VILLAGE OF LOCH ARBOUR MINUTES –rescheduled REGULAR MEETING FEBRUARY 6, 2023 THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON MONDAY, FEBRUARY 6, 2023 AT 6:30 P.M.

Salute to the Flag. 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 rescheduled regular meeting to the Village's two official newspapers on January 10, 2023 and January 24, 2023 posting the notice on the office bulletin board of the same date and filing a copy of this notice in the Clerk's office.

Resolution 2023-36:

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

WHEREAS, N.J.S.A. 40A: 4-20 states that in addition to the temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the fiscal year and the adoption of the budget for said year, and

WHEREAS, the amount of such emergency appropriation shall be included under the correct heading in the budget as adopted, and;

WHEREAS, there is a need to provide additional funds for Village operations, and

WHEREAS, adequate provision for such funding was made in the temporary budget.

WHEREAS, the total emergency temporary resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A 40A:4-20) including the increase represented by this Resolution total \$448,653.74 in addition to the temporary budgets adopted January 9, 2023 in the amount of \$276,793.01, for a total Year to Date Temporary Budget of \$725,446.75.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour (not less than 2/3 affirmatively concurring) that the items of appropriation appearing on the list be included in the temporary budget for the Village for the year 2023 budget as finally adopted.

BE IT FURTHER RESOLVED that two certified copies of this Resolution be filed with the Director of the Division of Local Government.

Recorded Vote:

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

BILLS

UPON MOTION of Commissioner D'Angelo, seconded by Commissioner Cheswick, carried, that the payment of bills totaling *\$499,585.77* for the month of February, 2023 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, that the payment to the Loch Arbour Board of Education in the amount of \$41,662.00 for the month of February, 2023 be and the same is hereby approved as presented.

Recorded Vote:

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

MINUTES

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the minutes of the following meeting are hereby approved:

o Minutes of the Reorganization and Regular Meeting held on January 9, 2023

Recorded Vote:

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

REPORTS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, that the following Reports for the period ending January 31, 2023 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 2023
- Borough of Deal Police Dept. Monthly Incident Report

Recorded Vote:

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

CORRESPONDENCE

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, that the following Correspondence, on file in the Village Clerk's office, be and the same is hereby ordered received and filed:

• Monmouth Regional Health Commissioner No. 1, agenda and various reports/correspondence

Recorded Vote:

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

OLD BUSINESS

Ordinance 2023-482 – The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on January 12, 2023.

ORDINANCE #2023-482 AN ORDINANCE TO AMEND ORDINANCE 2020-463 ENTITLED "AN ORDINANCE ESTABLISHING AND REGULATING PARKING FOR SPECIAL EVENTS FOR ON STREET PARKING AND IN THE VILLAGE'S PARKING LOT; AND FOR THE RENTAL OF THE VILLAGE'S PARKING LOT DURING SPECIAL EVENTS, 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:

Section 1: Section 3 of Ordinance 2020-463, <u>Rental of the Village's Parking Lot</u> is amended and supplemented to read as follows:

The Village's Parking Lot may be rented from 6:00 p.m. to 12:00 a.m. midnight, at the rate of \$1,000.00 per day.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon its 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 2023-482 only.

Remo Maisto, Elberon Avenue, asked for clarification of Ordinance. Mayor discussed.

There being no further comment, UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, 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 Cheswick, carried Ordinance 2023-482 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

Ordinance 2023-483 – The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on January 12, 2023.

ORDINANCE NO. 2023-483

AN ORDINANCE TO AMEND ORDINANCES NOS. 207, 220, 243, 309, 345, 366, 376, 382, 2017-425, 2020-453, 2020-459 and 2021-467 OF THE VILLAGE OF LOCH ARBOUR ENTITLED

"AN ORDINANCE TO CREATE A MUNICIPAL BEACH IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, TO REGULATE AND PROVIDE FUNDS TO IMPROVE AND MAINTAIN THE MUNICIPAL BEACH AND FACILITIES, AND TO INCREASE THE FEES AND CHARGES IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH"

BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:

ARTICLE II – **REGISTRATION AND ADMISSION TO BEACH** is amended and supplemented to read as follows:

Section 3.g. Beginning April 1, 2023, the fee for a 7-day seasonal parking permit, when available, shall be:

- (a) Village of Loch resident fee: \$250.00
- (b) Non-Resident Fee: \$425.00

ARTICLE VII – REPEAL, SEVERABILITY is amended as follows:

Section 1. All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 2. If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this Ordinance shall be deemed valid and effective.

