

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON WEDNESDAY, JANUARY 3, 2024 AT 6:30 P.M. AND WAS CONTINUED AFTER THE REORGANIZATION MEETING

Also present was William Healey, Village Attorney and Marilyn Simons, Village Clerk.

WHEREAS, certain 2023 appropriations reserves require additional funds to cover expenditures through December 31, 2023; and,

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits transfers between appropriations reserves during the first three months of the succeeding fiscal year.

ACCOUNT	TRANSFER TO APPROPRIATION (inside CAPS)	AMOUNT	TOTAL
3-01-26-310-024	Public Bldgs. & Grounds, OE	\$3,000.00	
	TOTAL TRANSFERS TO APPROPRIATION (inside CAPS)		\$3,000.00
	TRANSFER FROM APPROPRIATION (inside CAPS)		
3-01-20-130-030	Financial Administration, OE	\$ 3,000.00	
	TOTAL TRANSFERS FROM APPROPRIATION (inside CAPS)	\$3,000.00	

Nays: None                      Absent: None

Nays: None    Absent: None

Nays: None                      Absent: None

- Minutes of the Regular Meeting and Executive Session held on December 6, 2023.

Recorded Vote:

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

Nays: None

Absent: None

REPORTS

UPON MOTION of Mayor Fernicola, seconded by Commissioner D'Angelo, carried, that the following Reports for the period ending December 31, 2023 on file in the Village Clerk's office, be and the same are hereby ordered received and filed:

- Expenditure Report
- Revenue Received Report
- Tax Collections Report/Delinquent Taxes Report for 2023
- Borough of Deal Police Dept. Monthly Incident Report

Recorded Vote:

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

Nays: None

Absent: None

CORRESPONDENCE

UPON MOTION of Mayor Fernicola, seconded by Commissioner 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:

- Cross Over Networks, network support contract renewal, \$3,972.00 for 2024;
- Associated Humane Societies, animal control contract renewal, \$800.00 for 2024;
- Asbury Park Window Cleaning Co., Janitorial Service, \$205.00 per month for 2024;
- Sharp Elevator Company Inc., elevator preventative maintenance, \$1,644.00 for 2024;
- Casa Payroll, payroll services agreement for 2024;
- Jersey Shore Regional Health Commission No. 1, agenda and various reports/correspondence;
- The Village of Loch Arbour – CAFRA Individual Permit was approved by the DEP.

Recorded Vote:

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

Nays: None

Absent: None

NEW BUSINESS

The following Resolution 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 Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolutions be adopted:

Resolution 2024-32: WHEREAS, there is a need of Janitorial Services at the Village Municipal Building; and WHEREAS, the Local Public Contracts Law (N.J.S.A 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2024 Temporary Appropriations of the Village and provision will be made this contract in the finally adopted 2024 budget.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Asbury Park Window Cleaning Co., be hereby awarded the contract for 2024 Janitorial Services renewal at the annual cost of \$2,460.00.

BE IT FURTHER RESOLVED, that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be supplied to Asbury Park Window Cleaning Co.

Resolution 2024-33: WHEREAS, the Village of Loch Arbour is in need of professional services to maintain its computer hardware, software and internal network; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2024 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2024 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Cross Over Networks be hereby awarded the contract for 2024 network support and maintenance services, Anti-Virus and Backup Charges at the annual cost of \$3,972.00.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Cross Over Networks.

Resolution 2024-34: WHEREAS, there is the need for the provision of Animal Warden/Control Services in the Village as the current contract with the Associated Humane Societies expired on December 31, 2023; and,

WHEREAS, funds are available in the Village's 2024 Temporary Budget and will be appropriated in the Village's finally adopted 2024 Budget for this purpose and the Chief Financial Officer has so certified.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Associated Humane Societies be and the same is hereby retained as Animal Warden for the Village of Loch Arbour for the one-year period commencing January 1, 2024 through December 31, 2024, inclusive, at the annual cost of \$800.00.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be hereby authorized to execute said Agreement on behalf of the Village.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded with the executed Agreement to the Associated Humane Societies.

Resolution 2024-35: WHEREAS, the Village of Loch Arbour is in need of professional services to maintain its elevator at the Village Municipal Building; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2024 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2024 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Sharp Elevator Company, Inc., be hereby awarded the contract for 2024 maintenance services at the annual cost of \$1,644.00.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Sharp Elevator Company, Inc.

Resolution 2024-36: WHEREAS, the Village of Loch Arbour is in need of professional services to provide payroll processing services; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2024 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2024 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Casa Payroll Services be hereby awarded the contract for 2024 payroll processing services at the annual cost as per the 2024 Service Agreement.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

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

Resolution 2024-37: WHEREAS, the Jersey Shore Running Club has requested permission to use Village streets for the RunAPalooza road race to Benefit Special Olympics, to be held on Saturday, April 6, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to the Jersey Shore Running Club; to use Village streets for the RunAPalooza road race to Benefit Special Olympics to be held on Saturday, April 6, 2024, subject to the following conditions:

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before March 15, 2024 along with a copy of the insurance policy.
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of runners and pedestrians.
4. Traffic control devices, i.e., cones or barricades, must be supplied by the Jersey Shore Running Club to be set-up and removed as necessary by personnel supplied by the Jersey Shore Running Club;
5. Execution of the required Hold Harmless Agreement.

