

**VILLAGE OF LOCH ARBOUR
MINUTES – REGULAR MEETING
APRIL 1, 2020**

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS CONDUCTED BY TELECONFERENCE ONLY – PHONE NUMBER 1.206.462.5569, MEETING ID/PIN# 2705 15 0812 ON APRIL 1, 2020, CALLED TO ORDER AT 6:30 P.M. BY MAYOR FERNICOLA

Following the salute to the Flag the Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola.

Also present was William Healey, 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 newspaper on January 13, 2020 and March 26, 2020 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

RESOLUTION 2020-51: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, N.J.S.A.40A:4-20 states that in addition to the temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the fiscal year and the adoption of the budget for said year, and

WHEREAS, the amount of such emergency appropriation shall be included under the correct heading in the budget as adopted, and;

WHEREAS, there is a need to provide additional funds for Village operations, and

WHEREAS, adequate provision for such funding was not made in the temporary budget.

WHEREAS, the total emergency temporary resolutions adopted in the year 2020 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A, 4-20) including the increase represented by this resolution total \$426,053.85, in addition to the temporary budgets adopted January 8, 2020 in the amount of \$271,364.15 for a total Year to Date Temporary Budget of \$697,418.00.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour (not less than 2/3 affirmatively concurring) that the items of appropriation appearing on the list be included in the temporary budget for the Village for the year 2020, and that in accordance with the Statute such item of appropriation will be included in the 2020 budget as finally adopted.

BE IT FURTHER RESOLVED that two certified copies of this Resolution be filed with the Director of the Division of Local Government.

Recorded Vote:

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

Nays: None

Absent: None

PAYMENT OF BILLS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the payment of bills totaling \$54,979.58 for the month of April, 2020 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 the payment to the Loch Arbour Board of Education in the amount of \$41,662.00 for the month of April, 2020 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 Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the minutes of the following meetings be approved:

- Minutes of the Regular Meeting held on February 12, 2020;
- Minutes of the Executive Session held on February 12, 2020.

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/CORRESPONDENCE

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, the following reports for the period ending March 31, 2020, 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 2020
- Deal Police Department, Monthly Incident Report
- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Resolution declaring the County of Monmouth Second Amendment Lawful Gun Owner County adopted by the Monmouth County Board of Chosen Freeholders.

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS

A. Ordinance 2020-460 –

The Mayor read the said Ordinance by Title, advising of publication in *The Coaster* on March 12, 2020.

AN ORDINANCE TO AMEND ORDINANCES NO. 207, 220, 243, 309, 345, 366, 376, 382, 2017-425 and 2020-459 OF THE VILLAGE OF LOCH ARBOUR ENTITLED “AN ORDINANCE TO CREATE A MUNICIPAL BEACH IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AND TO REGULATE AND PROVIDE FUNDS TO IMPROVE AND MAINTAIN THE MUNICIPAL BEACH AND FACILITIES, AND TO SET THE FEES AND CHARGES FOR THE RENTAL OF LOCKERS FOR USE AT SAID BEACH, IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH,

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

Section 1. ARTICLE II – REGISTRATION AND ADMISSION TO BEACH is amended and supplemented to read as follows:

Section 3.h. Beginning April 1, 2020, Locker Rental will be offered.

(a) All lockers will be placed on the Village Beach in the area designated by the Commissioners.

(b) All locker rentals will be from Saturday of Memorial Day Weekend until Monday of Labor Day Weekend.

(b) All current seasonal parking permit holders are not eligible for the rental of the lockers.

(c) All locker permits shall be issued only to current season beach badge holders.

(d) Locker rental is limited to the number of lockers available.

(e) Village of Loch Arbour residents will have preference over non-residents for the rental of the lockers.

(f) The renter shall lock to secure the contents of the locker. The Village shall remove any lock from any locker that remains locked after the Monday of Labor Day weekend. Any lock and contents of said locker shall become the property of the Village of Loch Arbour and shall be auctioned as surplus property under the provision of N.J.S.A 40A:11, et seq

(g) The Beach Manager has the discretion to revoke any Locker Rental if he deems it necessary.

(h) The seasonal fee for the locker is \$425.

(i) The Village shall not be responsible the loss or theft of any contents of a locker.

Section 2. ARTICLE VII – REPEAL, SEVERABILITY is amended as follows:

Section 1. All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 2. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this ordinance shall be deemed valid and effective.

Section 3 – EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the meeting be opened for comments on Ordinance only.

There being no public comments, and **UPON MOTION** of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the public hearing be closed.

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, Ordinance 2020-460 be and the same is hereby TABLED until the next Commissioners Meeting scheduled for May 6, 2020.

