

**VILLAGE OF LOCH ARBOUR
MINUTES – REGULAR MEETING
MAY 6, 2020**

**THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF
LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS CONDUCTED BY**

<https://zoom.us/j/9871856747>

Meeting ID: 987 185 6747

One Tap Mobile:

Call # 1-646-558-8656

Meeting ID/PIN: 987 185 6747#

ON MAY 6, 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, Thomas X. Seaman, Village CFO 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 April 17, 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.

MINUTES

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the minutes of the following meetings be approved:

- Minutes of the Regular Meeting held on March 4, 2020;
- Minutes of the Regular Meeting held on April 1, 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 April 30, 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;
- Stormwater Management Annual Report and Certification prepared by Village Engineer Peter Avakian's office.
- Municipal JIF – MEL Annual Report
- State of New Jersey – Department of Transportation letter notifying that all Federal Aid – projects must comply with existing statutes and regulations regarding Buy America.
- State of New Jersey – Department of Transportation letter notifying that NJDOT Fiscal Year 2021 State Aid Program new deadline for grant application submissions is July 1st.

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS

A. 2020 Municipal Budget – public hearing/adoption

Affidavit of Publication of 2020 Municipal Budget Summary in *The Coaster* on April 9, 2020 received and on file.

Resolution 2020-60: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour 2020 Municipal Budget was introduced and approved on the 1st day of April, 2020; and,

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Clerk of the Village of Loch Arbour does hereby certify the Synopsis of the Budget was published in *The Coaster* on April 9, 2020 and the Affidavit of Publication is on file in the Village Clerk's office; and,

WHEREAS, pursuant to N.J.S.A 40A:4-8, et seq., the Clerk of the Village of Loch Arbour does hereby certify the 2020 Budget has been available for public review on the State of New Jersey Website www.njgov/treasury/lgbr/mun.pdf or by contacting the Municipal Clerk at clerk@locharbour.us; and

WHEREAS, a public hearing thereon is being held on the 6th day of May, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the budget hereinbefore set forth shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,214,540.34 for municipal purposes.

Recorded Vote:

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

Resolution 2020-62: RESOLUTION OF THE VILLAGE OF LOCH ARBOUR COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO AMEND APPROVED BUDGET IN ACCORDANCE WITH THE PROVISIONS OF 40A:4-9

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

WHEREAS, the local municipal budget for 2020 was approved on April 1, 2020; and

WHEREAS, the governing body desires to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Village of Loch Arbour, County of Monmouth that the following amendments to the approved budget of 2020 be made:

<u>APPROPRIATIONS</u>	<u>From</u>	<u>To</u>
8. General Appropriations:		
(C) Capital Improvements - Excluded from "CAPS":		
Capital Improvement Fund	10,000.00	8,000.00
Fire Equipment	5,000.00	7,000.00

BE IT FURTHER RESOLVED, that this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the 2020 Local Municipal Budget as amended.

IT IS HEREBY CERTIFIED that this is a true copy of a resolution amending the 2020 Budget, adopted by the Governing Body on the 6th day of May, 2020.

Recorded Vote:

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be opened to the public for comments on the 2020 Budget only.

There being no comment from the public present. UPON MOTION of Mayor Fernicola seconded by Commissioner D' Angelo, carried that the meeting be closed to the public.

Recorded Vote:

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

Resolution 2020-62: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour 2020 Municipal Budget was introduced and approved on the 1st day of April, 2020; and,

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Synopsis of the Budget was published in *The Coaster* on the 9th day of April, 2020 and the Affidavit of Publication is on file in the Village Clerk's office; and,

WHEREAS, a public hearing thereon is being held on the 6th day of May, 2020.

WHEREAS, permission to adopt the 2020 Municipal Budget was received from the Division of Local Government Services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, County of Monmouth, that the budget hereinbefore set forth, is hereby adopted and shall constitute an appropriation for the purposes states of sums therein set forth as appropriations, and authorization of the amount of \$1,214,540.34 for municipal purposes.

