

**VILLAGE OF LOCH ARBOUR
MINUTES**

**THE SCHEDULED REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE
VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS CONDUCTED AT THE
VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW
JERSEY ON SEPTEMBER 7, 2022, CALLED TO ORDER AT 6:30 P.M. BY MAYOR FERNICOLA**

Following the salute to the flag, The Mayor announced long time resident, Leslie Tinkler passed away. A Memorial Service will be held on Sunday, October 9, 2022 at 2:00 p.m.

The Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola.

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 August 15, 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 meeting be approved as presented:

- Minutes of the Regular Meeting and Executive Session held on August 9, 2022.

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 \$24,168.30 the month of September, 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 September, 2022 be and the same is hereby approved as presented.

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the following reports for the period ending August 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;
- Thank you received by the Bolan Family, Allenhurst
- New Jersey State League of Municipalities Annual Audit Statement (July 1, 2021 – June 30, 2022)
- Borough of Spring Lake Heights, Supporting Assembly Veterans Deduction

- New Jersey American Water – Press Release – Granting of new rates by New Jersey Board of Public Utilities

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS – None

NEW BUSINESS -

A. Ordinance 2022-478 – Introduction

ORDINANCE 2022-478

AN ORDINANCE TO AMEND ORDINANCE NO. 296, 310 and 2018-433 ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES, BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES, FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE AND REPEALING ORDINANCES NO. 229 AND 255 OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that Ordinance 296, 310 and 2018-433 referred to in the title hereof is amended and supplemented as follows:

Section 1. Adoption of the Property Maintenance Code

That the International Property Maintenance Code is amended and revised in the following respects:

That a certain document, a copy of which is on file in the Village Clerk's Office of the Village of Loch Arbour, being marked and designated as the *2018 or the most current version of the International Property Maintenance Code*, as published by the International Code Council, Inc., be and the same is hereby adopted as the *Property Maintenance Code of the Village of Loch Arbour, County of Monmouth, State of New Jersey*; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, hereby referred to, adopted and made part hereof, as if fully set out in this Ordinance, and all amending Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance and all amending Ordinances.

Section 2. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Ordinance 296, 310 and 2018-433 not inconsistent herewith are ratified and confirmed.

Section 3. Date of Effect

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 that said Ordinance 2022-478 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 October 5, 2022

Recorded Vote:

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

Nays: None

Absent: None

B. Resolution 2022-76:

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

WHEREAS, the Village of Loch Arbour is a member of the Monmouth Municipal Joint Insurance Fund; and,

WHEREAS, said membership terminates as of December 31, 2022 unless earlier renewed by agreement between the Village and the Fund; and,

WHEREAS, the Mayor and Commissioners of the Village of Loch Arbour desires to renew said membership.

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

1. The Village of Loch Arbour renews its membership in the Monmouth Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2023 and ending December 31, 2025*. *12:01 am
2. The Village of Loch Arbour hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Monmouth Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The Village of Loch Arbour agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of the Village of Loch Arbour in the Monmouth Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Village of Loch Arbour.

Executed this 7th day of September, 2022 as the lawful and binding act and deed of the Village, which execution has been duly authorized by public vote of the Board of Commissioners.

Recorded Vote:

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

Nays: None

Absent: None

C. Resolution 2022-77: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposit; and

WHEREAS, the Village of Loch Arbour has received Surety Deposits for Street Opening Permits in the Village; and

WHEREAS, it has been determined that the various applications listed below have received approval for release by the Village Engineer;

Address:	Agency:	Balance
106A Euclid Avenue Block 9 Lot 6	New Jersey American Water	\$1,000.00
109 Edgemont Drive Block 9, Lot 17.01	Burke Construction	\$1,590.00

Main Street Between Edgemont Dr. & Hume Street	New Jersey American Water	\$1,125.00
201 Euclid Avenue Block 4, Lot 13	New Jersey American Water	\$1,000.00
421 Edgemont Drive Block 12, Lot 20	New Jersey Natural Gas	\$1,000.00

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 above Agency's be refunded the remaining escrow balances.

Recorded Vote:

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

Resolution 2022-78: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposit; and

WHEREAS, the Village of Loch Arbour has received deposits for Variance Applications and Certificate of Appropriateness Applications; and

WHEREAS, it has been determined that the various applications listed below have received approval for release;

Address:	Owner:	Balance
Joseph Betesh	116 Elberon Avenue	\$ 65.00
Raymond Harari	335 Euclid Avenue	\$ 990.00

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 above applicants be refunded the remaining escrow balances.

