

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

One Tap Mobile:

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ON MARCH 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, Mayor Fernicola. Commissioner D' Angelo was absent.

Also present was 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.

Resolution 2022-40: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola carried the following Resolution be adopted:

WHEREAS, N.J.S.A. 40A: 4-20 states that in addition to the temporary appropriations for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by 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 resolution adopted in the year 2022 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 \$400,508 in addition to the temporary budgets adopted January 4, 2022 in the amount of \$273,987.66 for a total Year to Date Temporary Budget of \$665,495.66.

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 2022, and that in accordance with the Statute such item of appropriation will be included in the 2022 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, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

PAYMENT OF BILLS

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, the payment of bills totaling \$23,306.76 for the month of, March, 2022 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried the payment to the Loch Arbour Board of Education in the amount of \$41,662.00 for the month of March, 2022 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

MINUTES

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

- Minutes of the Regular Meeting and Executive Session held on February 2, 2022.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, the following reports for the period ending February 28, 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 conformance to the Flood Damage Prevention Ordinance – Flood Insurance Program – will not exceed \$5,000.
- Village of Loch Arbour – Planning Board Resolution and 2021 Year End Report;
- Resolution Authorizing the annual allocation from the Monmouth County Open Space, Rec, Floodplain Protection, Trust Fund.
- Legal Notice for an Application to the DEP for a Coastal General Permit for geotechnical survey borings from Ocean Wind II, LLC, - plans for geotechnical survey borings from Ocean Wind II, LLC, - plans for a geotechnical survey in the Atlantic Ocean, NJ Waters.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

OLD BUSINESS – None

NEW BUSINESS –

A. Ordinance 2022-473 – introduction

**ORDINANCE NO. 2022-473
AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2022
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 1% 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 2022 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 1% increase in the budget for the said year, amounting to \$7,511.47 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 2022 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 \$26,290.14 and that the CY 2022 municipal budget for the Village of Loch Arbour be approved and adopted in accordance with this ordinance; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the quotation from KamBack Bros., LLC., in the amount of \$5,709.00 be and the same is hereby accepted.

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

1. KamBack Bros., LLC
2. Village CFO

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

D. Resolution 2022-43: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried the following Resolution be adopted:

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

WHEREAS, the Village of Loch Arbour and the Borough of Deal wish to enter into an agreement whereby the Borough of Deal will provide Beach Cleaning Services to the Village of Loch Arbour effective for the 2022-2026 Beach Season.

WHEREAS, the Board of Commissioners has duly considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Mayor of the Board of Commissioners and Clerk of the Village of Loch Arbour be the same are hereby authorized to execute and deliver an agreement with the Borough of Deal for a Beach Cleaning Agreement for the 2022-2026 Beach Season, which agreement is on file in the office of the Village Clerk at the Village of Loch Arbour Municipal Building, 550 Main Street, and available for public inspection during regular business hours.

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

Stephen Carasia, Borough Clerk-Administrator, Borough of Deal

Thomas X. Seaman, CFO, Village of Loch Arbour

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

E. Resolution 2022-44: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, the following resolution be adopted:

WHEREAS, Clean Ocean Action has requested permission to conduct the Spring Beach Sweeps to be held on Saturday, April 9, 2022 and Fall Beach Sweeps to be held on Saturday, October 22, 2022 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 9, 2022 and Fall Beach Sweeps on Saturday, October 22, 2022 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, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

UPDATES/DISCUSSION

**A, Next Scheduled Monthly Meeting (Regular Meeting) –
Wednesday, April 6, 2022 at 6:30 pm.**

B. Tuesday, March 22, 2022 at 6:30 p.m. a Workshop Meeting was scheduled to discuss the proposed 2022 Village of Loch Arbour Budget. The Clerk will post and publish in accordance with the law.

B. Discussed Beach Lockers -

Resolution 2022-45: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour received a quote to purchase 8 custom beach lockers from Iacono Contractors, Inc;

WHEREAS, Iacone Contractors, Inc. was the contractor that fulfilled in building the 8 custom beach lockers for the 2021 Summer Season.

WHEREAS, the beach lockers are custom made lockers with specific dimensions;

WHEREAS, a quotation was received as follows:

