

VILLAGE OF LOCH ARBOUR  
MINUTES –REORGANIZATION MEETING

January 9, 2023.

THE REORGANIZATION MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD AT THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON WEDNESDAY, JANUARY 9, 2023 AT 6:30 P.M. AND WAS CALLED TO ORDER BY MAYOR FERNICOLA.

Following the salute to the Flag the Clerk called the roll. Present were Commissioner Cheswick  
Commissioner D’ Angelo, Mayor Fernicola.

Also present was William Healey, 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 Reorganization and Regular Meeting to the Village’s two official newspapers on December 12, 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.

ORGANIZATION APPOINTMENTS AND RESOLUTION (consent agenda)

The following Resolutions may be moved by a single motion. Any Commissioner may request that any item be removed from the Consent Agenda for discussion.

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

Resolution 2023-01:

WHEREAS, the need exists for the appointment of a Village Attorney to serve the Village of Loch Arbour; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires 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:  
Attorney: William H. Healey, Esq. of the law firm of  
Kluger & Healey
2. This appointment is made for the period commencing January 1, 2023 through December 31, 2023, inclusive.
3. This appointment is made without competitive bidding because this appointment involves 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.

Resolution 2023-02:

WHEREAS, there exists a need for a Village Bond Attorney; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires 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:  
Bond Attorney: Meghan Bennett, Esq., of the firm  
GluckWalrath, LLP
2. This appointment is made for the period commencing January 1, 2023 through December 31, 2023 and until her successor be duly appointed.

continued

3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11.

4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Resolution 2023-03:

WHEREAS, there exists a need for a Village Auditor; 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:  
Auditor: Robert A. Hulsart and Co.
2. This appointment is made for the period commencing January 1, 2023 through December 31, 2023 and until his successor be duly appointed.
3. This appointment is made without competitive bidding because this appointment involves 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.

Resolution 2023-04:

WHEREAS, there exists a need for a Village Engineer; 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:  
Engineer: Peter R. Avakian of the firm Leon S. Avakian, Inc.
2. This appointment is made for the period commencing January 1, 2023 through December 31, 2023 and until his successor be duly appointed.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11.
4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Resolution 2023-05:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Tax Collector, be and he is hereby appointed and designated to make examinations of municipal records for the year 2023 with respect to any and all unpaid municipal liens and to certify the results thereof to any person making a request therefor.

BE IT FURTHER RESOLVED that said Tax Collector shall be vested with the power to make official certificates of searches for municipal liens and to issue the same upon receipt of the statutory fees.

Resolution 2023-06:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Village Assessor be and he is hereby appointed and designated to make examinations of municipal records for the year 2023 with respect to liability for assessments for municipal improvements and to certify the

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results thereof to any person making a request therefor.

BE IT FURTHER RESOLVED that said Village Clerk shall be vested with the power to make official certificates as to liability for assessments for municipal improvements and to issue the same upon receipt of the statutory fees.

Resolution 2023-07:

WHEREAS, the Village of Loch Arbour must designate a Certifying Officer and Supervisor of the Certifying Officer charged with the responsibilities of certifying at the local level all documents pertaining to the Public Employees' Retirement System (PERS), Police and Firemen's Retirement System (PFRS) and Defined Contribution Retirement Plan (DCRP), including, but not limited to, enrollments, transfer of member accounts, retirements, withdrawals and insurance claims.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Thomas Seaman, CFO, be designated as the Certifying Officer and Marilyn Simons, Village Clerk, as the Supervisor of the Certifying Officer for the above-referenced purposes effective immediately through December 31, 2023.

Resolution 2023-08:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Joseph McGrath be and he is hereby appointed Zoning and Housing Official of the Village for the one-year period commencing January 1, 2023 through December 31, 2023, inclusive, and until his successor has been duly appointed, at the salary provided in the Salary Ordinance and resolutions of the Village.

BE IT FURTHER RESOLVED that Mr. McGrath, in his capacity as the Enforcement Officer of Village Ordinance No. 156 et seq., shall be paid \$50. for a Rental of Property and \$55. for a Sale of Property - per Certificate of Occupancy.

