

## **VILLAGE OF LOCH ARBOUR**

### **MINUTES –REGULAR MEETING**

**MARCH 1, 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 WEDNESDAY, MARCH 1, 2023 AT 6:30 P.M.**

Salute to the Flag. Present were Commissioner Cheswick, Commissioner D’ Angelo, Mayor Fernicola.

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 rescheduled regular meeting to the Village’s two official newspapers on January 10, 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.

Guest – Assemblywomen Kim Eulner and Assemblywoman Marilyn Piperno – The Assemblywoman were introduced and spoke about their experience being Assemblywomen for District 11. They spoke about the committees they are assigned to in Trenton and stated they are the Districts voice in Trenton. They spoke about their support for children and first responders, and about the recent death of whales and dolphins in the area, and how the State should be looking into the wind turbines being installed. They also spoke about the process regarding passing the ban of plastic bags. Both Assemblywomen are frustrated with the process, but are working hard to represent the District. Their office is located in Tinton Falls, and if the Village’s residents have any issues, to reach out to their office for guidance.

The Meeting was opened up to the public for questions for the Assemblywomen.  
Remo Maisto and the Assemblywomen spoke about the opioid problem in the State of New Jersey.

### **BILLS**

UPON MOTION of Mayor Fernicola, seconded by Commissioner D’ Angelo, carried, that the payment of bills totaling \$ 86,020.00 for the month of March, 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 Mayor Fernicola, seconded by Commissioner D’Angelo, carried, that the payment to the Loch Arbour Board of Education in the amount of \$47,662.00 for the month of March, 2023 be and the same is hereby approved as presented.

Recorded Vote:

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

### **MINUTES**

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D’ Angelo, carried, that the minutes of the following meeting are hereby approved:

- Minutes of the rescheduled Regular Meeting held on February 6, 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 February 28, 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;
- Proposal received by Peter S. Avakian, PE, for Engineering Services for the Improvements to Elberon Avenue – will not exceed \$21,000.;
- Proposal received by Peter S. Avakian, PE, for Engineering Services for the Municipal Stormwater General Permit – Stormwater Regulatory Compliance Assistance. – will not exceed \$7,500.;
- Village of Loch Arbour – Planning Board Resolution and 2022 Year End Report;
- 2021-2022 Municipal Excess Liability Joint Insurance Fund Annual Report.

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS - None

## NEW BUSINESS

A. Ordinance 2023-486 – introduction

ORDINANCE NO. 2023-486

AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2023

MUNICIPAL BUDGET APPROPRIATION LIMITS AND

TO ESTABLISH A CAP BANK

(N.J.S.A. 40A:4-45.14)

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour as follows:

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Village of Loch Arbour in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 1% increase in the budget for the said year, amounting to \$7,619.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Village of Loch Arbour shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$26,668.88 and that the CY 2023 municipal budget for the Village of Loch Arbour be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2023-486 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 April 5, 2023.

Recorded Vote:

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

Nays: None

Absent: None

**VILLAGE OF LOCH ARBOUR  
ORDINANCE NO. 2023-487**

**An Ordinance Entitled “An Ordinance Establishing a “Protection of Trees” 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:

**ESTABLISHING AN ENFORCEMENT OFFICER**

**ARTICLE 1**

**Section 1.** Purpose. The purpose of this Ordinance is to enhance the Village’s aesthetic environment and quality of life; aid in the stability of the soil by the prevention of erosion and sedimentation; reduce storm water runoff and the resulting costs of same; help the air quality in the Village with the production of oxygen and the removal of carbon dioxide; provide a buffer and screen against noise; provide shade; aid in the control of drainage; provide a haven for wildlife; protect and increase property values and conserve and enhance the Village’s unique qualities.

**Section 2.** Definitions.

*Village property* shall mean any and all land designed by the Village Tax Map as land owned solely and exclusively by the Village of Loch Arbour, including but not limited to Village parks and Village property or rights-of-way located between the sidewalks and curbs.

*Circumference* at breast height shall mean the circumference of the main stem of a tree measured at a point on the stem four and one-half (4 ½) feet above ground.

*Tree* shall mean any woody perennial plant having a single stem diameter minimum of two (2) inches measured at a point six (6) inches above the ground.

**Section 3.** Prohibited Acts. No person shall do or cause to be done any of the following acts on Village-owned property, right-of-way, street, road, highway, park or parkway without the recommendation and approval of ENFORCING OFFICER.

