

VILLAGE OF LOCH ARBOUR  
MINUTES –REGULAR MEETING  
JANUARY 8, 2020

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, JANUARY 8, 2020, CALLED TO ORDER IMMEDIATELY FOLLOWING THE CONCLUSION OF THE BOARD OF COMMISSIONERS REORGANIZATION MEETING.

Present were Commissioner Cheswick, Commissioner D' Angelo and Mayor Fernicola.

Also present were William H. Healey, Village Attorney and Marilyn Simons, Village Clerk.

## BILLS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the payment of bills totaling \$162,659.23 for the month of January, 2020 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 January, 2020 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 Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the minutes of the following meeting are hereby approved:

- Minutes of the Regular Meeting on December 4, 2019.

**Recorded Vote:**

**Ayes:** Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: None

**Abstain: Commissioner D' Angelo**

## REPORTS

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following Reports for the period ending December 31, 2019 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 2019
- 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:

- Cross Over Networks, network support contract renewal, \$3,106.80 for 2020;
- Associated Humane Societies, animal control contract renewal, \$720.00 for 2020;
- Asbury Park Window Cleaning Co., Janitorial Service, \$175.00 per month for 2020;
- Sharp Elevator Company Inc., elevator preventative maintenance, \$1,464.00 for 2020;
- Casa Payroll, payroll services agreement for 2020;
- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;

**Recorded Vote:**

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

Nays: None

Absent: None

## NEW BUSINESS

Resolution 2020-27: Set 2020 Salaries: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be TABLED until after the conclusion of the Executive Session.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-28: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following Resolution be adopted:

WHEREAS, there is a need of Janitorial Services at the Village Municipal Building; and

WHEREAS, the Local Public Contracts Law (N.J.S.A 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2020 Temporary Appropriations of the Village and provision will be made this contract in the finally adopted 2020 budget.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Asbury Park Window Cleaning Co., be hereby awarded the contract for 2020 Janitorial Services renewal at the annual cost of \$2,100.00.

BE IT FURTHER RESOLVED, that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be supplied to Asbury Park Window Cleaning Co.

Recorded Vote:

Ayes: Commissioner Cheswick Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: None

Resolution 2020-29: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need of professional services to maintain its computer hardware, software and internal network; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2020 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2020 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Cross Over Networks be hereby awarded the contract for 2020 network support and maintenance services, Anti-Virus and Backup Charges at the annual cost of \$3,106.80.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Cross Over Networks.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-30: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, there is the need for the provision of Animal Warden/Control Services in the Village as the current contract with the Associated Humane Societies expired on December 31, 2020; and,

WHEREAS, funds are available in the Village's 2020 Temporary Budget and will be appropriated in the Village's finally adopted 2020 Budget for this purpose and the Chief Financial Officer has so certified.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Associated Humane Societies be and the same is hereby retained as Animal Warden for the Village of Loch Arbour for the one-year period commencing January 1, 2020 through December 31, 2020, inclusive, at the annual cost of \$720.00.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be hereby authorized to execute said Agreement on behalf of the Village.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded with the executed Agreement to the Associated Humane Societies.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-31: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need of professional services to maintain its elevator at the Village Municipal Building; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less

that 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2020 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2020 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Sharp Elevator Company, Inc., be hereby awarded the contract for 2020 maintenance services at the annual cost of \$1,464.00.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Sharp Elevator Company, Inc.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-32: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need of professional services to provide payroll processing services; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of a contract less than 15% of the bid threshold without competitive bidding.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2020 Temporary Appropriations of the Village and provision will be made for this contract in the finally adopted 2020 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Casa Payroll Services be hereby awarded the contract for 2020 payroll processing services at the annual cost as per the 2020 Service Agreement.

BE IT FURTHER RESOLVED that the Clerk of the Village of Loch Arbour be authorized to execute the contract authorized pursuant to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Casa Payroll Services.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-33: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be and the same is hereby adopted:

WHEREAS, the State of New Jersey, Department of Environmental Protection has notified all municipalities along the coast must prepare and submit a Municipal Public Access Plan (MPAP) to the State of New Jersey; and

WHEREAS, a requirement is for the Village to submit a Deed of Dedication and a description of proposed Right of Way Easement portion of Euclid Avenue and portion of Elberon Avenue, Village of Loch Arbour, Monmouth County, New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Village Commissioners of Loch Arbour, County of Monmouth, State of New Jersey, formally approves the execution of the Deed of Dedication (with a revised Schedule A and Schedule B) for purposes of submitting the MPAP; and