BE IT FURTHER RESOLVED that Mr. McGrath, in his capacity as Zoning Official, be designated as the Code Official for the enforcement of Village Ordinances No. 156, and all amendments adopted through 2023 specifying the Zoning and Housing Official as the Enforcement Agent.

Resolution 2023-09:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons, Village Clerk, be and she is hereby appointed as Fund Commissioner to the Monmouth Municipal Joint Insurance Fund for the period commencing January 1, 2023 through December 31, 2023, inclusive, and until her successor has been duly appointed.

Resolution 2023-10:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons, Village Clerk, be and she is hereby appointed as Community Development Representative for the period commencing January 1, 2023 through December 31, 2023, inclusive, and until their successors be duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Monmouth County Community Development Office.

Resolution 2023-11:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons be and she is hereby appointed as Registrar of Vital Statistics for the period commencing January 1, 2023 through December 31, 2023, inclusive, and until her successor be duly appointed at the salary provided in the Salary Ordinance and resolutions of the Village.

Resolution 2023-12:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons be and she is hereby appointed as License Inspector for the period commencing January 1, 2023 through December 31, 2023, inclusive, and until her successor be duly appointed at the salary provided in the Salary Ordinance and resolutions of the Village.

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Resolution 2023-13:

WHEREAS, N.J.A.C. 17:27-3.5 requires the annual appointment of a Public Agency Compliance Officer (P.A.C.O.).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons, Village Clerk be and she is hereby appointed to serve as the Public Agency Compliance Officer (P.A.C.O.) for the Village of Loch Arbour, commencing January 1, 2023 through December 31, 2023, inclusive, and until her successor be and the same is duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Contract Compliance and EEO in Public Contracts, P.O. Box 209, Trenton, NJ, 08625-0209.

Resolution 2023-14:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Margot Fernicola is hereby appointed as Village of Loch Arbour Representative to the Deal Lake Commission for the one-year period commencing January 1, 2023 through December 31, 2023, inclusive, and until her successor be duly appointed.

BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Melanie Nowlin is hereby appointed as Village of Loch Arbour Alternate Representative to the Deal Lake Commissioner for the one-year period commencing January 1, 2023 through December 31, 2023, inclusive, and until her successor be duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Margot Fernicola, Melanie Nowlin and the Deal Lake Commission.

Resolution 2023-15:

BE IT RESOLVED, the Board of Commissioners of the Village of Loch Arbour, Marilyn Simons, is hereby appointed as the Village of Loch Arbour Representative to the Monmouth County Regional Health Commission for the one-year period commencing January 1, 2023 through December 31, 2023, inclusive until a successor be duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Marilyn Simons, RMC and the Monmouth County Regional Health Commission.

Resolution 2023-16:

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and,

WHEREAS, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% per annum to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

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

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after the due date and 18% per annum on any amount in excess of \$1,500.00 delinquent after the due date and, if the delinquency is in excess of \$10,000.00 and remains in arrears after December 31<sup>st</sup>, an additional penalty of 6% per annum shall be charged against the delinquency; there will be a ten (10) day grace period of quarterly payments made by cash, check or money order.

continued

2. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of this resolution.

Resolution 2023-17:

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax refunds or delinquent amounts in the amount of less than \$10.00; and

WHEREAS, the Governing Body of the Village of Loch Arbour may authorize a municipal employee chosen by said body to process without further action on their part, any cancellation of property tax refunds or delinquencies of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Village of Loch Arbour, County of Monmouth, State of New Jersey, that the Tax Collector of the Village of Loch Arbour is hereby authorized to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Village Auditor.

Resolution 2023-18:

BE IT RESOLVED, by the Mayor and Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey, that the Chief Financial Officer be and is hereby authorized to pay the following required bills prior to the approval of the monthly bills list:

- Payroll
- Insurance Premiums
- County Taxes
- School Taxes
- Utilities
- Interfund
- Petty Cash Reimbursement
- Release of Monies Approved by Resolution
- Tax Sale Redemptions
- Tax Overpayments

BE IT RESOLVED, that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Resolution 2023-19:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Alfred J. Cheswick, Commissioner of Revenue and Finance, Village Clerk and the Chief Financial Officer, be and they are hereby authorized to invest cash balances as they become available from time to time during the year 2023 in depositories which are designated by the Village of Loch Arbour.