- a. Cut, trim break, remove, climb with spikes, disturb the roots or otherwise intentionally injure, misuse or spray with harmful chemicals any tree two (2) inches or more in diameter measured six (6) inches above the ground or remove any device installed to support or protect such trees.
- b. Plant any tree.
- c. Fasten any rope, wire, electrical equipment, sign or other device to a tree or install any guard about such a tree.
- d. Pile, heap or store any building materials, soil, debris or other matter or make mortar or cement within a distance of three (3) feet of a tree.
- e. Cause any oil, gas or other injurious chemical to come in contact with the trunk or roots of any tree.

**Section 4.** Exemptions. Reasonable pruning of trees by utility companies necessary to provide for line clearance for utility wires shall be exempt from the provisions of this chapter.

**Section 5.** Rights of other Authorities and Contractors. No statute giving an individual or State or Municipal Board, body or official, power or authority to lay any sidewalk along, or to open, construct curb or pave any street or do any like act shall be held or construed or permit or authorize any interference with or injury to a highway shade tree with the consent of the ENFORCING OFFICER; provided that, in all cases the ENFORCING OFFICER, shall reasonably cooperate with such individual board, body or official for the general public good.

**ARTICLE II**

**Section 1.** Tree Preservation and Removal. The purpose of this Ordinance is to prevent indiscriminate, uncontrolled, and excessive destruction, Removal, and Clear Cutting of trees upon lots and tracts of land within the Village of Loch Arbour in order to maintain the aesthetic character of the Village of Loch Arbour, prevent erosion, and control actions that will substantially change drainage patterns, and restrict actions that will cause a hazard to persons or property.

**Section 2.** Definitions

*Clear Cutting* – the removal of all standing trees on a site or portion of a site.

*Emergency* – any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property.

*Heritage Tree* – shall mean any tree with a circumference of **6 inches** or more.

*Public Right-of-Way* – any street or road shown upon a map or plan filed in the Monmouth County Clerk's office or on the Official Map of the Village of Loch Arbour.

*Removal* – the actual removal of trees, or direct or indirect actions resulting in the effective removal of trees through damage or poison, or similar actions directly or indirectly resulting in the death of trees subject to the provisions of this Ordinance. Moving a tree to a different location on the same property does not constitute removal. Removal shall not include pruning for maintenance purposes.

*Site* – any lot, tract, parcel or parcels of land within the Village.

*Tree Removal Permit* – a certificate issued by the Village to remove trees as defined in this section.

*Undisturbed Area* – an area in which trees, shrubs, and understory will not be disturbed by filling, cutting or by any other means.

**Section 3. Tree Removal Prohibited.** No person shall remove, or cause to be removed, any Heritage Tree upon any lands within the Village of Loch Arbour except as follows:

1. Trees that are to be removed as the direct result of a Development Application that has been approved by the Village of Loch Arbour Planning Board.
2. Any trees cut or removed in accordance with a "management plan" developed by the New Jersey Department of Environmental protection, Bureau of Forestry, filed with the Clerk of the Village of Loch Arbour.
3. Trees directed to be removed by municipal, county, state or federal authority.
4. Trees that are to be removed as a result of the issuance of a Tree Removal Permit.

No person shall remove any tree growing or over a Public Right of Way or public land with the express written consent of the municipal authority.

**Section 4. Tree Removal Permit** – A Tree Removal Permit shall be required for the Removal of any Heritage Tree, as follows:

1. Heritage Trees that are dead severely damaged, or in an advanced state of decline by natural causes or accident other point that the natural habit of the Heritage Tree cannot be restored as determined by a NJ Licensed Tree Expert or competent Public Authority; Heritage Trees that are severely diseased and require Removal as certified by a NJ Licensed Tree Expert or competent Public Authority; or Heritage Trees that pose an imminent public safety hazard as determined by a NJ Licensed Tree Expert or competent Public Authority.
2. Heritage Trees required to be removed subject to a construction permit as issued by the construction official for construction of new residences, additions to residences, or the construction of swimming pools or other accessory buildings or structures that are not the subject of Planning Board application approvals. Such trees shall clearly be shown on the construction plans and identified by size and the Removal of same shall, in the opinion of the construction official or his designee, clearly be necessary for the construction of the subject building or structure.
3. Heritage Trees may only be removed for compelling reasons based on the totality of the circumstances. The ENFORCING OFFICER or his/her designee shall use best efforts to reach a determination that fairly takes into account the objectives of this ordinance and the concerns of the applicant. In evaluating a Tree Removal Permit application. The ENFORCING OFFICER or his/her designee may consider, without limitation, the following factors.
  1. The health of the tree;
  2. Impact of tree Removal on ecological systems;
  3. Impact of tree Removal on wildlife;
  4. Topography of the area and drainage impact;
  5. Impact of tree Removal on noise; light or air quality;
  6. Density of tree area;
  7. Overall effect of tree Removal on the physical and aesthetic value of the property;

8. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.

