

**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 NOVEMBER 2, 2022, CALLED TO ORDER AT 6:30 P.M. BY MAYOR FERNICOLA**

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

Also present was William Healey, Esq., Village Attorney, Peter Avakian, PE, Village Engineer, 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.

DISCUSSION

- A. Beach Manager, Raymond Kelly, recapped the 2022 Summer Season. It was a great season. The weather was beautiful this summer. The Season started with enough lifeguards and beach staff. He reported there will be 6 lifeguards returning. OSHA inspected the beach facility and the Village has fully complied with all requirements. The Beach Manager will stay vigilant on checking beach badges, especially for the patrons with the parking permits, that pull in the lot. All cars will continue to be checked to make sure each occupant has a beach badge. The Mayor and Commissioners talked about the flow of traffic in the parking lot. The Beach Manager and the Mayor and Commissioners talked about solutions to try and have the parking lot run smoothly. Also, Commissioner Cheswick and the Beach Manager spoke about reducing the beach staff, so that there are not so many of the staff just sitting around.
- B. Village Engineer, Peter Avakian, spoke about the potential Ordinance for soil boring and ground water analysis. Mr. Avakian reviewed the Ordinance that was prepared, and he made changes, and submitted to the Mayor and Commissioners tonight. He stated the draft he reviewed was lacking. The Ordinance was discussed. Different options were discussed. Commissioner Cheswick suggested the setbacks for pool construction be reviewed. The Mayor and Commissioners will revisit this issue in the New Year.

The Mayor and Mr. Avakian discussed a potential site triangle violation regarding the hedges located on the corner of Edgemont Drive and Norwood Avenue . Mr. Avakian will inspect both the west side and east side of the street. He will report back to the Commissioners.

The Mayor and Mr. Avakian spoke about installing a sand fence at the Village Beach. Mayor Fernicola would like a more effective way to install the fence - to reduce the sand blowing in the parking lot and street during the winter months. Mr. Avakian will investigate different options and will report his recommendation to the Commissioners.

RESOLUTION 2022-83: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the following Resolution be adopted:

WHEREAS, certain 2022 appropriations require additional funds to cover anticipated expenditures through December 31, 2022; and,

WHEREAS, certain other 2022 appropriations show a surplus of funds available; and,

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits transfers between appropriations during the last two months of the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the following appropriations transfers be and the same are hereby authorized:

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

ACCOUNT	TRANSFER FROM APPROPRIATION (Inside CAPS)	AMOUNT	TOTAL
2-01-20-130-030	Financial Admin, OE	\$7,000.	
	TOTAL		\$7,000.00
	TOTAL TRANSFERS TO APPROPRIATION (Inside CAPS)		
	TRANSFER TO APPROPRIATION (Inside CAPS)		
2-01-20-165-028	Engineering Services, OE	\$7,000.	
	TOTAL		\$7,000.00
	TOTAL TRANSFERS FROM APPROPRIATION (Inside CAPS)		

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 meeting be approved as presented:

- Minutes of the Regular Meeting held on October 5, 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 \$321,569.54 the month of November, 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 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 November, 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 Mayor Fernicola, seconded by Commissioner Cheswick, carried, the following reports for the period ending October 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;
- Monmouth Regional Health Commission No. 1, letter dated October 11, 2022 discussing residential lead-based paint requirements for rental properties;
- New Jersey League of Municipalities, Notice of proposed Membership dues;
- CAFRA Individual Permit Application Notice – Kassin Beach, LLC

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS

A. Ordinance 2022-480

The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on October 13, 2022. A Resolution was received from the Village of Loch Arbour Planning Board confirming this Ordinance is consistent with the Master Plan.

ORDINANCE 2022-480

AN ORDINANCE TO AMENDING AND SUPPLEMENTING ORDINANCE NO. 156, ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291, P.L. 1975) AMENDING ORDINANCE 156, ARTICLE 4, (417 D) ENTITLED "PERMITS" FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY."

WHEREAS, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

BE IT ORDAINED, the Board of Commissioners of the Village of Loch Arbour has determined it is in the best interest of the community to revise portions of the existing Land Use Development Regulations to address escrows and costs for reviewing applications, making zoning determinations and conducting inspections to assure that approved projects are constructed according to the approved plans.

