

**VILLAGE OF LOCH ARBOUR**  
**MINUTES –REGULAR MEETING**  
**NOVEMBER 1, 2023**  
**THE SCHEDULED REGULAR 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, LOCH ARBOUR, NEW JERSEY**

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

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 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.

**BILLS**

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the payment of bills totaling \$273,329.25. for the month of November, 2023 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D’ Angelo

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the payment to the Loch Arbour Board of Education in the amount of \$25,000.00 for the month of November, 2023 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D’ Angelo

**MINUTES**

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

- Minutes of the Regular Meeting and Executive Session held on September 12, 2023
- Minutes of the Regular Meeting held on October 4, 2023.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D’ Angelo

**REPORTS**

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the following Reports for the period ending October 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, Mayor Fernicola

Nays: None

Absent: Commissioner D’ Angelo

**CORRESPONDENCE**

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, 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;
- New Jersey League of Municipalities – Notice of Proposed Membership Dues;
- Monmouth County, Department of Human Services – Highlighting Services they provide to Aging, Disabilities and Veteran Services;
- 2022/2023 Annual Report – Joint Insurance Fund – Municipal Excess Liability;
- New Jersey Natural Gas – important Safety Information.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D’ Angelo

**OLD BUSINESS** – None

**NEW BUSINESS –**

**A. Resolution 2023-83: UPON MOTION** of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Loch Arbour that Patrolman Nicholas Dowling 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 October 1, 2023 until December 31, 2023, due to the vacancy in the position 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 Patrolman Nicholas Dowling of the Deal Police Department.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**B. Resolution 2023-84: UPON MOTION** of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following resolution is adopted.

WHEREAS, it is the policy of the Village of Loch Arbour to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but no limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Pay for Equal Work Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meetings Act; and

WHEREAS, the Board of Commissioners has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the Personnel Policy Manual and Employee Handbook attached hereto is hereby adopted which amendments.

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all Village of Loch Arbour officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and collective bargaining agreement, personnel services contract or Federal or State Law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by the Village of Loch Arbour employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Board of Commissioners.

BE IT FURTHER RESOLVED, that the maximum extent permitted by law, employment practices for the Village of Loch Arbour shall operate under the legal doctrine known as 'employment at will'

BE IT FURTHER RESOLVED, that the Village Clerk and all managerial/supervisory personnel are responsible for these employment practices. The Municipal Attorney shall assist the Village Clerk in the implementation of the policies and procedures in this manual.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**C. Resolution 2023-85: UPON MOTION** of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Board of Commissioners of the Village of Loch Arbour, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

D. **Resolution 2023-86:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, the State's CY 2023 / SFY 2024 Best Practices Inventory Questionnaire is required to receive the Municipality's final 5% of State funding; and

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

WHEREAS, a review of this Inventory will be discussed at the regular meeting of the Mayor and Commissioners on November 1, 2023.

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

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

#### **UPDATES/DISCUSSION**

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

#### **PUBLIC HEARING:**

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

Margot Fernicola, Euclid Avenue, reported the Beach Sweeps and the Deal Lake Commission Clean Up was a success, even with the bad weather the day of the event.

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

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**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: Potential and 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, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

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

Marilyn Simons, RMC  
Village Clerk