**Section 5. Tree Removal Permit Requirements: Application Form:** An application form can be obtained from the Village Clerk and shall include the following information:

1. Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation).
2. Description of the premises where Removal is to take place, including lot and block numbers, and street address as assigned if different than the address of the owner;
3. Purpose of Heritage Tree Removal;
4. In addition to the application form, a survey or diagram showing the approximate location and size of Heritage Trees exist on the lot and identifying those trees to be removed.
5. If a Heritage Tree is removed under the requirements of Section 4, a mitigation plan must be submitted which will provide for the replacement of all removed heritage trees by planting a tree of 3" to 3 ½" caliper with a similar mature height or a fee to the Village of Loch Arbour in the amount of \$500.00 per tree removed.
6. For any Heritage Trees to be removed under the requirements of Section 4, a replacement plan must be submitted showing the planting of trees for any Heritage Tree Removal. The replacement trees must be a minimum caliper of 3" to 3 ½" with a similar mature height or a fee to the Village of Loch Arbour in the amount of \$500.00 per tree removed.
6. These plans must be submitted and approved by the ENFORCING OFFICER or his/her designee prior to the issuance of any permits.

**Section 6. Fees –** Upon the filing of an application with the ENFORCING OFFICER for a Tree Removal Permit under the terms of this section, the applicant shall pay an application fee of \$25.00. An application may include more than one Heritage Tree within a single application fee.

**Section 7. Permit Approval**

1. Time limits for action.
  - a. The ENFORCING OFFICER or his/her designee shall act on an application for Tree Removal permit within thirty (30) days of the receipt of a complete application. Failure to act within thirty (30) days shall be deemed to be an approval of the application and thereafter, a Tree Removal Permit shall be issued.
2. Duration of Permits
  - a. If granted for a lot or parcel of land for which no building permit is required 3 months from the date of issuance.
  - b. If granted for a lot or parcel of land for which a building permit is required but for which no variances, subdivision, or site plan approval is required or has been approved by the Planning Board until expiration of building permit granted with such Tree Removal permit.

**Section 8. Completion.** The holder of a Tree Removal Permit shall notify the ENFORCING OFFICER when the tree Removal has been completed and when replacement trees, as required, have been planted.

**Section 9. Appeals.** Whenever any application for a Tree Removal Permit shall be denied by the ENFORCING OFFICER or his/her designee, the applicant may appeal the denial to the Village Clerk by a filing a written notice of appeal with the Village Clerk within ten days after receiving notice of denial. Upon receipt of the notice of appeal, the Village Clerk shall appoint a hearing panel consisting of three members: the Village Engineer or his/her designee, and any other two designees of the Village Clerk. This panel shall proceed to hear the appeal upon notice to the applicant within thirty (30) days of the filing of such notice of appeal. This panel shall have the discretion, after interviewing the applicant and the ENFORCING OFFICER or his/her designee, to reverse, affirm, or modify the aforesaid decision.

**Section 10. Protection of Existing Trees.** In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective

barrier acceptable to the Construction Official and Village Engineer, shall be placed around trees that are not to be removed. The protective barriers shall be placed at the dripline or canopy line of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits, or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the Removal of the barriers. Any landscaping activities subsequent to the Removal of the barriers shall be accomplished with light machinery or hand labor.

**Section 11. Emergency Action.** In the event of an Emergency, any person otherwise subject to this section, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient, unhealthy or obnoxious conditions resulting from the Emergency, may, without first applying for and obtaining a permit under this section, take any lawful action which is otherwise a regulated activity. However, such person or the agent or designee of such person, shall apply for a Tree Removal Permit not later than the end of the second succeeding business day after any regulated activity takes place and may not proceed with non-Emergency work including restoration, until a permit is obtained.

**Section 12. Penalties.** When regulated trees are removed without a Tree Removal Permit, the affected areas shall be replanted as required by the Enforcing Officer or his/her designee. Any person guilty of violating any of the provisions of this section shall be subject to a fine not exceeding \$1,250.00 per removed tree. Each Heritage Tree removed or destroyed in violation of this section shall be considered a separate violation.

**Section 13.** This Ordinance shall take effect immediately upon passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2023-487 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 April 5, 2023.