SECTION 1: ORDINANCE 156, ARTICLE 4, (417 D) is hereby amended to read as follows:

TYPE OF APPLICATION	FEE	ESCROW
Zoning Determination	\$100.00	No escrow
Zoning Determination Pool Permit Application	\$100.00	\$1,000.00
Zoning Determination Drainage System Application	\$100.00	\$1,000.00

SECTION 2: A copy of this Ordinance, upon introduction, shall be provided to appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3: Any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Village of Loch Arbour Code are ratified and remain in full force and effect.

SECTION 4: If any provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall take effect immediately upon final passage and publication as required by law.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be opened for comments on Ordinance 2022-480 only.

Jack Hedaya, asked for clarification of the content of the Ordinance. Clerk explained the amendment to increase the fees for Zoning Applications.

There being no further comment, UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that 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 2022-480 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 2022-481

The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on October 13, 2022. A Resolution was received from the Village of Loch Arbour Planning Board confirming this Ordinance is consistent with the Master Plan.

ORDINANCE 2022-481

AN ORDINANCE TO AMENDING AND SUPPLEMENTING ORDINANCE NO. 156, ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291, P.L. 1975) AMENDING ORDINANCE 156 and ORDINANCE 265, FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY."

WHEREAS, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

BE IT ORDAINED, the Board of Commissioners of the Village of Loch Arbour has determined it is in the best interest of the community to revise portions of the existing Land Use Development Regulations to address escrows and costs for reviewing applications, planning board escrows and conducting inspections to assure that approved projects are constructed according to the approved plans.

SECTION 1: Subsection D, Variances, of Section 412, FEES, of Article 4, GENERAL PROVISIONS, and Ordinance 265, is hereby amended to read as follows:

Subsection D. All applications for variances shall be accompanied by a minimum of \$3,500.00 deposit for professional services, including engineering and/or inspection fees to be held in escrow and disbursed as necessary. Any balance remaining upon completion and final approval shall be returned to the applicant.

SECTION 2: A copy of this Ordinance, upon introduction, shall be provided to appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3: Any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Village of Loch Arbour Code are ratified and remain in full force and effect.

SECTION 4: If any provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall take effect immediately upon final passage and publication as required by law .

UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be opened for comments on Ordinance 2022-481 only.

There being no comments, UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that 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 2022-481 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. **Resolution 2022-84:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the State's CY 2022 / SFY 2023 Best Practices Inventory Questionnaire is required to receive the Municipality's final 5% of State funding; and

WHEREAS, the Chief Financial Officer has completed the Inventory and has provided the Mayor and Commissioners with a copy of said document; and

WHEREAS, a review of this Inventory will be discussed at the regular meeting of the Mayor and Commissioners on November 2, 2022.

NOW, THEREFORE BE IT RESOLVED BY THE by the Mayor and Commissioners of the Village of Loch Arbour that the Best Practice Inventory results were discussed and be filed as required with the State of New Jersey.

Recorded Vote:

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

Nays: None

Absent: None

PLANNING BOARD APPOINTMENTS (by Mayor)

Class IV – Resident

- Brian Cumiskey as a Class IV (resident) member for a 4-year term expiring 12.31.26

UPDATES AND DISCUSSION

- A. **Commissioners and Planning Board Monthly Meetings** – Next meeting scheduled for December 7, 2022. All meetings are to be held in person at the Village Municipal Building, 550 Main Street, Loch Arbour, for the remainder of 2022.
- B. **Schedule Holiday Tree/Menorah Lighting** – scheduled for December 3, 2022 at 6:00 pm.

PUBLIC HEARING

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

Margot Fernicola, Euclid Avenue, Deal Lake Commission Representative, reported the Deal Lake Cleanup is scheduled for November 12, 2022 from 9 am to 12 pm.

Remo Maisto, Elberon Avenue, asked the status of the Shams Lawsuit. Mayor Fernicola reported Mr. Shams filed an Appeal with the Court.

Margot Fernicola, Euclid Avenue, asked if an email blast can be done to remind the residents not to put recyclables to the curb until 6 pm the night before pickup.

Jack Hedaya, Euclid Avenue, spoke with the Mayor and Commissioners regarding the soil and ground water analysis. Mr. Hedaya discussed the Allenhurst Development Project on Main Street with the Mayor.

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 7:30 pm.

Marilyn Simons, RMC
Village Clerk

