31, 2012, inclusive, and until her successor has been duly appointed.

Resolution 2012-15:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Lorraine Carafa be and she is hereby appointed as Community Development Representative for the period commencing March 21, 2012 through December 31, 2012, inclusive, and until their successors be duly appointed.

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Resolution 2012-15 (continued)

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Monmouth County Community Development Office.

Resolution 2012-16:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Lorraine Carafa be and she is hereby appointed as License Inspector for the period commencing March 21, 2012 through December 31, 2012, inclusive, and until her successor be duly appointed at the salary provided in the Salary Ordinance and resolutions of the Village.

Resolution 2012-17:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Donna Phelps be and she is hereby appointed as Recycling Coordinator for the period commencing March 21, 2012 through December 31, 2012, inclusive, and until her successor be duly appointed.

Resolution 2012-18:

WHEREAS, N.J.A.C. 17:27-3.5 requires the annual appointment of a Public Agency Compliance Officer (P.A.C.O.).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Lorraine Carafa, Village Clerk be and she is hereby appointed to serve as the a Public Agency Compliance Officer (P.A.C.O.) for the Village of Loch Arbour, commencing March 21, 2012 through December 31, 2012, inclusive, and until her successor be and the same is duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Contract Compliance and EEO in Public Contracts, P.O. Box 209, Trenton, NJ, 08625-0209.

Resolution 2012-19:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Erin Dolan and Lorraine Carafa be and they are hereby appointed as Village of Loch Arbour Representative and Alternate, respectively, to the Deal Lake Commission for the one year period commencing March 21, 2012 through December 31, 2012, inclusive, and until their successor be duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to:

1. Erin Dolan
2. Deal Lake Commission

Resolution 2012-20:

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and,

WHEREAS, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% per annum to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

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

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after the due date and 18% per annum on any amount in excess of \$1,500.00 delinquent after the due date and, if the delinquency is in excess of \$10,000.00 and remains in arrears after December 31st, an additional penalty of 6% per annum shall be charged against the delinquency; there will be a ten (10) day grace period of quarterly payments made by cash, check or money order.

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RESOLUTION 2012-20 (continued)

2. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of this resolution.

Resolution 2012-21:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Alfred J. Cheswick, Commissioner of Revenue and Finance and Lorraine Carafa, Chief Financial Officer, be and they are hereby authorized to invest cash balances as they become available from time to time during the year 2012 in depositories which are designated by the Village of Loch Arbour.

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that the Chief Financial Officer be and she is hereby authorized to open or continue interest bearing accounts as necessary in TD Bank, NA, New Jersey, for the year 2012 in the name of the Village of Loch Arbour, for the deposit of funds which will only be transferred as needed to the checking account by the signature of any two (2) of the following:

Paul V. Fernicola, Mayor
Lorraine Carafa, Village Clerk/Chief Financial Officer
Alfred J. Cheswick, Commissioner of Revenue and Finance
Denis D'Angelo, Commissioner

Resolution 2012-22:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that accounts may be opened and/or continued in the following banks or their successors for the year 2012 and invest from time to time in said banks such Village funds may be allowed by law:

State of New Jersey Cash Management Fund
Bank of America
Central Jersey Bank
TD Bank
Manasquan Savings Bank
Provident Bank
Investors Savings Bank

BE IT FURTHER RESOLVED that all funds in said accounts shall be subject to withdrawal on the application of the Village of Loch Arbour signed by any two (2) of the following:

Paul V. Fernicola, Mayor
Lorraine Carafa, Village Clerk/Chief Financial Officer
Alfred J. Cheswick, Commissioner of Revenue and Finance
Denis D'Angelo, Commissioner

Resolution 2012-23:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that the Chief Financial Officer be and she is hereby authorized to open or continue interest bearing accounts as necessary in TD Bank, NA, New Jersey, for the year 2012 in the name of the Village of Loch Arbour, for the deposit of funds which will only be transferred as needed to the checking account by the signature of any two (2) of the following:

Paul V. Fernicola, Mayor
Lorraine Carafa, Village Clerk/Chief Financial Officer
Alfred J. Cheswick, Commissioner of Revenue and Finance
Denis D'Angelo, Commissioner

BE IT FURTHER RESOLVED that telephone transfers from the interest account to the checking account may be authorized by the Chief Financial Officer.

