

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 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.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the payment of bills totaling \$9,854.84. for the month of October, 2023 be and the same is hereby approved as presented.

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 \$25,000.00 for the month of October, 2023 be and the same is hereby approved as presented.

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

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

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

- Expenditure Report
- Revenue Received Report
- Tax Collections Report/Delinquent Taxes Report for 2023
- Borough of Deal Police Dept. Monthly Incident Report

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

- Monmouth Regional Health Commissioner No. 1, agenda and various reports/correspondence;
- Memo from County Clerk Hanlon advising voters about pre-filled Vote by Mail Applications being sent by Local Campaigns and Political Committees.
- Traffic Analysis Report preformed on Edgemont Drive, received by the Deal Police.

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

A. Ordinance 2023-490

**AN ORDINANCE TO ESTABLISH A HANDICAPPED PARKING SPACE ON-STREET
IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH**

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Pursuant to the authority granted to the Village of Loch Arbour by N.J.S.A 39:4-197.6, the following location is hereby designated as a restricted parking space for use by the handicapped person residing in the premises known as Block 9, Lot 1, 114 Euclid Avenue, Loch Arbour, New Jersey, to whom a windshield placard or wheelchair symbol license plates have been issued by the Division of Motor Vehicles for a vehicle owned by the handicapped person or another occupant of the residence who is a member of the immediate family of the handicapped person. No other persons shall be permitted to park in this space.

PROPERTY ADDRESS: Block 9, Lot 1, 114 Euclid Avenue, Loch Arbour, New Jersey.

Section 2. In addition to any other penalty provided by New Jersey Statute, any unoccupied vehicle parked or standing in violation of this Ordinance shall be deemed a nuisance and menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage, which may result from such removal before regaining possession of the vehicle.

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

Section 4. 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 Ordinance 2023-490 BE TABLED DUE TO THE SUBJECT NOT LIVING IN THE HOME AT THIS TIME. THE MAYOR AND COMMISSIONERS WILL REVISIT THIS ORDINANCE, WHEN CIRCUMSTANCES CHANGE.

Recorded Vote:

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

Nays: None

Absent: None

NEW BUSNISS –

A. Resolution 2023-79: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour ("VILLAGE"), in conjunction with its neighboring municipality, the Borough of Allenhurst ("BOROUGH") advertised for bids for the project identified as "Improvements to Elberon Avenue in the Borough of Allenhurst and Village of Loch Arbour" per bid specifications prepared by Leon S. Avakian, Inc. dated July 28, 2023; and

WHEREAS, on August 30, 2023, the Village received bids for the project; and

WHEREAS, the apparent low bidder is Fernandes Construction, Inc., with a bid in the total amount of Three Hundred and Twenty-Eight Thousand, Nine Hundred and Eighty-Seven Dollars and Eight Two Cents, (\$328,987.82), where the Village's portion thereof is Ninety Eight Thousand, Six Hundred and Forty Eight Dollars and Sixty Cents (\$98,648.60); and the Borough's portion thereof is Two Hundred and Thirty Thousand, Three Hundred and Thirty Nine Dollars and Twenty Two Cents (\$230,339.22), and

WHEREAS, in a letter dated September 1, 2023, the Borough's Engineer, Leon S. Avakian, Inc., recommended an award to the aforesaid low bidder Fernandes Construction, Inc.; and

WHEREAS, the Village's Attorney has reviewed the bid documents and bid bond submitted by Fernandes Construction, Inc. and has found the same to be in order; and

WHEREAS, the Village's CFO hereby certifies that monies are available for said purposes as described above and budgeted for in the Line Item C-04-23-488-000, entitled Improvements to Elberon Avenue in the Village of Loch Arbour to which the required monies shall be charged, in the amount of \$98,648.60.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED that a contract be and hereby is awarded to Fernandes Construction, Inc. in the amount of \$98,648.60, the Lump Sum price contained in their bid proposal for work to be done in the Village of Loch Arbour; and

BE IT FURTHER RESOLVED that the award of the contract be and hereby is conditioned upon the Contractor providing the required insurance coverage, contract documents, and performance and maintenance bonds as set forth in the contract documents in a form satisfactory to the Village and its Attorney; and

BE IT FURTHER RESOLVED that the award of this contract as set forth herein is conditioned upon the Village Attorney's review of the insurance and bond compliance documents to be submitted by Fernandes Construction, Inc.; and

BE IT FURTHER RESOLVED that the Mayor or his designee be and is hereby authorized to execute all necessary documents in connection herewith.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2023-80: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following Resolution be adopted:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 52:27D-192 provides for receipt of Penalty Fee monies for Failure to Abate Uniform Fire Code Violations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Village of Loch Arbour are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statue or other legal requirement.

