

**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 AT THE KIELY
PAVILION, OCEAN PLACE, LOCH ARBOUR, NEW JERSEY
ON JULY 6, 2022, CALLED TO ORDER AT 6:30 P.M. BY COMMISSIONER CHESWICK**

Following the salute to the Flag the Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo. Mayor Fernicola is going to be late for the meeting.

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 May 16, 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.

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 Regular Meeting and Executive Session held on June 1, 2022.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

PAYMENT OF BILLS

UPON MOTION of Commissioner D'Angelo, seconded by Commissioner Cheswick, carried, the payment of bills totaling \$46,859.85 for the month of July, 2022 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

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 July, 2022 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, the following reports for the period ending June 30, 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;
- Monmouth Regional Health Commission No. 1, correspondence May 27, 2022 regarding the fiscal and operational status;
- Letter from Peter Avakian's office regarding the bid schedule for the Improvements to Euclid Avenue, Phase V and Phase VI

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

OLD BUSINESS – None

NEW BUSINESS –

A. Ordinance 2022-476 – Introduction

VILLAGE OF LOCH ARBOUR

ORDINANCE NO. 2022-476

**An Ordinance Entitled “An Ordinance Establishing Control of
Growth of Invasive Plants in the Village of Loch Arbour, County of Monmouth”**

BE IT ORDAINED by the Mayor and Commissioners of the Village of Loch Arbour that:

Section 1. Purpose. The purpose of this Ordinance is to protect and promote the public health through the control of the growth of invasive plant species.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

- *Enforcing Officer:* Shall mean the Village Code Enforcement Officer or his or her designee.
- *Invasive Plants:* Shall mean all native and non-active vines and vegetation that grow out of place and are competitive, persistent, and pernicious. Such species may damage trees, vegetation, or structures. Examples include, but not limited to, bamboo, ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

Section 3. Control of Growth. All persons must control the growth of Invasive Plants. Failure to control the spread of Invasive Plants beyond the boundaries of a resident's property is a violation of this section.

Section 4. Inspections. All places and premises in the Village of Loch Arbour shall be subject to inspection by the Enforcing Officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Village of Loch Arbour. Such inspection(s) shall be made if that official has reason to believe that any section of this Ordinance is being violated.

Section 5. Plantings of Invasive Plants Prohibited. All new in-ground plantings of Invasive Plants are strictly prohibited. All existing Invasive Plants must be contained by appropriate physical barriers to prevent the growth or spread of existing Invasive Plants beyond the boundaries of a resident's property.

Section 6. Violations and penalties

Whenever an Invasive Plant is found on any plot of land, lot or any other premises or place, in violation of this section, a notice of violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein, but in no case shall removal take more than 30 days. In the event more time is needed for treatment and/or removal, approval from the Enforcing Officer or his/her designee is required. Any person violating and

1. provision of this Ordinance shall be punished by a fine of not less than \$200. And not more than \$2,000.
2. The cost of abatement shall be borne by the property owner.

Section 7. This Ordinance shall take effect immediately upon passage and publication as required by law.

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that said Ordinance 2022-476 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 August 3, 2022.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

B. Ordinance 2022-477 – Introduction

VILLAGE OF LOCH ARBOUR

ORDINANCE NO. 2022-477

**An Ordinance Entitled “Buildings, Construction and Housing –
Vacant/Abandoned Property List: Registration, 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:

WHEREAS, pursuant to the New Jersey Abandoned Property and Rehabilitation Act, N.J.S.A. 55:19-78, *et seq.*, (the “Act”), the Village of Loch Arbour has the power to establish a Vacant/Abandoned Property List and has the specific municipal powers to enforce said List; and

WHEREAS, the Village contains structures which are vacant and/or abandoned in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Mayor and Commissioners of the Village of Loch Arbour strongly agree with the Act, that it is the responsibility of the property owner to maintain his/her property in sound condition and prevent it from becoming a nuisance, that this responsibility extends to properties which are not in use, and failure of a property owner to comply with legitimate order to pay his/her property taxes, demolish, stabilize or otherwise repair his or her property. after due notice and the passage of the requisite time period, creates a presumption that the owner has abandoned the property; and