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 \$280,386.20 for the month of May, 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 Mayor Fernicola, 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 May, 2020 be and the same is hereby approved as presented.

Recorded Vote:

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

OLD BUSINESS

A. Ordinance 2020-460 –

The Mayor read the Ordinance by Title, advising of its 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 Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the meeting be opened for comments on Ordinance only.

David & Monique Betesh, Euclid Avenue, questioned the size of the lockers. Commissioner Cheswick stated the locker dimensions are 55x24x30 and can fit a combination of 6 beach chairs, 2 boogie boards and an umbrella.

There being no additional 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 Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, Ordinance 2020-460 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

B. Ordinance 2020-462 –

The Mayor read the Ordinance by Title, advising of its publication in *The Coaster* on April 9, 2020.

**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 Mayor Fernicola, seconded by Commissioner Cheswick, carried, the meeting be opened for comments on Ordinance only.

There being no public comments, and **UPON MOTION** of Mayor Fernicola, seconded by Commissioner Cheswick, 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 2020-462 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 2020-463 – introduction

The Mayor read the Ordinance by Title:

ORDINANCE #2020-463

AN ORDINANCE ENTITLED “AN ORDINANCE ESTABLISHING AND REGULATING PARKING FOR SPECIAL EVENTS FOR ON STREET PARKING AND IN THE VILLAGE’S PARKING LOT;

- (a) Parking Permit Zones Established. Residential parking permit zones shall be as follows: (1) Euclid Avenue between Ocean Place and Ocean Avenue (Zone A), and (2) Elberon Avenue between Ocean Place and Ocean Avenue (Zone B). Wherever parking has been restricted in any portion of the above zones by another or other ordinances or resolutions presently in effect regulating parking, then said portions of the above zones shall continue to be regulated parking areas as provided in such respective other ordinances or resolutions, notwithstanding the provisions of this section. In addition, nothing in this section shall modify or repeal those restrictions. Any person or persons issued a residential parking permit or a special guest permit shall be issued such permit for a particular zone (i.e., Zone A or B), and such permit shall be used solely and exclusively for parking in such respective zone.
- (b) Application for Parking Permits. Application for parking permits under this section shall be made in writing to the Village Clerk or designee upon such forms as shall be prepared by the Village Clerk upon passage of this section.
- (c) Resident Parking Permits Conditions. Regular resident parking permits shall be granted to the following persons under the terms and conditions as hereinafter set forth:
 - i. To persons who are bona fide residents of the Village, and whose residence is located in Zone A or B, each such residence shall be entitled to two (2) free parking permits for parking in the Zone they reside.
 - ii. To persons who are bona fide residents of the Village, and whose residence is located in Zone A or B, each such residence may purchase two (2) additional parking permits for parking in the Zone they reside, for \$50.00 each.
 - iii. All permits issued hereunder shall be valid for the current calendar year in which they are issued, but may be renewed upon expiration, provided that the conditions for issuance thereof still exist.
- (d) Special Guest Permits. Special guest permits shall be granted to the following person or persons under the terms and conditions set forth above: Each bona fide resident household in Zones A and B shall be entitled to two special guest permits in addition to any other permit they may be entitled to under this section.

- (e) Special Guest Permit Restrictions. Special guest permits may be used only by operators of vehicles within Zones A and B with the sole purpose of visiting a person or persons residing in the resident household to whom the special guest permit being displayed was issued. A special guest permit may be used by such persons for not more than three consecutive days.
- (f) Permits; Satisfactory Compliance of Conditions. An applicant for a regular residential parking permit or a special guest permit shall show to the Village Clerk or designee, satisfactory evidence that he/she fulfills all the conditions required by issuance of said permit. Whenever, by reason of a change of circumstances, any person, whether as an individual or member of a household, is no longer qualified to hold any such permit, such permit shall immediately be surrendered to the Village Clerk. It shall be unlawful for any person to:
- i. Represent that he/she is entitled to a permit hereunder when he/she is not entitled to display or cause same to be displayed;
 - ii. In any way assist in the display of any special guest permit for the parking of a vehicle by the operator for any purpose other than to visit a person or persons residing in the household to whom the special guest permit was issued by the Village;
 - iii. Fail to surrender a permit to which he/she, or the household for whom he/she obtained a permit, is no longer entitled;
 - iv. Park a vehicle within Zone A or B at any time when holder of such permit is not entitled to hold it.
- (g) Permits. The Chief of Police is hereby directed to prepare and erect proper signs calling attention to the provisions of this section along those streets or portions thereof located within Zones A and B.
- (h) Violations and Penalties.
- i. Any person who violates any provision of this section, except as otherwise provided herein, shall, upon conviction, be punished by a fine of up to \$100, plus such costs in the amount of \$25 and other state imposed fees. Said penalties may be payable without Court appearance in accordance with the Local Supplemental Violations Bureau Schedule promulgated pursuant to New Jersey Court Rule 7:12-4. A separate offense shall be deemed committed each day during or on which the violation occurs and/or continues.
 - II. It shall be prohibited for any individual to whom parking permits have been issued to duplicate, sell or lease or otherwise transfer any pass in a manner not provided for in this section. Any individual to whom a parking permit has been issued that is found to have duplicated, sold, leased or otherwise unlawfully transferred said parking permit will be subject to a fine of \$100 and/or imprisonment up to 30 days upon conviction. In addition, all future parking privileges provided for in this section shall be revoked for said individual or person.
 - III. Any vehicles found to have parking permits which have been duplicated, sold or leased or otherwise unlawfully transferred shall be towed at the owner's expense. The owner of said vehicle shall receive a summons for a violation of this section and be subject to a penalty as provided in subsection (h) (i) above.
- (i) Exemptions. The following vehicles shall be exempt from this chapter:
- i. Contractors, service and delivery vehicles bearing the name and address of a commercial business and registered and licensed to do business in the State of New Jersey, if required, and exhibiting commercial license tags may park without a permit between the hours of 8:00 a.m. and 6:00 p.m. during the time that the operator and/or occupants of said vehicle are actually rendering service, repairs or improvements to a residence or other property located in Zone A or B. Any commercial vehicle parked overnight shall be deemed in violation of this section.
 - ii. Emergency vehicles and public service, telephone and other utility vehicles may park without a permit during the time they are rendering service or repairs to the area. Any public utility vehicle parked overnight and not providing service shall be deemed in violation of this section.
- (j) Other Regulations: Compliance by Vehicles Displaying Permits. Every vehicle displaying a regular residential parking permit or a special guest permit shall comply with all other

applicable statutes, ordinances, rules and regulations governing, regulating or restricting the parking of motor vehicles on the public streets of the Village. Permits must be displayed and visible within the vehicle.

UPON MOTION, of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that said Ordinance #2020-464 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 June 3, 2020.

Recorded Vote

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

Nays: None

Absent: None

C. PROCLAMATION OF STATE OF EMERGENCY TOO ALL CITIZENS AND PERSONS WITHIN THE VILLAGE OF LOCH ARBOUR AND TO ALL DEPARTMENTS, DIVISIONS, AND BUREAUS OF THE MUNICIPAL GOVERNMENT OF THE VILLAGE OF LOCH ARBOUR

WHEREAS, by reason of the rapidly evolving outbreak of the novel coronavirus and the COVID-19 illness it causes, there is a need for immediate local government operations in order to protect the health, safety, and welfare of the people of the Village of Loch Arbour and the public in general, and to take all precautionary actions necessary in order to avoid an exacerbation and worsening of existing health conditions; and

WHEREAS, pursuant to the powers vested in me by N.J.S.A. App. A-9-40.5 and by the ordinances adopted by the Village of Loch Arbour, and other relevant authority. I have the authority to declare a STATE OF LOCAL DISASTER EMERGENCY within the Village of Loch Arbour; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey issued Executive Order No.103 (2020) declaring a statewide Public Health Emergency and a State of Emergency; and