Recorded Vote:

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

Nays: None

Absent: None

B. Ordinance 2020-461 –

The Mayor read the said Ordinance by Title, advising of publication in *The Coaster* on March 12, 2020.

**AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2020
MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour as follows:

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Village of Loch Arbour in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 3.5% increase in the budget for the said year, amounting to \$26,498.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, **BE IT ORDAINED** by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Village of Loch Arbour shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$26,498.73 and that the CY 2020 municipal budget for the Village of Loch Arbour be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the meeting be opened for comments on Ordinance only.

Remo Maisto, Elberon Avenue, wanted clarification regarding this Ordinance.

There being no public comments, and **UPON MOTION** of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the public hearing be closed.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, Ordinance 2020-461 be and the same is hereby adopted on final reading directing the Clerk to post and publish as required by law.

Recorded Vote:

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

Nays: None Absent: None

NEW BUSINESS

A. Ordinance 2020-462 – Introduction

The Mayor read the Ordinance by Title:

VILLAGE OF LOCH ARBOUR

ORDINANCE NO. 2020-462

AN ORDINANCE TO AMEND ORDINANCE #2013-387 OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING AN AREA FOR PLACEMENT OF A PARKING METER TERMINAL, PAYMENT FOR SAME BY A MULTI-SPACE PARKING METER TERMINAL, PRESCRIBING REGULATIONS RELATIVE TO PARKING OF VEHICLES UPON SUCH STREETS, PROVIDING FOR THE ESTABLISHMENT OF A PARKING METER ZONE AND PROVIDING FOR THE ESTABLISHMENT OF RATES FOR METER PARKING AND THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, as follows:

Section 2. PARKING METER ZONE ESTABLISHED

Section 3. Dates and hours of Enforcement. From May 15 through October 31 of each calendar year, individual parking meters or multi-space meter terminals shall be enforced from 8:00 a.m. until 6:00 p.m. each day of the week.

Section 2. EFFECTIVE DATE

This Ordinance shall take effect twenty days after its final passage and publication as required by law.

UPON MOTION, of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that said Ordinance #2020-462 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 May 6, 2020.

Recorded Vote

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

Nays: None Absent: None

B. Resolution 2020-52: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following Resolution be adopted:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, PL 2001, c.138 and NJSA 40A:4-62.1 provides for receipt of Storm Trust monies by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-30 provides the dedicated revenues anticipated from the Village of Loch Arbour are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Storm Recovery Reserve Trust Fund.
2. The Clerk of the Village of Loch Arbour, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Recorded Vote:

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

Nays: None Absent: None

C. Resolution 2020-53: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo carried, the following Resolution is adopted:

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020:

General Appropriations for:

Appropriations within "CAPS"	
Municipal Purposes	\$ 712,875.63
Appropriations excluded from "CAPS":	
Municipal Purposes	\$ 418,568.77
Reserve for Uncollected Taxes	\$ 83,095.94
Total General Appropriations	\$ 1,214,540.34
Less: Anticipated Revenues other than current property tax	\$ 584,140.34
Difference: Amount to be raised by Taxes for Support of Municipal Budget as follows:	
Local tax for Municipal Purposes including Reserve for Uncollected Taxes	\$ 630,400.00

BE IT ALSO RESOLVED, that said Budget be published in The Coaster in the issue of April 9, 2020; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Village of Loch Arbour does hereby approve the following as the Budget for the year 2020.

BE IT FINALLY RESOLVED that a Hearing on the Budget and Tax Resolution will be held at the Village of Loch Arbour municipal building on May 6, at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.

Recorded Vote:

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

D. Resolution 2020-54: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

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, Erick Aguiar has served the Village as its Assessor with a term expiring June 30, 2020 and,

WHEREAS, Erick Aguiar possesses a tax assessor certificate, as provided for and required by N.J.S.A. 54:1-35.25 et seq and N.J.S.A. 40A:9-148.1

WHEREAS, pursuant to N.J.S.A 40A:9-148, the Tax Assessor shall hold a term of office four years, from the first day of July next following his appointment; and

WHEREAS, notwithstanding the foregoing N.J.S.A provides that a tax assessor that has been reappointed and has served not less than four consecutive years prior to such reappointment shall be entitled to tenure; and

WHEREAS, the Village seeks to re-appoint Erick Aguiar to the position of Tax Assessor of the Village of Loch Arbour;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Erick Aguiar be hereby re-appointed as the Certified Tax Assessor for the Village of Loch Arbour for the four-year term effective July 1, 2020 and through June 30, 2024, and in accordance with the statutory tenure that Erick Aguiar has attend by virtue of his re-appointment, as set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Erick Aguiar's salary for 2020 is \$7,500.00.

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

1. Erick Aguiar
2. Matthew Clark, Monmouth County Tax Administrator

Recorded Vote:

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

E. Resolution 2020-55: UPON MOTION OF Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following resolution is adopted.

WHEREAS, Matthew Goldfarb has been serving as beach manager and is duly qualified to serve as beach manager; and

WHEREAS, the Board of Commissioners is desirous of appointing Matthew Goldfarb as beach manager.

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

1. Matthew Goldfarb be and hereby is appointed beach manager effective immediately for the 2020 Summer Season.
2. Matthew Goldfarb shall be compensated for services as beach manager at an annual salary of \$16,000.00 payable in accordance with customary procedures of the Village of Loch Arbour.
3. A certified copy of this Resolution shall be sent to:
 - A. Matthew Goldfarb
 - B. CFO for the Village of Loch Arbour.

Recorded Vote:

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

Nays: None

Absent: None

F. Resolution 2020-56: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

BE IT RESOLVED by the Commissioner of the Village of Loch Arbour that, in accordance with Village Ordinance No. 337 and Ordinance 2019-456, the following salary for the Certified Financial Officer and Tax Collector is hereby authorized, retroactive to January 1, 2020 through December 31, 2020, inclusive:

Tax Collector	4,000.00
Certified Financial Officer	21,000.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be filed with the Chief Financial Officer for her information and action.

Recorded Vote:

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

Nays: None

Absent: None

G. Resolution 2020-57: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following resolution is adopted.

WHEREAS, it is necessary to hire an Office Assistant for the Village of Loch Arbour, to prepare for the upcoming beach season, and;

WHEREAS, the Board of Commissioners is desirous of hiring Tyler Simays as the Office Assistant.

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

1. Tyler Simays, shall be compensated to be an Office Assistant, as of March 15, 2020 through on or before August 1, 2020 at a rate of \$15.00 an hour payable in accordance with customary procedures of the Village of Loch Arbour.
2. A certified copy of this Resolution shall be sent to:
 - A. Tyler Simays
 - B. CFO for the Village of Loch Arbour.

Recorded Vote:

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

Nays: None

Absent: None

UPDATES/DISCUSSION

A. Next Commissioners Meeting – Scheduled for May 6, 2020 at 6:30 pm.

B. Village Website -

Resolution 2020-58: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need to Design a new Village of Loch Arbour Website; and

WHEREAS, quotation was requested and received from CivicPlus at an initial cost to Design and the Development of the Website in the amount of \$6,000.00 and an Annual Maintenance and Hosting fee of \$2,000.00; and

WHEREAS, funds are available for this purpose in the 2020 Appropriations in the 2020 Budget and the Chief Financial Officer has so certified; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the proposal of CivicPlus to Design and Host the Village of Loch Arbour Website in the amount of \$6,000.00, be and the same is hereby accepted; and

BE IT FURTHER RESOLVED to authorize Village Clerk to execute agreement regarding same; and

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

Recorded Vote:

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

Nays: None

Absent: None

C. Merchant Services/Credit Card Machine –

Resolution 2020-59: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour desires to enter into an Agreement with T/SYS/ - Heartland, Merchant Services to accept credit cards for the Village Parking Meter and Daily Beach Badges; and

WHEREAS, funds are available for this purpose in the 2020 Appropriations in the 2020 Budget and the Chief Financial Officer has so certified; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the proposals of T/SYS/ - Heartland Merchant Services is accepted for the purchase of a credit card machine and the service of accepting credit card payments; and

BE IT FURTHER RESOLVED to authorize Village Clerk and the Village Chief Financial Officer to execute agreements regarding same; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to T/SYS/ - Heartland, Merchant Services.

Recorded Vote:

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

Nays: None

Absent: None

D. Municipal Election – May 12, 2020 - Election will be conducted solely via mail in ballots. Every registered voter will automatically receive a mail-in ballot. Mail-in Ballots must be postmarked by May 12, 2020 and received by the Board of Elections within 48 hours after the close of the polls. Voters will not be permitted to vote in-person at the polling location on May 12, 2020.

PUBLIC HEARING

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

Dave DenBleyker, Euclid Avenue, thanked the Village Clerk and the Mayor and Commissioners for their dedication and hard work during this pandemic.

Remo Maisto, Elberon Avenue, thanked the Mayor and Commissioners for their dedication and hard work during this pandemic.

Mayor Fernicola thanked the Village Clerk for her dedication.

There being no further comments, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the public hearing be closed.

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, carried that the meeting be finally adjourned at 7:10 p.m.

Marilyn Simons, RMC
Village Clerk