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. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Penalty Fees Trust Fund.
2. The Clerk of the Village of Loch Arbour, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Recorded Vote:

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

Absent: None

Resolution 2023-81: UPON MOTION of Commissioner Cheswick, seconded by D' Angelo, carried, that the following resolution be adopted:

WHEREAS, on May 27, 2023 a subject crashed into the Deal Lake Bulkhead on Edgemont Drive in the Village of Loch Arbour;

WHEREAS, this claim has been submitted to the Village JIF (Joint Insurance Fund) for payment, and,

WHEREAS, the Village Clerk requested proposals from the following vendors:

| VENDOR | QUOTE |
|--------------------------------|-------------------|
| Burke Construction, LLC | \$5,049.00 |
| Down To Earth Landscaping, Inc | No quote received |
| Fernandes Construction | No quote received |

WHEREAS, the cost of repairs is less than 15% of the maximum bid threshold; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the quotation from Burke Construction., in the amount of \$5,049.00 be and the same is hereby accepted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to
1. Burke Construction, LLC
2. Village CFO

Recorded Vote:

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

Absent: None

Resolution 2023-82: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, the Deal Lake Bulkhead on Edgemont Drive in the Village of Loch Arbour has been damaged from an unknown source;

WHEREAS, the damage must be repaired to not further damage the Bulkhead, and,

WHEREAS, the Village Clerk requested proposals from the following vendors:

| VENDOR | QUOTE |
|--------------------------------|-------------------|
| Burke Construction, LLC | \$3,786.75 |
| Down To Earth Landscaping, Inc | No quote received |
| Fernandes Construction | No quote received |

WHEREAS, the cost of repairs is less than 15% of the maximum bid threshold; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the quotation from Burke Construction., in the amount of \$3,786.75. be and the same is hereby accepted.

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

1. Burke Construction, LLC
2. Village CFO

Recorded Vote:

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

Nays: None

Absent: None

UPDATES/DISCUSSION

A. Next Commissioners Meeting scheduled for November 1, 2023 at 6:30 pm to be held at the Village Municipal Building.

B. **Clean Ocean Action Fall Beach Sweeps** – scheduled for Saturday, October 21, 2023 9 am – 12:30 pm. Participants are urged to wear hats, boots, sunscreen and bring gloves.

C. **Halloween Party** – to be held at the Allenhurst Train Station Park on Saturday, October 28, 2023 between 11:00 am – 1:00 pm.

PUBLIC HEARING:

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

Melanie Nowlin, Edgemont Drive, spoke to the Mayor and Commissioners about the Speed Study done by the Deal Police Department on Edgemont Drive. The report states the average speed on Edgemont is 23 mph. Mayor Fernicola read the report. Forgoing the results of the speed study, Ms. Nowlin urged the Mayor and Commissioners to approve to purchase a speed sign for Edgemont Drive. Mayor Fernicola is in favor of purchasing the sign.

David Dweck, suggested the Village install speed bumps.

The Mayor instructed the Clerk to reach out to the Village Engineer and Sgt. Vaccaro of the Deal Police for their professional opinion regarding installing a 3-way stop on the corner of Page Avenue and Euclid Avenue in the Village of Loch Arbour.

Margot Fernicola, Euclid Avenue, reported the Deal Lake Commission received a dumpster from Monmouth County which is located on Ocean Avenue near the pump house. The debris from the Deal Lake will be loaded into the dumpster.

The Mayor announced a street cleaning will be done tomorrow, October 5, 2023. Please remove all cars from the Village Streets.

The Mayor discussed the recent floods in the Village. The Mayor explained the volume of the rain water was too much, which made the Deal Lake overflow.

Margot Fernicola, Euclid Avenue, asked the Village to host a rabies clinic through the Monmouth County Board of Health. The Mayor instructed the Clerk to reach out to the Borough of Allenhurst to host a clinic at the Allenhurst Fire House.

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 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 7:05 p.m.

Marilyn Simons, RMC
Village Clerk