WHEREAS, the Village incurs disproportionate costs in order to deal with problems resulting from vacant and abandoned structures including, but not limited to, to excessive police calls, fire calls and property inspections; and

WHEREAS, it is the public interest for the Village to establish minimum standards of accountability on the owners or other responsible parties and to require registration of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Village;

WHEREAS, it is in the public interest for the Village to impose a fee in conjunction with the registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Village by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Commissioners of the Village of Loch Arbour is hereby amended to establish and adopt municipal powers authorized by the Act, N.J.S.A. 55:19-

78, *et seq.*, and related statutory provisions, by adopting section 12-7 entitled, "VACANT/ABANDONED PROPERTY LIST; REGISTRATION" as follows:

Section 1: Vacant/Abandoned Property List; Registration.

- A. The Village hereby directs the Zoning/Code Enforcement Officer to identify Abandoned Property and to establish an Abandoned Property List throughout the Village. The Abandoned Property List shall include, for each Abandoned Property identified, the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. The Village, by resolution, may add properties to the Abandoned property list at any time.
- B. An interested party may request that a property be included on the Abandoned Property List following that procedure set forth in N.J.S.A. 55:19-105.
- C. Abandoned Property shall not be included on the Abandoned Property List if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits.
- D. A property on which an entity other than the Village of Loch Arbour has purchased or taken assignment from the Village of a tax sale certificate which has been placed on the Abandoned Property List may be removed in accordance with the provisions of Section 29 of N.J.S.A. 55:19-103.

The Zoning/Code Enforcement Officer shall establish the Abandoned Property List or any additions thereto by publication in the official newspaper of the Village, which publication shall constitute public notice, and within ten (10) days after publication, shall send a notice by certified mail, return receipt requested, and by regular mail to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned, setting forth the owner of record, if known, the tax lot and block number and street address. The Zoning/Code Enforcement Officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d). When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Zoning/Code Enforcement Officer finding that the property is Abandoned Property as that term is defined in N.J.S.A. 55:19-54, and shall specify the information relied upon in making such finding. In all cases, a copy of the mailed or posted notice shall also be filed by the Zoning/Code Enforcement Officer in the Office of the Monmouth County Clerk. This filing shall have the same force and effect as a notice of *lis pendens* under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the Property Owner

- E. as defendant and the name of the Village as Plaintiff, as though an action had been commenced by the Village against the Owner.
- F. The Zoning/Code Enforcement Officer, within ten (10) days of establishment of the Abandoned Property List, or any additions thereto, shall send, by regular mail, facsimile, or electronic mail, a copy of the Abandoned Property List to the Electric and Gas Utilities serving the Village.
- G. The owner or party in interest of the Abandoned Property will be required to file a registration statement for such vacant property with the Zoning/Code Enforcement Officer on forms provided by the Village for such purposes within sixty (60) days of notice or within thirty (30) days after assuming ownership of a vacant property. The registration will be valid for one (1) year and the owner or parties in interest will be required to annually renew the registration. The registration fee schedule is as follows:

Initial Registration	\$500.00
First Renewal	\$1,000.00

Second Renewal	\$2,000.00
Third Renewal	\$3,000.00

- H. An owner or Lien Holder may challenge the including of his/her property on the Abandoned Property List by appealing that determination to the Zoning/Code Enforcement Officer within thirty (30) days of the owner's receipt of the certified notice or forty (40) days from the date upon which the notice was sent. An owner whose identity was not known to the Zoning/Code Enforcement Officer shall have forty (40) days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the Abandoned Property List. For good cause shown, the Zoning/Code Enforcement Officer shall accept a late filing of an Appeal.
- I. Within thirty (30) days of receipt of a request for an appeal of the findings contained in the notice pursuant to Paragraphs E and F, of this Section, the Zoning/Code Enforcement Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be Abandoned Property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, and repair invoices, bills and construction contracts. The sole grounds for appeal shall be that the property in question is not Abandoned Property as that term is defined in N.J.S.A. 55:19-54. The Zoning/Code Enforcement Officer shall decide any timely filed appeal within ten (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefore.
- J. The property owner may challenge an adverse determination as the result of an appeal with the Zoning/Code Enforcement Office pursuant to Paragraphs G and H of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, Monmouth County, which action shall be tried *de novo*. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the Zoning/Code Enforcement Officer pursuant to Section "H" of this section. The sole grounds for appeal shall be that the property in question is not Abandoned Property as that term is defined in N.J.S.A. 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action. The Zoning/Code Enforcement Officer shall promptly remove any property from the Abandoned Property List that has been determined not to be abandoned on appeal.
- K. The Abandoned Property List shall become effective, and the Village shall have the right to pursue any legal remedy with respect to the properties on the Abandoned Property List at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with the respect to that property or upon the denial of any appeal brought by the property owner.
- L. Any interested party may submit a written request to the Zoning/Code Enforcement Officer asserting that any property within the Village of Loch Arbour should be included on the Abandoned Property List. The written request must specify the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within thirty (30) days of receipt of any such request, the Zoning/Code Enforcement Officer shall provide a written response to the party, either indicating that the property will be added to the list or, if not, the reasons for not adding the property.
- M. Any interested party may participate in a redetermination hearing regarding the inclusion of a property on the Abandoned Property List. Upon written request by any interested party, the Zoning/Code Enforcement Officer shall provide that party with at least twenty (20) days notice of any such hearing. The party shall provide the Zoning/Code Enforcement Officer with notice

at least ten (10) days before the hearing of its intention to participate, and the nature of the testimony or other information that is proposed to submit at the hearing.

BE IT FURTHER ORDAINED, by the Mayor and Commissioners of the Village of Loch Arbour, that should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED, by the Mayor and Commissioners of the Village of Loch Arbour, that all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that said Ordinance 2022-477 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 August 3, 2022.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

UPDATES AND DISCUSSION

A. **Summer Monthly Meetings** - to be held at the Village Beach Pavilion
Wednesday, August 3, 2022 at 6:30 pm

B. Realty Data Systems (RDS) – postcards have been mailed to all property owners in the Village of Loch Arbour for RDS to perform the 2022 Property Inspections for the Assessor's records.

C. Village Beach Club – 2021 Revenue (through June 30) compared with 2022 (through June 30):

	Season– Adult	Season– Senior	Lockers	Parking (permit)	TOTAL
2021	1178 - \$129,580	200 - \$16,000.	\$7,225.	\$43,480.	\$196,285.
2022	921 - \$101,310.	200 - \$16,000.	\$11,900.	\$41,655.	\$170,865.

CONTINUED NEW BUSINESS –

MAYOR FERNICOLA ENTERED THE MEETING.

C. Resolution 2022-62: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried the following Resolution be adopted:

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit report entitled:

GENERAL COMMENTS
RECOMMENDATIONS;

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than 45 days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition, shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Village of Loch Arbour hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition, shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Village of Loch Arbour hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Recorded Vote:

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

Nays: None

Absent: None

D. Resolution 2022-63: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, The Village of Loch Arbour in 2022 is in need to adopt the Emergency Operations Plan in compliance with the New Jersey Office of Emergency Management guidelines requiring recertification; and

WHEREAS, the Emergency Management Coordinators have reviewed and amended the local Emergency Operation Plan and recommends the amendments to the Board of Commissioners; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the amended local Emergency Operations Plan be approved.

BE IT FURTHER RESOLVED, that the appropriate officials be authorized to execute the updated Emergency Operations Plan and provide to the New Jersey State Office of Emergency Management and the Monmouth County Office of Emergency Management.

Recorded Vote:

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

Nays: None

Absent: None

E. Resolution: 2022-64: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour has received a Grant from the Department of Transportation for completion of the project known as Improvements to Euclid Avenue – Phase V and the project known as Improvements to Euclid Avenue – Phase VI.