Resolution 2023-20:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that the Chief Financial Officer be and he is hereby authorized to open or continue interest bearing accounts as necessary in TD Bank, NA, New Jersey, and Kearny Bank for the year 2023 in the name of the Village of Loch Arbour, for the deposit of funds which will only be transferred as needed to the checking account by the signature of any two (2) of the following:

Paul V. Fernicola, Mayor  
Village Clerk/Chief Financial Officer  
Alfred J. Cheswick, Commissioner of Revenue and Finance  
Denis D' Angelo, Commissioner

BE IT FURTHER RESOLVED that telephone transfers from the interest account to the checking account may be authorized by the Chief Financial Officer.

Resolution 2023-21:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Village Treasurer be and he is hereby authorized to open or continue checking (general) accounts as necessary

continued

in TD Bank, New Jersey and Kearny Bank for the year 2023 in the name of the Village of Loch Arbour, for the deposit of funds in said bank to the credit of this Village, from time to time, of any monies, checks, drafts, notes, acceptances, or other evidence of indebtedness, whether belonging to the Village or otherwise, which may be or hereafter come into its possession, and that said bank be and is hereby authorized to make payments from the funds on deposit with it, upon and according to the checks, drafts, notes or acceptances of this Village, signed by any two (2) of the following:

Paul V. Fernicola, Mayor  
Village Clerk/Chief Financial Officer  
Alfred J. Cheswick, Commissioner of Revenue and Finance  
Denis D’ Angelo, Commissioner

BE IT FURTHER RESOLVED that telephone transfers from the interest account to the checking account may be authorized by the Chief Financial Officer.

Resolution 2023-22:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that accounts may be opened and/or continued in the following banks or their successors for the year 2023 and invest from time to time in said banks such Village funds may be allowed by law:

State of New Jersey Cash Management Fund  
Bank of America  
Central Jersey Bank/Kearny Bank  
TD Bank  
Manasquan Savings Bank  
Provident Bank  
Investors Savings Bank

BE IT FURTHER RESOLVED that all funds in said accounts shall be subject to withdrawal on the application of the Village of Loch Arbour signed by any two (2) of the following:

Paul V. Fernicola, Mayor  
Village Clerk/Chief Financial Officer  
Alfred J. Cheswick, Commissioner of Revenue and Finance  
Denis D’ Angelo, Commissioner

Resolution 2023-23:

BE IT RESOLVED by the Commissioners of the Village of Loch Arbour, that the Village of Loch Arbour participates in the Monmouth County Library System for the year 2023.

Resolution 2023-24:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Regular meetings of the Board for the year 2023 shall be scheduled for the following dates at 6:30 PM:

February 1	May 3	August 2*	November 1
March 1	June 7*	September 6	December 6
April 5	July 5*	October 4	

\* To be held at the Kiely Pavilion, Ocean Place, Loch Arbour.

BE IT FURTHER RESOLVED that Workshop Meetings of the Board of Commissioners, when necessary, for the year 2023 shall be scheduled on the following dates at 6:30 PM:

January 25	April 26	July 26	October 25
February 21**	May 24	August 23	
March 22	June 28	September 27	

\*\*Budget Workshop Meeting.

BE IT FURTHER RESOLVED that the Reorganization Meeting for the year 2024 shall be scheduled for Wednesday, January 3, 2024, at 6:30 PM, to be immediately followed by a Regular Meeting

continued

BE IT FURTHER RESOLVED that all meetings shall be held in the Municipal Building, 550 Main Street, Loch Arbour until further notice, except for June 7<sup>th</sup>, July 5<sup>th</sup> and August 2<sup>nd</sup> Summer Meeting's will be held at the Kiely Pavilion, Ocean Place, Loch Arbour, and;