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

1. Jersey Shore Running Club
2. Chief Ronen Neuman, Borough of Deal Police Department

Resolution 2024-38: WHEREAS, National MS Society- New Jersey Metro; has requested permission to use Village streets for Bike MS: Coast the Coast fundraiser to be held on Saturday, May 11, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to National MS Society – New Jersey Metro to use Village streets for Bike MS: Coast the Coast fundraiser to be held on Saturday, May 11, 2024, subject to the following conditions:

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before May 1, 2024 along with a copy of the insurance policy;
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of bikers and pedestrians.
4. Traffic control devices, i.e., cones or barricades, must be supplied by National MS Society – New Jersey Metro to be set-up and removed as necessary by personnel supplied by National MS Society – New Jersey Metro;
5. Execution of the required Hold Harmless Agreement.

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

1. National MS Society – New Jersey Metro
2. Chief Ronen Neuman, Borough of Deal Police Department

Resolution 2024-39: WHEREAS, Clean Ocean Action has requested permission to conduct the Spring Beach Sweeps to be held on Saturday, April 13, 2024 and Fall Beach Sweeps to be held on Saturday, October 19, 2024 at the Village Beach from 9:00 AM to 12:30 PM; and,

WHEREAS, the Board of Commissioners support the efforts of Clean Ocean Action to preserve and protect our fragile shore environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Clean Ocean Action to conduct the Spring Beach Sweeps on Saturday, April 13, 2024 and Fall Beach Sweeps on Saturday, October 19, 2024 to be held at the Village Beach from 9:00 AM to 12:30 PM; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Clean Ocean Action.

Recorded Vote:

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

**Ordinance 2024-491 – introduction**  
**CAPITAL ORDINANCE NO. 2024-491**

CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO OCEAN PLACE, AND APPROPRIATING \$174,000 THEREFOR, AUTHORIZED IN AND BY THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

Purpose(s): Improvements to Ocean Place.

Appropriation: \$174,000

Section 20 Costs: \$28,000

Grant: \$157,146 NJDOT

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2024-491 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing as February 7, 2024.

Recorded Vote:

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

**Ordinance 2024-492 – introduction**  
**ORDINANCE 2024-492**

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 156, AND ORDINANCE 2022-480 ENTITLED “AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291, P.L. 1975) AMENDING ORDINANCE 156, ARTICLE 4, (417 D) AND ORDINANCE 2022-480 ENTITLED “PERMITS” FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY.”

WHEREAS, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

BE IT ORDAINED, the Board of Commissioners of the Village of Loch Arbour has determined it is in the best interest of the community to revise portions of the existing Land Use Development Regulations to address escrows and costs for reviewing applications, making zoning determinations and conducting inspections to assure that approved projects are constructed according to the approved plans.

SECTION 1: ORDINANCE 156, ARTICLE 4, (417 D) AND ORDINANCE 2022-480 is hereby amended to read as follows:



An Ordinance Amending and Supplementing Ordinance 2023-487 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:

**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 that 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.
- 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. 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 \$250.00. An application may include more than one Heritage Tree within a single application fee.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D’ Angelo, carried that said Ordinance 2024-494 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing as February 1, 2023.

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

Ordinance 2024-495 – introduction  
**ORDINANCE NO. 2024-495**  
AN ORDINANCE TO FIX AND DETERMINE THE SALARIES AND WAGES  
TO BE PAID TO THE OFFICERS AND EMPLOYEES OF THE  
VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, NEW JERSEY,  
AND REPEALING ORDINANCES NO. 295, 337, 2019-495 AND  
ALL OTHER ORDINANCES OR PARTS OF  
ORDINANCES INCONSISTENT THEREWITH

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, NEW JERSEY, as follows:

**Section 1.** The annual salaries to be paid to certain officers or employees of the Village of Loch Arbour shall be as follows:

TITLE OF OFFICER OR EMPLOYEE	MINIMUM	MAXIMUM
Village Clerk	\$25,000.00	\$100,000.00
Collector of Taxes	\$1,000.00	\$15,000.00
Chief Finance Officer	\$1,000.00	\$25,000.00
Tax Assessor	\$1,500.00	\$15,000.00
Beach Manager	\$5,000.00	\$25,000.00
C-1 Licensed Sewage System Operator	\$1,000.00	\$5,000.00
Zoning/Local Code Official	\$1,000.00	\$20,000.00
Superintendent of Parking Meters	\$1,000.00	\$5,000.00
Clerk, Planning Board (per meeting or meeting equivalent)	\$150.00	\$500.00
License Inspection	\$100.00	\$500.00
Registrar of Vital Statistics	\$100.00	\$500.00



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

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Pending Litigation/Attorney client privileged information.  
The Mayor and Commissioners reserve the right to take Action 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 D' Angelo, that the meeting be adjourned at 8:10 p.m.

Marilyn Simons, RMC  
Village Clerk