Section 3. Effective Date: This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried that the meeting be opened for comments on Ordinance 2023-483 only.

Remo Maisto, Elberon Avenue, asked for clarification of Ordinance. Mayor discussed.

There being no further comment, UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, 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 Ordinance 2023-483 be and the same is hereby adopted on final reading directing the Clerk to post and public as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

Ordinance 2023-484 – The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on January 12, 2023.

ORDINANCE #2023-484

AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING AND REGULATING LEAD BASED PAINT HAZARD AND RENTAL PROPERTIES IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH

Building and Housing

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AS FOLLOWS:

Section 1. Lead-based Paint Hazards and Rental Properties is to read as follows:

13-5.1 Definitions

- a. "Dust Wipe Sampling" means a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.
- b. "Tenant Turnover" means the time at which all existing occupants vacates a dwelling unit and all new tenants move into the dwelling unit.
- c. "Visual Assessment" means a visual examination for deteriorated paint or visible surface, dust, debris or residue.
- d. "Municipality" means Village of Loch Arbour.
- e. 'Permanent Local Agency" means the Village of Loch Arbour Code Enforcement Department (hereinafter referred to as "Loch Arbour Code Enforcement)

13-5.2 Administration

The Loch Arbour Code Enforcement shall serve as the Department to conduct inspections and enforce laws and Ordinances and Regulations under this Ordinance. Loch Arbour Code Enforcement shall conduct a visual inspection of all required dwellings.

If Loch Arbour Code Enforcement is unable to carry out inspections due to the lack of expertise or certification and enforcing Laws, Ordinances and Regulations concerning buildings and structures within the Village of Loch Arbour, for purposes of this Ordinance, Loch Arbour Code Enforcement shall, through the Village of Loch Arbour, hire a lead evaluation contractor; certified to provide lead-paint inspection services by the Department of Community Affairs, to inspect.

An inspection by Loch Arbour Code Enforcement upon tenant turnover shall not be required if the dwelling owner or landlord directly hires a lead evaluation contractor who is certified to provide lead-based paint inspection services by the Department of Community Affairs to satisfy the requirements of 13-5.3 and 13-5.4.

13-5.3 Required Initial Inspection

The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

13-5.4 Required Recurring Inspection

After the initial inspection required by Section 13-5.3, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

13-5.5 Standards

Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1, et seq., and NJ.S.A. 55:13A-1 et seq., as may be amended from time to time.

13-5.6 Exceptions

A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint; or
- b. was constructed during or after 1978; or
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations form the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13A-1, et seq. or
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six months' duration each year by tenants that do not have consecutive lease renewals; or
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

13-5.7 Identified Lead-based Paint Hazards

If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Village's Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

13-5.8 Non Lead-base Paint Hazards

If no lead-based paint hazards are identified, then the Village's Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Village's Code Enforcement Officer. The Village Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

13-5.9 Property Owner Responsibilities

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Village of Loch Arbour at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- c. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

13-5.10 Fees

a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 13-5.3 and 13-5.4 in which case no additional Lead-Based Paint inspection fee shall be paid.

- b. Upon the Village's need to hire a lead evaluation contractor, any inspection fee shall be the responsibility of the dwelling owner or landlord.
- c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

13-5.11 Violations and Penalties

Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

- a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- b. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect upon passage and publication according to law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be opened for comments on Ordinance 2023-484 only.

Remo Maisto, Elberon Avenue, asked for clarification of Ordinance. Mayor discussed.

There being no further comment, UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the public hearing be closed. Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

UPON MOTION of Mayor Fernicola, seconded by Commissioner D'Angelo, carried Ordinance 2023-484 be and the same is hereby adopted on final reading directing the Clerk to post and public as required by law.