FURTHER BE IT RESOLVED that the Mayor is hereby authorized to sign and the Municipal Clerk attest to the Deed of Dedication

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-34: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, Special Olympics New Jersey and the Jersey Shore Running Club has requested permission to use Village streets for the RunAPalooza road race to Benefit Special Olympics to be held on Saturday, April 4, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to Special Olympics New Jersey and the Jersey Shore Running Club to use Village streets for the RunAPalooza road race to Benefit Special Olympics to be held on Saturday, April 4, 2020, 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 March 20, 2020 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 Special Olympics New Jersey and the Jersey Shore Running Club to be set-up and removed as necessary by personnel supplied by Special Olympics New Jersey and the Jersey Shore Running Club;
5. Execution of the required Hold Harmless Agreement.

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

1. Special Olympics New Jersey and the Jersey Shore Running Club;
2. Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/DISCUSSION

A. Next Commissioners Meeting is scheduled for February 12, 2020 at 6:30 p.m.

B. Beach Lockers – Commissioner Cheswick reported a firm price will be received in the next couple of weeks by the contractor to purchase 20 lockers for the 2020 Beach. Season. Commissioner Cheswick will report back at the next scheduled Commissioners Meeting.

C. Village of Loch Arbour Special Election – will be held on May 12, 2020 to elect three Commissioners to serve as the new governing body through May of 2024. Interested parties may receive a Candidate Package from the Village Clerks office starting on February 17, 2020.

PUBLIC HEARING:

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

Gail Tawil, Edgemont Drive, discussed with the Mayor and Commissioners the issue of the shrubs that were planted along Deal Lake. Mrs. Tawil stated she has spoken to at least 17 homeowners along Edgemont Drive and everyone she talked to insists that the shrubs be removed along Edgemont Drive. Mrs. Tawil stated the homeowners will pay to remove the shrubs, if needed.

Melanie Nowlin, Edgemont Drive, stated the funds should have been used more wisely by the Deal Lake Commission, and should have been used to clean the lake.

After a lengthy discussion it was determined by the Mayor and Commissioners that the shrubs will remain until the Fall, 2020, to allow the shrubs to grow and flourish. This matter will be revisited in the Fall.

Margot Fernicola, Euclid Avenue, suggested to the Mayor and Commissioners that Melanie Nowlin be appointed as the Deal Lake Commission Alternate for the Village of Loch Arbour.

Michael Goodman, Elberon Avenue, discussed the Beach Lockers that are being proposed for the Village Beach Club. Mr. Goodman suggested the Village of Loch Arbour Tax Payers have first preference to rent the lockers for the summer.

Mr. Goodman asked why the Syrian Community is not being represented on the Village of Loch Arbour Planning Board.

Mr. Goodman stated he is opposed to the re-hiring of Joseph McGrath, Zoning Officer, for the Village of Loch Arbour, due to complications with his home inspector license with the State of New Jersey. Mr. Goodman commented on Mr. McGrath's behavior in Loch Arbour and Allenhurst.

Mr. Goodman stated he is opposed to the re-appointment of Remo Maisto as an alternate to the Village of Loch Arbour Planning Board, due to his behavior towards Mr. Goodman in recent years.

Melanie Nowlin, Edgemont Drive, commented about her history regarding being appointed and being removed from the Planning Board and stated race should not become a factor in this small town. Ms. Nowlin discussed the pesticide ban that has been put in place for shore towns (lakefront property) for many years. Ms. Nowlin stated she will further look into this matter and get back to the Village. Ms. Nowlin also stated there are grants to be applied for to address the algae bloom problem. Ms. Nowlin will follow-up with the Deal lake Commission.

There being no other public comment, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo carried, that the public hearing be closed.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, 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: Discuss litigation and attorney client privileged information and personnel matters. The Commissioners reserve the right to take Official Action after 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

Resolution 2020-27: 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 salaries for officers and employees of the Village are hereby authorized, retroactive to January 1, 2020 through December 31, 2020, inclusive:

Tax Collector	3,000.00
Certified Financial Officer	18,000.00
License Inspector	1.00
Zoning Official	3,000.00
Sewer System C-1 Operator	1,710.00
Clerk, Planning Board (per meeting)	150.00
Registrar of Vital Statistics	1.00
Director of Public Assistance	1.00
Village Clerk	70,000.00

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

There being no further business, and UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the meeting be finally adjourned at 8:03 PM.

Marilyn Simons, RMC  
Village Clerk