The Preliminary Agenda will be available by emailing the Village Clerk at [clerk@locharbour.us](mailto:clerk@locharbour.us) to request a copy or on the Village Website [www.locharbournj.us](http://www.locharbournj.us) 72 hours prior to the start of the meeting. The public may participate during public comments when the Mayor or his designee opens the meeting to the public. The public may also provide comments via electronic mail or in writing 24 hours prior to the meeting to be read by the Municipal Clerk during the public comment portion of the meeting. These comments can be sent to [clerk@locharbour.us](mailto:clerk@locharbour.us) or mailed or hand delivered to the Village Municipal Building, 550 Main Street, Loch Arbour, New Jersey 07711, 24 hours prior to the meeting. The Mayor or his designee will limit public comments to 3 minutes per person.

BE IT FURTHER RESOLVED that the Asbury Park Press and The Coaster are hereby designated official newspapers for notices, and said notices shall be sent to either or all, when necessary, under the provisions of the Open Public Meetings Act; and,

BE IT FURTHER RESOLVED that in accordance with R.S. 10:4-19, any person, upon prepayment of a fee of \$10.00 for each calendar year or part thereof, may request a copy of any regular or workshop meeting agenda or revision, and advance notice of any regular, workshop, special or re-scheduled meeting of the Board of Commissioners, be mailed to such a person within the time limit prescribed by the Open Public Meetings Act.

Resolution 2023-25:

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Loch Arbour that Chief Ronen Neuman be and he is hereby appointed as the Emergency Management Coordinator and Lt. Matthew Sharin of the Deal Police Department be and he is hereby appointed as the Deputy Emergency Management Coordinator for the Village of Loch Arbour for the period commencing January 1, 2023 until December 31, 2023 and until his successor be and is duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Monmouth County Office of Emergency Management, Chief Ronen Neuman and Lt. Matthew Sharin of the Deal Police Department.

Resolution 2023-26:

WHEREAS, Thomas X. Seaman was originally appointed to the position of Chief Financial Officer for a four-year term as of May 1, 2019 (retroactive to January 1, 2019 per N.J.S.A. 40A:9-140.13) on Resolution 2019-54; and

WHEREAS, The Village of Loch Arbour Mayor and Commissioner desire to reappointment Thomas X. Seaman to the position of Chief Financial Officer; and

WHEREAS, pursuant to N.J.S.A. 40A:9-140.8, "any person who has served as the Chief Financial Officer of a municipality for four consecutive years and who is reappointed as that municipality's Chief Financial Officer shall be granted tenure of office upon filing with the Clerk of the Municipality and with the Division of Local Government Services in the Department of Community Affairs a notification evidencing his compliance with this section"; and

WHEREAS, The Village of Loch Arbour Mayor and Commissioners believe that Thomas X. Seaman has satisfactorily performed his duties as Chief Financial Officer during the prior four-year term and are confident that he will continue to do so moving forward; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey that the Village agrees that Thomas X. Seaman should be reappointed to the position of the Village of Loch Arbour Chief Financial Officer effective January 1, 2023 and this reappointment will trigger tenure for Thomas X. Seaman during his continued term of office; and

BE IT FURTHER RESOLVED, that Village officials are hereby authorized to take whatever actions may be required to effectuate the intent of this Resolution.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2023-27:

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

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2023 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriations in the 2022 current fund budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,054,449.56. and

WHEREAS, 26.25% of the total appropriations in the 2023 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance in said budget is the sum of \$276,793.01. and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, State of New Jersey, that the attached listing (Attachment 1 – 2023 Temporary Budget Worksheet) of appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for her records.

Recorded Vote:

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

Nays: None

Absent: None

PLANNING BOARD APPOINTMENTS (by Mayor)

Class II – Employee 1 year (vacant)

Class IV – Resident

Class IV Alternate – Resident

- Elizabeth Appello as a Class IV (resident) Member for a 4-year term expiring 12.31.2026;
- Antonio Santos as a Class IV (resident) Alternate #2 Member for a two-year term expiring December 31, 2024.

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the Reorganization Meeting be adjourned.

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Marilyn Simons, RMC  
Village Clerk