WHEREAS, on March 16, 2020 the Governor of the State of New Jersey issued Executive Order No. 104(2020) wherein the terms and conditions of Public Health and State of Emergency consistent with that which is set forth in Executive Order NO. 104(2020); and

WHEREAS, on March 17, 2020 the Governor of the State of New Jersey issued Executive Order No. 107(2020) where in the Governor has issued a "Stay at home" order requiring all residents to stay at home except for reasons set forth in the order, and further requiring all non-essential retail businesses to close with the exception of businesses as set forth in the order, and further banning gatherings of 10 or more people.

WHEREAS, certain measures must be taken by Village Officials to ensure order and to protect the persons and property affected by said conditions including but not limited to the following:

- Restriction of entry into certain Village facilities
- Utilization of essential and non-essential township employees where needed, to include assignments outside their normal work locations.
- Taking appropriate measures to obtain necessary supplies, equipment, and other resources needed to provide for the safety and well-being of the residents, businesses and Village employees
- Coordinating the deployment and prioritization of critical resources
- Enforcement of executive orders issued by the Governor
- Supporting the activities of partner agencies to serve the community while working to mitigate the spread of COVID-19

WHEREAS, the aforesaid laws, ordinances, and/or resolutions authorize the promulgation of such orders, rules and regulations as are necessary to meet the various problems which have or may be presented by such disaster/emergency

NOW, THEREFORE, IN ACCORDANCE WITH the aforesaid laws, given current exigent circumstances, I do hereby declare that a STATE OF LOCAL DISASTER EMERGENCY exists within the Village of Loch Arbour in accordance with this proclamation, I will issue such orders, rules, regulations and emergency management operations as are necessary in order to protect the health and safety of the public, as circumstances progress.

Recorded Vote:

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

D. Resolution 2020-63: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, 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, N.J. S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

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 under the provisions of N.J.S.A.40A:4-39, as amended by P.L. 1999, c.292, for the exclusive purpose to use payment of Developer Escrow Fees to assist in the marshaling of public and private monies dedicated to the necessary legal and engineering reviews and other related expenses.
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

E. Resolution 2020-64: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola carried, the following Resolution is 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, N.J. S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

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 under the provisions of N.J.S.A.40A:4-39, as amended by P.L. 1999, c.292, for the exclusive purpose to use payment of Engineering Fees to assist in the marshaling of public and private monies dedicated to the necessary engineering reviews and other related expenses.
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

F. Resolution 2020-65: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, 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, N.J. S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

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 under the provisions of N.J.S.A.40A:4-39,

as amended by P.L. 1999, c.292, for the exclusive purpose to use payment of Street Opening Fees to assist in the marshaling of public and private monies dedicated to the necessary engineering reviews and other related expenses.

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

G. Resolution 2020-66: UPON MOTION OF Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following resolution is adopted.

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that, for the protection of the general public and for the purpose of controlling the public municipal beach of the Village of Loch Arbour, known and designated as "Village Beach Club, Loch Arbour" said beach shall be closed on the following dates to all persons who have not paid certain fees in accordance with Beach ordinances of the Village of Loch Arbour:

May 23, 24, 25, 30, 31 and June 6, 7, 13, 14 and everyday thereafter commencing June 20 and ending September 7, 2020, inclusive, between the hours of 9:00 AM and 6:00 PM.

BE IT FURTHER RESOLVED that no person or persons shall be permitted on said beach during the periods hereinabove set forth except after registering and upon payment of certain fees as provided in the Beach Ordinances of the Village of Loch Arbour.

Recorded Vote:

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

H. Resolution 2020-67: UPON MOTION of Mayor Fernicola, 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, pursuant to Article 1, Section 2 of Village Ordinance No. 207, the bathing areas for the 2020 season of the Village Beach Club, Loch Arbour, to wit: May 23, 24, 25, 30, 31. June 6, 7, 13, 14 and thereafter commencing June 20 and ending September 7, 2020, inclusive, between the hours of 9:00 AM and 6:00 PM.