WHEREAS, the Village Clerk and the Village Engineer are prepared to solicit sealed bids for said projects.

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. Authorization is granted to the Village Clerk and the Village Engineer to Solicit Sealed Bids for the project known as Improvements to Euclid Avenue – Phase V and the project known as Improvements to Euclid Avenue – Phase VI
2. A certified copy of this resolution shall be sent to:
 - a. Village CFO
 - b. Village Engineer

Recorded Vote:

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

Nays: None

Absent: None

F. Resolution 2022-65: UPON MOTION OF Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2023; and

WHEREAS, the Village of Loch Arbour is desirous of submitting an application under this program for the following purpose:

- Improvements to Elberon Avenue from Ocean Place to Norwood Avenue NJ State Highway Route 71.

WHEREAS, the Village of Loch Arbour shares the Elberon Avenue right-of-way with the Borough of Allenhurst from the most easterly limit to Norwood Avenue (NJ State Highway Route 71) and agrees to the full construction of the Improvements within Elberon Avenue. The Borough of Allenhurst further agrees to manage the bidding and award of the combined project. However, each municipality will be responsible for engineering, inspection and contract administration for their portion of the roadway.

NOW, THEREFORE, BE IT RESOLVED by the Village Commissioners of Loch Arbour, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Village Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Improvements to Elberon

Avenue – 00300 to the New Jersey Department of Transportation on behalf of the Village of Loch Arbour; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Loch Arbour and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

G. Resolution 2022-66: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Village Clerk, in consultation with Beach Manager, have recommended the following personnel for seasonal employment at the Village Beach Club for the summer season of 2022; and,

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

The following persons are appointed for employment at the Village Beach Club, Loch Arbour, for the summer season of 2022:

NAME	TITLE	SALARY PER HOUR
Joseph Escandon	Lifeguard	\$14.00
Kévin Novobilsky	Lifeguard	\$13.00
Leonardo Failla	Beach Staff	\$11.90
Henry Escandon	Beach Staff	\$12.10

N.
O.

BE IT FURTHER RESOLVED that the weekly scheduled hours for any employee may be changed at the Beach Manager's discretion based upon the staffing.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Chief Financial Officer for his action.

Recorded Vote:

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

Nays: None

Absent: None

H. Resolution 2022-67: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, the Center of Asbury Park; has requested permission to use Village streets for the 2022 Bike Ride, to be held on Saturday, September 24, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to the Center of Asbury Park; to use Village streets for the 2022 Bike Ride to be held on Saturday, September 24, 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 September 12, 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 the Center of Asbury Park to be set-up and removed as necessary by personnel supplied by the Center of Asbury Park;
5. Execution of the required Hold Harmless Agreement.

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

1. the Center of Asbury Park

2. Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

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

Nays: None

Absent: None

- I. **Resolution 2022-68:** UPON MOTION Commissioner D' Angelo, seconded by Commissioner Cheswick carried that the following Resolution be adopted:

WHEREAS, Art for Sea has requested permission to hold an event and use the bathroom facilities at the Village Beach beginning at 6:00 PM until 8:00 PM on Tuesday, August 9, 2022; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Art for Sea to hold an event and use the bathroom facilities at the Village Beach beginning at 6:00 PM until 8:00 PM on Tuesday, August 9, 2022, subject to the following:

1. Execution of the required Indemnification and Hold Harmless Agreement to be submitted to the Village Clerk on or before August 1, 2022, executed by the appropriate official of Art for Sea;
2. All participants to leave the beach and remove of all debris and other trash not later than 8:00 PM on Tuesday, August 9, 2022;

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

1. Chief Ronen Neuman, Deal Police Department

2. Raymond Kelly, Beach Manager

Recorded Vote:

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

Nays: None

Absent: None

J. **Resolution 2022-69:** UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour adopted an Ordinance 2017-435 on November 1, 2017, prohibiting Construction during Certain Months in the Village,

WHEREAS, James Saada, 403 Edgemont Drive, Loch Arbour, New Jersey, had water penetration around the soffit of his home and the soffit is in need of repair;