Resolution 2012-24:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Village Treasurer be and she is hereby authorized to open or continue checking (general) accounts as necessary in TD Bank, New Jersey for the year 2012 in the name of the Village of Loch Arbour, for the deposit of funds in said bank to the credit of this Village, from time to time, of any monies, checks, drafts, notes, acceptances, or other evidence of indebtedness, whether belonging to the Village or otherwise, which may be or hereafter come into its possession, and that said bank be and is hereby

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Resolution 2012-24 (continued)

authorized to make payments from the funds on deposit with it, upon and according to the checks, drafts, notes or acceptances of this Village, signed by any two (2) of the following:

Paul V. Fernicola, Mayor
Lorraine Carafa, Village Clerk/Chief Financial Officer
Alfred J. Cheswick, Commissioner of Revenue and Finance
Denis D'Angelo, Commissioner

BE IT FURTHER RESOLVED that telephone transfers from the interest account to the checking account may be authorized by the Chief Financial Officer.

Resolution 2012-25:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Village of Loch Arbour shall participate in the Monmouth County Library System for the year 2012.

Resolution 2012-26:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the regular meetings of the Board of Commissioners for the year 2012 shall be scheduled for the following dates at 7:30 PM:

April 4	July	October 3
May 2	August 1	November 7
June 6	September 5	December 5

BE IT FURTHER RESOLVED that Workshop Meetings of the Board of Commissioners, when necessary, for the year 2012 shall be scheduled on the following dates at 7:30 PM:

April 25	June 27	September 26
May 23	July 25	October 24
	August 22	

BE IT FURTHER RESOLVED that the Reorganization Meeting for the year 2013 shall be scheduled for Wednesday, January 2, 2013 at 7:30 PM, to be immediately followed by a Regular Meeting.

BE IT FURTHER RESOLVED that all meetings shall be held in the Municipal Building, 550 Main Street, Loch Arbour until further notice; and,

BE IT FURTHER RESOLVED that the Asbury Park Press and The Coaster are hereby designated official newspapers for notices, and said notices shall be sent to either or all, when necessary, under the provisions of the Open Public Meetings Act; and,

BE IT FURTHER RESOLVED that in accordance with R.S. 10:4-19, any person, upon prepayment of a fee of \$10.00 for each calendar year or part thereof, may request a copy of any regular or workshop meeting agenda or revision, and advance notice of any regular, workshop, special or re-scheduled meeting of the Board of Commissioners, be mailed to such a person within the time limit prescribed by the Open Public Meetings Act.

Resolution 2012-27:

WHEREAS, Village Ordinance No. 342 finally adopted on March 5, 2008 authorized the creation of an Open Space Committee comprised of five regular members and one alternate member to be appointed by the governing body and one member to be appointed by the Planning Board; and,

WHEREAS, the five committee members to be appointed by the governing body include a Commissioner and four residents (three regular members, one an alternate member).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the appointees to the Open Space Committee shall be as follows:

1. Denis D'Angelo, Commissioner;
2. Paul Williams, Regular Resident Member;
3. Mary Gosline, Regular Resident Member;

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Resolution 2012-28 (continued)

4. Vilja Virks-Lee, Regular Resident Member;
5. Melanie Nowlin, Alternate Resident Member.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be supplied to each member of the Open Space Committee.

Recorded Vote:

Ayes: Mr. Cheswick, Mr. D'Angelo, Mr. Fernicola

Nays: None Absent: None

PLANNING BOARD APPOINTMENTS

The Mayor of the Board of Commissioners, who is automatically a member of the Planning Board (Class I) for a four year period, to conform with his official tenure, makes the following appointments pursuant to Statute:

Joseph Gassaro, as a Class IV (resident) member for a four year term for the balance through December 31, 2013.

Louis Parisi, as a Class IV (resident) member for a four year term for the balance through December 31, 2013.

Melanie Nowlin, as a Class IV (resident) member for a four year term for the balance through December 31, 2014.

Adam Eisenberg, as a Class IV (resident) member for a four year term for the balance through December 31, 2014.

Carol Wilusz, as a Class IV (resident) member for a four year term expiring December 31, 2015.

Joel Mahan, as a Class IV (resident) member for a four year term expiring December 31, 2015.

Brooke Tarabour-Ginsburg, as a Class IV Alternate #1 (resident) member for a two year term expiring December 31, 2013.

There are two vacancies: the Class II employee and the Class IV Alternate #2 (resident) members, respectively.

There being no further business, and UPON MOTION of Mr. Fernicola, seconded by Mr. Cheswick, carried that the Organization Meeting be adjourned at 8:10 PM.

LORRAINE CARAFA, R.M.C.
Village Clerk