Recorded Vote:

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

Nays: None

Absent: None

**Resolution 2023-46:** UPON MOTION OF Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

**WHEREAS**, the Village of Loch Arbour, in the County of Monmouth, New Jersey (the "Village") has heretofore adopted, from time to time, various bond ordinances (the "Bond Ordinances") authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

**WHEREAS**, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

**WHEREAS**, the Village has applied to The Monmouth County Improvement Authority (the "MCIA") to participate in its pooled governmental note financing program (the "Program"); and

**WHEREAS**, under the Program, the MCIA will issue and sell its pooled notes (the "MCIA Notes"), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Village) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the "County"); and

**WHEREAS**, on March 8, 2023, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

**WHEREAS**, the Village wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

**WHEREAS**, the Village will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Village and the MCIA; and

**WHEREAS**, the Village acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Village; and

**WHEREAS**, the Village now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the “Program Notes”) to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Village. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Village (each, an “Authorized Officer”) of the Note Purchase Agreement, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 3. The Village hereby authorizes the use of certain information concerning the Program Notes and the Village in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Village and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Village’s allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Village, and the staff and consultants of the Village, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf of the Village, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. This resolution shall take effect immediately.

Recorded Vote:

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

Resolution 2023-47: UPON MOTION OF Commissioner D’Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the Tax Collector has determined that an overpayment of taxes have been made; said overpayment has caused by duplicated payments from owners, title agencies and mortgage companies who have contacted by the Collector for proper settlement;

NOW, THEREFORE BE IT RESOLVED, on this 1<sup>st</sup> day of March, 2023 by the Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey that the individual and/or corporation so specified below be refunded the overpayment of taxes.

BE IT FURTHER RESOLVED, that a Certified Copies of this Resolution be forwarded to the Tax Collector and the Finance Officer.

BLOCK/LOT	REFUND TO	REASON	PROPERTY ADDRESS	AMOUNT
11/5	Lereta, LLC Select Portfolio Servicing	Double Payment	312 Euclid Avenue	\$3987.62

Recorded Vote:

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

Resolution 2023-48: UPON MOTION of Mayor Fernicola, seconded by Commissioner D’ Angelo, carried that the following resolution is adopted.

WHEREAS, it is necessary to hire an Office Assistant for the Village of Loch Arbour, to prepare for the upcoming beach season, and;

**WHEREAS**, the Board of Commissioners is desirous of hiring, as recommended by the Village Clerk, Dale Burke as the Office Assistant.

**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. Dale Burke, shall be compensated to be an Office Assistant, as of March 1, 2023 at a rate of \$18.00 an hour payable in accordance with customary procedures of the Village of Loch Arbour.
2. A certified copy of this Resolution shall be sent to:
  - A. Dale Burke
  - B. CFO for the Village of Loch Arbour.

Recorded Vote:

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

Nays: None Absent: None

#### **UPDATES/DISCUSSION**

- A. Next Commissioners Meeting is scheduled for April 5, 2023 at 6:30 p.m.
- B. **Annual Breakfast with the Easter Bunny and Egg Hunt on Sunday April 2<sup>nd</sup>** – Breakfast 9-11 am at Allenhurst Fire house, Hunt 11:30 am at Railroad Plaza Park
- C. **Traffic Safety** – Edgemont Drive – Digital Speed Sign, blinking stop sign.

The Mayor and Commissioners discussed purchasing a Digital Speed Sign. Mayor Fernicola is in favor of purchasing to try and deter the speeding on Village Streets. Mayor Fernicola confirmed with the Clerk, the sign is portable and can be moved around town. Commissioner D' Angelo and Commissioner Cheswick referenced the study done by the Police Department which confirmed there is not a speeding issue on Euclid Avenue.

The Meeting was opened to the public regarding this matter only.

Jack Hedaya, Euclid Avenue, suggested to install a street light on the corner of Edgemont Drive and Euclid Avenue.

UPON MOTION OF Mayor Fernicola, there was not a second to authorize the purchase of the Digital Speed Sign.

The Mayor and Commissioners discussed purchasing a blinking stop sign to install on the corner of Edgemont Drive and Euclid Avenue.

After discussion, no motion to authorize the purchase the blinking stop sign.

#### **PUBLIC HEARING:**

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

Joseph McGrath, Zoning Officer, brought attention to the Mayor and Commissioners regarding Solar Panels. The Village does not have an Ordinance to regulate the installation of Solar Panels. He has received a couple of Request for Zoning Determination regarding Solar Panels in recent months.

Remo Maisto, Elberon Avenue, asked about the proposed Budget. Mayor Fernicola briefly discussed and announced the Budget will be introduced at the next Commissioners Meeting scheduled for April 5, 2023.

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

Recorded Vote:

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

Nays: None Absent: None

**UPON MOTION** of, Mayor Fernicola, seconded by Commissioner Cheswick, 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: Pending Litigation/Attorney client privileged information.  
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 Cheswick, that the meeting be adjourned at 8:10 p.m.

Marilyn Simons, RMC  
Village Clerk