"The main bathing area of the beachfront shall be between the area beginning approximately ten feet north of the old wooden groin located at the end of Euclid Ave, and ending approximately ten feet south of the small jetty at the end of Elberon Ave. These areas will be marked with a line drop and buoys marking the perimeter of the designated bathing area. The South Beach bathing area shall be located approximately ten feet south of the old wooden groin located at the end of Euclid Ave and extend to approximately ten feet north of the new Loch Arbour/Kassin Beach border. The northern perimeter of this bathing area shall be marked with a rope drop and buoys. The southern perimeter will be marked with either a rope drop and buoys or flag. Bathing and/or the use of floatable recreational devices shall be permitted in these areas only at the discretion of the beach manager, based upon weather, ocean and crowd conditions."

Recorded Vote:

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

I. Resolution 2020-68: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolution is TABLED, for further discussion in Executive Session.

Appoint Beach Personnel/set 2020 salaries.

Recorded Vote:

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

J. Resolution 2020-69: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, certain Bond Anticipation Notes have been issued pursuant to Village Ordinances 286, 302, 340, 2013-389 and 2017-430; and

WHEREAS, the issuance of the said Bond Anticipation Notes in the face amount of \$741,261; and

WHEREAS, the Board of Commissioners of the Village of Loch Arbour are in receipt of the executed Certificate of Determination and Award; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Village of Loch Arbour be and the same memorializes the action that the Chief Financial Officer, in consultation with Bond Counsel has taken with respect to the issuance of the said Bond Anticipation Notes, Series 2019A, dated May 1, 2019 in the face amount of \$741,261 for the period of one year to May 1, 2020 at the interest rate of 2.79% to Township of West Windsor, in the County of Mercer, New Jersey pursuant to the Local Bond Law, N.J.S.A. 40A:2-28.

Recorded Vote:

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

Nays: None

Absent: None

K. Resolution 2020-70: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Office of Vital Statistics & Registry of the New Jersey Department of Health has developed guidelines on the COVID-19 situation; and

WHEREAS, those guidelines instruct municipalities to have a cooperative arrangement with another municipality to deputize a Registrar from another office to act on behalf of their municipality during an emergency; and

WHEREAS, The Registrar from the Borough of Allenhurst, Monmouth County, New Jersey, Donna Campagna, has agreed to such a cooperative agreement between the Village of Loch Arbour and the Borough of Allenhurst;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Village of Loch Arbour that a cooperative arrangement be made between the Village of Loch Arbour and the Borough of Allenhurst to deputize Donna Campagna as Registrar during an emergency;

Recorded Vote:

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

Nays: None

Absent: None

L. Resolution 2020-71: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick carried that the following Resolution be adopted:

WHEREAS, Joseph Marinaccio was appointed to the Superintendent of Parking Meters and Collector of Parking Meter Monies of the Village of Loch Arbour on February 12, 2020 (Resolution 2020-39) and;

WHEREAS, the dates and hours of enforcement has been extended through October 31st of each calendar year and;

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 January 1, 2020 through December 31, 2020, inclusive, and until his successor be duly appointed at the amended rate of \$2,500.00 for the year 2020.

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

Recorded Vote:

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

Nays: None

Absent: None

M. Resolution 2020-72: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, N.J.S. 40:8A-1, et seq., authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and,

WHEREAS, the Village of Loch Arbour prior approved a Shared Services Agreement with the Borough of Deal for Public Works Services (Refuse/Recycling Agreement); and certain amendments have been made to the Agreement;

WHEREAS, funds for the purposes specified within the Amended Agreement will be available in various appropriations of the Village of Loch Arbour 2020 Budget,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour the Mayor of the Village of Loch Arbour and the Village Clerk be and they are hereby authorized to execute and deliver an Amended Agreement with the Borough of Deal for the Shared Services Agreement for additional Recycling Pick-Ups during the Summer Months in the Village of Loch Arbour;

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be supplied to the Borough Clerk-Administrator of the Borough of Deal.

Recorded Vote:

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

Nays: None

Absent: None

N. Resolution 2020-73: Oppose Offshore Oil and Gas Exploration and Drilling Activities that would affect the coast of New Jersey. A motion was done by Mayor Fernicola. No second to the Motion. Resolution died on the table.

UPDATES/DISCUSSION

A. Memorial Day Ceremony has been cancelled this year due to the pandemic, COVID-19

Summer Season, 2020 – Mayor Fernicola stated the Village Beach will be opening Memorial Day Weekend with some restrictions due to the Coronavirus Pandemic. A plan is being established in order to make sure that all beach staff and patrons are protected and maintain social distancing guidelines and safe practices. The Mayor and Commissioners discussed the policies and procedures regarding opening up the Beach this season.

B. Deal Lake Commission - Don Brockel, Chairman updated regarding the new shut-down chamber device that has been installed between Loch Arbour and Asbury Park. Mr. Brockel also discussed the electronic flume gates. Mr. Brockel stated Mr. Kassin would like to donate additional plantings along Deal Lake between Norwood Avenue and Ocean Avenue. Mayor Fernicola stated to submit a plan to the Village Clerk for her to send to all Loch Arbour residents for their input. This matter will be further discussed at the next Commissioners Meeting scheduled for June 3, 2020.

C. Summer Season - Mayor Fernicola and Peter Avakian, Village Engineer, discussed the square footage of the beach area and how many patrons will be allowed on the beach to adhere to the required social distancing guidelines.

D. Summer Commissioners Monthly Meetings – Wednesday, June 3, 2020 (via ZOOM)
Wednesday, July 1, 2020
Wednesday, August 5, 2020

E. 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.

F. Special Meetings: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution adopted:

WHEREAS, due to Covid-19 and in preparation for the upcoming 2020 beach season it is necessary to schedule two Special Commissioners Meetings on the following dates:

Wednesday, May 13, 2020 at 6:30 p.m.

Wednesday, May 20, 2020 at 6:30 p.m.

BE IT RESOLVED, the Board of Commissioners of the Village of Loch Arbour has scheduled two Meetings in preparation and for informational purposes on May 13, 2020 at 6:30 p.m. and May 20, 2020 at 6:30 p.m. via Zoom.

Recorded Vote:

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

Nays: None

Absent: None

PUBLIC HEARING

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

Mr. DenBleyker, Euclid Avenue, suggested the Mayor and Commissioners consider an Ordinance for chimneys and open fires to be prohibited in the Village. Mr. DenBleyker stated the Clerk's office has, numerous times, sent out reminders to stop putting recyclables in plastic bags, but he still seeing certain residents not abiding to the rules. The Clerk reminded the residents and stated the DPW will no longer pick up recyclables if they are in plastic bags. Mr. DenBleyker suggested the Deal Police Department enforce no dogs on the Loch Arbour Beach. Mr. DenBleyker stated he is opposed to the 10x10 beach area to social distance and believes it is too close for proper social distancing at the beach. Mr. DenBleyker thanked the Mayor and Commissioners and the Clerk for all of their efforts during this pandemic. Mr. DenBleyker asked because of the pandemic, will the Village refund season badge monies, purchased before all the changes, and if a refund is requested by a resident, will parking be forfeited for the 2021 Season. Mayor Fernicola stated the matter would have to be discussed.

Ms. Cunniff, Euclid Avenue, asked about the lifeguards social distancing and having additional lifeguard stands.

David Dweck, Euclid Avenue, offered to donate yard signs for the beach to designate the areas for social distancing.

Mrs. Terzi, Norwood Avenue, is concerned about the people from Asbury walking over to the Loch Arbour Beach. Mrs. Terzi asked how the Village is going to protect the beach from people

Marilyn Simons, RMC
Village Clerk