Recorded Vote:

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

Resolution 2022-79: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, the Village Clerk, in consultation with Beach Manager, have recommended the following personnel for seasonal employment in pay 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 person is appointed for employment at the Village Beach Club, Loch Arbour, for the summer season of 2022:

NAME	TITLE	SALARY PER HOUR
Greivia Velasquez-Torres	Beach staff	\$11.90

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

Resolution 2022-80: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, the following resolution be adopted.

WHEREAS, Albert Ashkenazi has requested permission to use the Village of Loch Arbour Beach Club Parking Lot on Thursday, September 1, 2022 from 6:00 p.m. to 12:00 a.m. for a charity event to be held at a home at 1A Elberon Avenue, Allenhurst and

WHEREAS, the Village of Loch Arbour adopted an Ordinance for Rental of the Village's Parking Lot. The Village's Parking Lot may be rented from 6:00 p.m. to 12:00 a.m. midnight, at the rate of \$250/day for bona fide residents of the Village, and \$500/day for non-residents.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Loch Arbour that permission is hereby granted to allow the Village of Loch Arbour Beach Club Parking Lot on Thursday, September 1, 2022 from 6:00 p.m. to 12:00 a.m., subject to the following conditions, which is all at the expense of the homeowner:

1. Hire a Deal Police Officer to direct traffic.
2. Hire parking attendances to manage the parking of the cars in the Village Parking Lot.
3. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before August 31, 2022 along with a copy of the insurance policy.
4. Submit the rental fee to the Village of Loch Arbour in the amount of \$500.00 prior to the event.

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

- Albert Ashkenazi
- Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

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

Nays: None

Absent: None

UPDATES AND DISCUSSION

A. **Commissioners and Planning Board Monthly Meetings** – to be held in person at the Village Municipal Building, 550 Main Street, Loch Arbour, for the remainder of 2022.

B. **Request by Robert Wiener** –

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

WHEREAS, Robert Wiener, Page Avenue, Loch Arbour requested permission to have his band practice on north deck of the Kiely Pavilion, with an open date between September 6th and October 15th.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that permission is granted to Robert Wiener to hold his band practice on the north deck of the Kiely Pavilion, subject to the following:

1. The date will be between September 6th and October 15th, 2022. Mr. Wiener will inform the Village Clerk a day prior to the event happening.
2. Between the hours of noon and 9:00 pm

3. The speaker will face the Ocean and the band will practice on the north deck of the Kiely Pavilion.

Recorded Vote:

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

Nays: None

Absent: None

- C. **Clean Ocean Action Fall Beach Sweeps** – scheduled for Saturday, October 22, 2022 9 am – 12:30 pm. Participants are urged to wear hats, boots, sunscreen and bring gloves.

PUBLIC HEARING

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

Susan Shamie, Euclid Avenue, discussed the Main Street Project in the Borough of Allenhurst. Mrs. Shamie is concerned with the size of the project as well as the traffic and parking impact it will have on the Village of Loch Arbour.

Melanie Nowlin, Edgemont Dive, discussed the Main Street Project in the Borough of Allenhurst and the meeting the Borough of Allenhurst had on August 31st. She was very disappointed that not one elected official from the Village of Loch Arbour was present at this meeting.

Mayor Fernicola discussed with the public the project on Main Street in the Borough of Allenhurst.

Mary Ellen Harvey, Buena Vista Court, discussed the hedge heights in the Village of Loch Arbour. She is concerned that some of the hedges are too high. She referenced the property at 201 Euclid Avenue, and discussed the incident that happened a few years ago, where her husband and her child were almost hit by a car backing out of the driveway. She stated the hedges are very high at that location. She read from Village Ordinance 354. She referenced several properties throughout Loch Arbour with hedges that are extremely high.

Melanie Nowlin, Edgemont Drive, stated a hedge is a fence.

The Mayor and Commissioner had a lengthy conversation regarding hedges in the Village of Loch Arbour. They also had a lengthy conversation regarding Village Ordinance 354 - site triangles and driveways. The Village Clerk was instructed to prepare a Survey to all residents regarding if Village Officials should consider adopting a Hedge Ordinance.

Melanie Nowlin, Edgemont Drive, questioned the pick-up of the recyclable bag program. The Clerk reported the program has ended. The Village Clerk was instructed to reach out to the Company that implemented the program to inquire if the program can be continued.

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

Recorded Vote:

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

Nays: None

Absent: None

UPON MOTION of, Mayor Fernicola, seconded by Commissioner D'Angelo, carried, that the following **Resolution** be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq., permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Zoning/Code Enforcement issues. No Action will be taken after the Executive Session.
3. It is anticipated at this time that the above stated subject matter will be made public within 120 days.
4. This resolution shall be effective immediately.

Recorded Vote:

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

Nays: None

Absent: None

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 8:15 pm.

Marilyn Simons, RMC
Village Clerk