Recorded Vote:

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

Ordinance 2023-485 – The Mayor read said Ordinance by Title, advising of its publication in *The Coaster* on January 12, 2023.

ORDINANCE #2023-485

AN ORDINANCE TO AMEND ORDINANCE 67, 313 and 330, ENTITLED "AN ORDINANCE PROVIDING FOR THE REGULATION AND CONTROL OF VEHICULAR TRAFFIC AND PARKING UPON THE STREETS, HIGHWAY AND ROADS IN THE VILLAGE OF LOCH ARBOUR COUNTY OF MONMOUTH AND PROVIDING PENALTIES FOR THE VIOLATION.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AS FOLLOWS:

Section 1. Article 3, Section 302 of Ordinance 67 – Parking Prohibitions, Limits and Methods is amended as follows:

When appropriately signed, no person shall park a vehicle for a period of more than 20 minutes continuously between the hours of 8:00 am and 8:00 pm on the following street located in the Village of Loch Arbour:

(a) Along the west side of Main Street beginning with its intersection with Edgemont Drive and thence running in a northerly direction to the Borough of Allenhurst Boundary Line.

Section 2. Violations and Penalties

(a) Unless another penalty is expressly provided by the statutes of the State of New Jersey, any person violating or causing to be violated any of the provisions of this Ordinance shall be subject to a fine of not less than two hundred fifty (\$250.00) dollars and not more than One Thousand Two Hundred Fifty (\$1,250.00) Dollars.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon its 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 2023-485 only.

Melanie Nowlin, Edgemont Drive, asked for clarification of Ordinance. Mayor discussed.

There being no further comment, UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the public hearing be closed.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried Ordinance 2023-485 be and the same is hereby adopted on final reading directing the Clerk to post and public as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

NEW BUSINESS

Resolution 2023-37: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be and the same is hereby adopted: WHEREAS, the Board of Commissioners authorized and awarded a contract to Fernandes Construction, Inc., on August 9, 2022 for the Project known as Improvements to Euclid Avenue, Phase V & VI; and,

WHEREAS, and changes from the contract plans and specifications have been made: drainage improvements, concrete roadway, pavement milling, hot mix asphalt to enhance the road project; and,

WHEREAS, there is a decrease per the contract in the amount of -\$55,873.56 and an increase to the contract price in the amount of +\$42,901.80. for a net change in contract in the amount of -\$12,971.76; and,

WHEREAS, the Board of Commissioners has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Change Order and Supplemental Agreement No. 1 as referenced above totaling decrease in the amount of -\$12,971.76. to the initial contract amount which is now \$297,162.68, between Fernandes Construction, Inc. and the Village of Loch Arbour for the Project known as Improvements to Euclid Avenue, Phase V & VI is hereby approved as Change Order and Supplemental Agreement No. 1.

Recorded Vote:

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

Resolution 2023-38: UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Village Engineer has recommended to Village Officials a Coastal General Permit 2 Application must be filed with the Department of Environmental Protection to perform standard beach grooming of its oceanfront beach, including overall beach and sand management, raking of sand trash clean up and removal, pre-storm preparations and storm damage repairs as required.

BE IT RESOLVED, that the Board of Commissioners authorize the Municipal Clerk to execute the Application on behalf of the Village of Loch Arbour, and her signatures constitutes the acceptance of the submission of the Application to the Department of Environmental Protection.

Recorded Vote:

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

Resolution 2023-39: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

BE IT RESOLVED by the Commissioner of the Village of Loch Arbour that, in accordance with Village Ordinance No. 337 and Ordinance 2019-456, the following 2023 salaries for officers and employees of the Village are hereby authorized, through December 31, 2023, inclusive:

Tax Collector	4,290.00
	,
Certified Financial Officer	22,506.00
Tax Assessor	8,040.00
Zoning Official	4,203.00
Sewer System C-1 Operator	1,839.00
Clerk, Planning Board (per meeting)	257.50
Village Clerk	82,400.00
Office Assistant	18.00 per hour
Superintendent of Parking Meters	2,678.00
Beach Manager	17,000.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be filed with the Chief Financial Officer for her information and action.