WHEREAS, the contractor tried to finish before the Moratorium date, but due to the amount of wood rot that was found by the contractor, the work was not completed before the moratorium;

WHEREAS, James Saada, submitted a formal request to the Loch Arbour Board of Commissioners to consider an Emergency Waiver to close the open areas around the soffit of the home;

WHEREAS, said completion of project shall be no longer than 5-days project;

NOW THEREFORE, BE IT RESOLVED, by the Village of Loch Arbour Board of Commissioners that the matter of consideration is hereby approved with the following stipulations:

1. All necessary building permits be obtained by the Borough of Deal Building Department prior to the start of all work.
2. All work must be completed within 5 days of the start date.
3. All work must be done during Monday through Friday between 8 am To 6 pm.

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

1. James Saada

2. Borough of Deal Building Department

Recorded Vote:

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

K. Resolution 2022-70: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour adopted an Ordinance 2017-435 on November 1, 2017, prohibiting Construction during Certain Months in the Village,

WHEREAS, Leonard Smith, 318 Euclid Avenue, Loch Arbour, New Jersey, received a notice of cancellation from his Home Owners Insurance Company, due to the house needing to be painted;

WHEREAS, due to contractor difficulties, the work was not completed before the moratorium;

WHEREAS, Leonard Smith, submitted a formal request to the Loch Arbour Board of Commissioners to consider an Emergency Waiver to sand and paint his house;

WHEREAS, said project shall be completed between July 16th and July 31st;

NOW THEREFORE, BE IT RESOLVED, by the Village of Loch Arbour Board of Commissioners that the matter of consideration is hereby approved with the following stipulations:

1. All necessary building permits be obtained by the Borough of Deal Building Department prior to the start of all work.
2. All work must be completed between July 16th and July 31st.
3. All work must be done during Monday through Friday between 8 am To 6 pm.

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

1. Mr. Leonard Smith
2. Borough of Deal Building Department

Recorded Vote:

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

L. Resolution 2022-71: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour adopted an Ordinance 2017-435 on November 1, 2017, prohibiting Construction during Certain Months in the Village,

WHEREAS, Robert Wiener, 603 Page Avenue, Loch Arbour, New Jersey, is requesting to do emergency removal of a few dead tree limbs that have become a hazard and are hanging over a neighbor's entertainment section of their backyard;

WHEREAS, Robert Wiener, submitted a formal request to the Loch Arbour Board of Commissioners to consider an Emergency Waiver;

WHEREAS, said project shall be a total of less than 1 day;

NOW THEREFORE, BE IT RESOLVED, by the Village of Loch Arbour Board of Commissioners that the matter of consideration is hereby approved with the following stipulations:

1. All necessary building permits be obtained by the Borough of Deal Building Department prior to the start of all work.
2. All work must be completed within 1 day of the start of the project.
3. All work must be done during Monday through Friday between 8 am To 6 pm.

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

1. Mr. Robert Wiener

2. Borough of Deal Building Department

Recorded Vote:

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

Nays: None

Absent: None

PUBLIC HEARING

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

Robert Wiener, Page Avenue, suggested the Village paint all the curbs in yellow again, as they are fading. Mr. Wiener asked if the Village could speak to the Deal Police Department to enforce parking in the Village. Mayor will speak to the Chief.

Remo Maisto, Elberon Avenue, spoke about the proposed Ordinances.

Joseph Gassaro, Ocean Place, asked where the Loch Arbour sign is that always hangs on the Village Beach Gate Shack during the summer months. Mrs. Fernicola is in possession of the sign, and will hang it.

Melanie Nowlin, Edgemont Drive, read the definition for a hedge. She stated hedges and fences are the same. She spoke about the hedges being 15 feet high on the corner of Edgemont Drive and Evergreen Place. She also stated the wave hedge on Euclid Avenue no longer exists.

There being no further comments, and UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, 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 Commissioner Cheswick, seconded by Mayor Fernicola, carried that the meeting be finally adjourned at 7:10 p.m.

Marilyn Simons, RMC
Village Clerk

