

**VILLAGE OF LOCH ARBOUR  
MINUTES  
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

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**ON FEBRUARY 2, 2022, 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, Esq, 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 newspapers on January 14, 2022 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

**PAYMENT OF BILLS**

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, the payment of bills totaling \$259,821.90 for the month of, February, 2022 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 February, 2022 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 Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the minutes of the following meetings be approved as presented:

- Minutes of the Reorganization and Regular Meeting held on January 11, 2022.

Recorded Vote:

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

Nays: None

Absent: None

**REPORTS/CORRESPONDENCE**

UPON MOTION of Mayor Fernicola, seconded by Commissioner D'Angelo, carried, the following reports for the period ending January 31, 2022, 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 2022
- Deal Police Department, Monthly Incident Report
  
- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Proposal received by Peter S. Avakian, PE, for Engineering Services to Comply with 2022 NJDEP Tier A – Municipal Stormwater General Permit – will not exceed \$5,500.
- State of New Jersey – DEP – letter dated January 14, 2022 advising the Community Flood Damage Prevention Ordinance must be updated by June 15, 2022.
- State of New Jersey – DEP – letter dated January 18, 2022 informing FY2022 Annual Fee Report and Assessment of Fee (Annual Report) is available on the DEP website.

Recorded Vote:

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

Nays: None

Absent: None

**OLD BUSINESS – 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.

Commissioner Cheswick requested Resolution 2022-36 be removed from the Consent Agenda for further discussion.

UPON MOTION of Commissioner D’ Angelo, seconded by Commissioner Cheswick, carried that the following resolutions be adopted:

**A. Resolution 2022-33:** 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 2022 salaries for officers and employees of the Village are hereby authorized, through December 31, 2022, inclusive:

Tax Collector	4,165.00
Certified Financial Officer	21,850.00
Tax Assessor	7,805.00
Zoning Official	4,080.00
Sewer System C-1 Operator	1,785.00
Clerk, Planning Board (per meeting)	250.00
Village Clerk	80,000.00
Office Assistant	18.00 per hour
Superintendent of Parking Meters	2,600.00
Beach Manager	16,500.00

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

**B. Resolution 2022-34:** WHEREAS, Certain General Capital Improvement appropriation balances remain dedicated to projects now completed: and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Capital Fund Balance, and unused debt authorizations may be canceled:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey, that the following unexpended and dedicated balances of General Capital Appropriations be cancelled:

ORD	PROJECT	AMOUNT
No.	DESCRIPTION	CANCELLED FUNDED
418	Improvements to Euclid Avenue, Phase III	\$17,856.40

**C. Resolution 2022-35:** WHEREAS, there exists a need for the following professional to serve the Village; 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:  
Licensed Professional Appraiser: Donald J. Moliver, Ph.D.
2. Appointment is made for a term through December 31, 2022 and until his successor be duly appointed.
3. Appointment is made without competitive bidding because these appointments involve 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.

**E. Resolution 2022-37:** 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, 2022 through December 31, 2022, inclusive, and until his successor be duly appointed at the rate in the Village of Loch Arbour Ordinances and resolutions.

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

**F. Resolution 2022-38:** 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 7, 2022.

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 7, 2022, 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 May1, 2022 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

**G. Resolution 2022-39:** WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operation over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated, and

WHEREAS, the Village of Loch Arbour, is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Board of Commissioners hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the Municipality designated by the County as being either larval mosquito habitat or areas harboring high populations or mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and

b. such operation will be performed in compliance with applicable Federal and State regulations, and

c. the County will notify the Police Department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Recorded Vote:

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

Nays: None

Absent: None

## **UPDATES/DISCUSSION**

### **A, Next Scheduled Monthly Meeting (Regular Meeting) –**

**Wednesday, March 2, 2022 at 6:30 pm.**

**B. Discuss Beach Lockers** - Commissioner Cheswick discussed the purchase of an additional 8 lockers for the 2022 Beach Season. Commissioner Cheswick reported due to increased costs of supplies, each locker would cost \$1,495. The total cost is \$11,960. The Mayor and Commissioners discussed and decided to table the matter at this time.

**C. Beach Replenishment** - Mayor Fernicola reported heavy machinery is still being stored on the Village Beach. The contractor is having rocks (boulders) delivered and then driving the rocks down the beach to the work area in Deal. Mayor Fernicola is making every effort to have them move all machinery and equipment off the Village, as the beach replenishment in Loch Arbour has been completed for several weeks ago.

**D. Discuss Potential Hedge Ordinance** - The Clerk summarized the Ordinances from Deal, Allenhurst and Interlaken. The Mayor and Commissioners discussed with the Village Zoning Officer. After considerable discussion, the Mayor and Commissioners decided to table the matter at this time. The Zoning Officer also recommended adopting a Shade Tree Ordinance.

## **PUBLIC HEARING**

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

Marilyn Simons, RMC  
Village Clerk