Recorded Vote:

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

 Nays:
 None

 Absent:
 None

Resolution 2023-40: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, there exists a need for the following professional to serve the Village; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (<u>N.J.S.A.</u> 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: Licensed Professional Appraiser: Donald J. Moliver, Ph.D.
- 2. Appointment is made for a term through December 31, 2023 and until his successor be duly appointed.
- 3. Appointment is made without competitive bidding because these appointments involve a member of a recognized profession, licensed and regulated by law, and is therefore exempt under <u>N.J.S.A.</u> 40A:11-5.
- 4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

Resolution 2023-41: UPON MOTION OF Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following resolution is adopted.

WHEREAS, Raymond Kelly has been serving as beach manager and is duly qualified to serve as beach manager; and

WHEREAS, the Board of Commissioners is desirous of appointing Raymond Kelly as beach manager.

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. Raymond Kelly be and hereby is appointed beach manager effective immediately for the 2023 Summer Season.

2. Raymond Kelly shall be compensated for services as beach manager at an annual salary of \$17,000.00 payable in accordance with customary procedures of the Village of Loch Arbour.

- 3. A certified copy of this Resolution shall be sent to:
- A. Raymond Kelly
- B. CFO for the Village of Loch Arbour.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

Resolution 2023-42: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following resolution be adopted:

BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour, that Joseph Marinaccio be and he is hereby appointed Superintendent of Parking Meters and Collector of Parking Meter Monies of the Village of Loch Arbour for the period commencing January 1, 2023 through December 31, 2023, inclusive, and until his successor be duly appointed at the rate in the Village of Loch Arbour Ordinances and resolutions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be filed with the Chief Financial Officer for his information and action.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

Resolution 2023-43: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the Resolution to authorize the execution and submission of the State Aid Agreement between the Department of Environmental Protection and the Village of Loch Arbour is hereby TABLED.

Recorded Vote:

Ayes:Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays:NoneAbsent:None

Resolution 2023-44: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, Nesivos, a mental health non-profit organization has requested permission to use Village streets for a run to be held on Sunday May 14, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to Nesivos to use Village streets for a run to be held on Sunday, May 14, 2023, 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 May 1, 2023 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 runners and pedestrians.
- 4. Traffic control devices, i.e., cones or barricades, must be supplied by Nesivos to be set-
- up and removed as necessary by personnel supplied by Nesivos;
- 5. Execution of the required Hold Harmless Agreement.

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

- 1. Nesivos, a mental health non-profit organization
- 2. Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

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

Resolution 2023-45: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following resolutions be adopted:

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operation over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated, and

WHEREAS, the Village of Loch Arbour, is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Board of Commissioners hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the Municipality designated by the County as being either larval mosquito habitat or areas harboring high populations or mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that: a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and

b. such operation will be performed in compliance with applicable Federal and State regulations, and

c. the County will notify the Police Department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

UPDATES/DISCUSSION

- A. Next Commissioners Meeting is scheduled for March 1, 2023 at 6:30 p.m.
- B. Budget Workshop Meeting scheduled for Tuesday, February 21, 2023 at 6: 30 p.m.
- C. Mayor Fernicola announced he will be reviewing the specifics regarding the potential
- Tree Ordinance, so this matter can be discussed at the next Commissioners Meeting.

PUBLIC HEARING:

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

Melanie Nowlin, Edgemont Drive, stated she would like the Commissioners to consider purchasing an electronic speed sign to put up on Edgemont Drive to try and deter the speeding.

Remo Maisto, Elberon Avenue, stated there is speeding on Euclid Avenue and Elberon Avenue.

Margot Fernicola, Euclid Avenue, stated if the organizations that ask permission for the races in town, be reminded to clean up the garbage in the streets after the event is over.

UPON MOTION, Mayor Fernicola, seconded by Commissioner Cheswick, carried, the meeting be closed to the public.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, that the meeting be adjourned at 7:00 p.m.

Marilyn Simons, RMC Village Clerk