

**VILLAGE OF LOCH ARBOUR  
MINUTES – REGULAR MEETING  
FEBRUARY 12, 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, LOCH ARBOUR, NEW JERSEY ON FEBRUARY 12, 2020, CALLED TO ORDER AT 6:30 P.M. BY DEPUTY MAYOR ALFRED CHESWICK**

Following the salute to the Flag the Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo. Mayor Fernicola was absent.

Also present was William Healey, 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 newspaper on January 13, 2020 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

**Resolution 2020-35:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, certain 2019 appropriations reserves require additional funds to cover expenditures through December 31, 2019; and,

WHEREAS, certain other 2019 appropriations reserves show a surplus of funds available; and,

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits transfers between appropriations reserves during the first three of the succeeding fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the following appropriations transfers be and the same are hereby authorized:

ACCOUNT	TRANSFER TO APPROPRIATION (inside CAPS)	AMOUNT	TOTAL
9-01-20-165-028	General Engineering	\$2,700.00	
	TOTAL TRANSFERS TO APPROPRIATION (inside CAPS)		\$2,700.00
	<b>TRANSFER FROM APPROPRIATION (inside CAPS)</b>		
9-01-20-145-030	Collection of Taxes, other expenses	\$2,700.00	
	TOTAL TRANSFERS FROM APPROPRIATION (inside CAPS)		\$2,700.00

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to the Chief Financial Officer for appropriate action.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**PAYMENT OF BILLS**

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, the payment of bills totaling \$153,839.24 for the month of February, 2020 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried the payment to the Loch Arbour Board of Education in the amount of \$41,662.00 for the month of February, 2020 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**MINUTES**

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the minutes of the following meetings be approved:

- Minutes of the Reorganization and Regular Meeting held on January 8, 2020.

- Minutes of the Executive Session held on January 8, 2020.

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**REPORTS/CORRESPONDENCE**

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, the following reports for the period ending January 31, 2020, 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 2020
- Deal Police Department, Monthly Incident Report
- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Monmouth County Joint Insurance Fund (JIF) 2020 Budget;
- Proposal received by Peter S. Avakian, PE, for Engineering Services to comply with NJDEP Tier A – Municipal Stormwater General Permit – will not exceed \$2,690.

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**OLD BUSINESS**

**A. Resolution 2020-15(A):** UPON MOTION of Commissioner D' Angelo, 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 Melanie Nowlin is hereby appointed as Village of Loch Arbour Alternative Representative to the Deal Lake Commission for the one-year period commencing January 1, 2020 through December 31, 2020, inclusive, and until her successor be duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to:

1. Melanie Nowlin
2. Deal Lake Commission

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**B. Resolution 2020-16:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following Resolution be TABLED:

BE IT RESOLVED, the Board of Commissioners of the Village of Loch Arbour, \_\_\_\_\_, is hereby appointed as the Village of Loch Arbour Representative to the Monmouth County Regional Health Commission for the one-year period commencing January 1, 2020 through December 31, 2020, inclusive until a successor be duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to:

- 1.
2. Monmouth County Regional Health Commission

**Recorded Vote:**

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**NEW BUSINESS:**

**A. Ordinance 2020-459 – introduction**

The Clerk read the Ordinance by Title

**AN ORDINANCE TO AMEND ORDINANCES NO. 207, 220, 243, 309, 345, 366, 376, 382 and 2017-425 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 AND TO MODIFY THE WEEKDAY PARKING PERMIT 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:**

**Section 1. ARTICLE II – REGISTRATION AND ADMISSION TO BEACH** is amended and supplemented to read as follows:

Section 3.g. Beginning April 1, 2020, a Weekday only Parking Permit, will be offered.

(a) A Weekday only Parking Permit will be in effect:

Only 5 days per week (Monday, Tuesday, Wednesday, Thursday, Friday)

(b) Maximum of 40 Weekday parking permits will be sold per season.

1. Village of Loch Arbour resident fee: **\$100.00**

2. Non-resident fee: **\$180.00**

(c) Current Seasonal Parking Permit Holders are not eligible for Weekday only Parking Permits for one year following the last year they had a regular Seasonal Parking Permit.

(d) The Weekday only Parking Permit will not be valid for any holiday that falls on a Monday, Tuesday, Wednesday, Thursday, Friday.

(e) The Beach Manager, at his discretion, may also designate 3 other weekdays per season, when Weekday only Parking Permits are not valid. (Any designated days must be posted 72 hours in advance of the event.)

**Section 2. 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 D' Angelo, seconded by Commissioner Cheswick, carried that said Ordinance #2020-459 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 March 4, 2020.

Recorded Vote

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**B. Resolution 2020-36:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

**WHEREAS**, the Village of Loch Arbour has a need to contract with another municipality for administration and enforcement of Uniform Construction Code services;

**WHEREAS**, the Village determined it would be in the best interest of its residents to enter into an agreement with the Borough of Deal for said services;

**WHEREAS**, the Village is authorized to enter into this agreement with the Borough of Deal pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to – 35, for the purpose of sharing the services of Uniform Construction Code administration and enforcement.

**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 Mayor is hereby authorized to execute, and the Clerk to attest, to a uniformed shared services agreement with the Borough of Deal for administration and enforcement of Uniform Construction Code services.

2. A certified copy of this resolution shall be provided to the Borough of Deal.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**C. Resolution 2020-37:** Award bid, Improvements to Euclid Avenue, Phase IV

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

WHEREAS, the Village of Loch Arbour was awarded a Transportation Trust Fund Grant in the amount of \$137,000 for the project known as Improvements to Euclid Avenue, Phase IV; and,

WHEREAS, the Village has appropriated additional funds for the project with the adoption of Bond Ordinance No. 2019-457 on September 4, 2020; and,

WHEREAS, bids were received on January 23, 2020 pursuant to the Notice to Bidders advertised on January 9, 2020 from the following vendors:

Bidder	Bid Total
S. Batata Construction, Parlin, NJ	\$104,392.00
Seacoast Construction, East Brunswick, NJ	\$134,551.13
S&G Paving & Construction, Inc., Monroe, NJ	\$146,027.00
Fernandes Construction, Inc., Monroe, NJ	\$150,000.03
Precise Construction, Inc., Freehold, NJ	\$191,075.00
Berto Construction, Inc., Rahway, NJ	\$218,960.00

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RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the contract for the Improvements to Euclid Avenue, Phase IV is hereby awarded to S. Batata Construction, Parlin, NJ in the amount of \$104,392.00, as recommended by Village Engineer Peter R. Avakian, subject to the approval of the Commissioner, State Department of Transportation.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to:

1. S. Batata Construction, Parlin, New Jersey
2. Peter Avakian, Village Engineer

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**D. Resolution 2020-38:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following Resolution be TABLED.

Authorize the Appointment of Matthew Goldfarb as Beach Manager of the Village Beach Club for the 2020 Beach Season.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**E. Resolution 2020-39:** UPON MOTION of Commissioner D' Angelo, 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, 2020 through December 31, 2020, inclusive, and until his successor be duly appointed at the rate of \$2,158.00 for the year 2020.

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

Nays: None

Absent: Mayor Fernicola

**F. Resolution 2020-40:**

**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 (N.J.S.A. 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, 2020 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 N.J.S.A. 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

Nays: None

Absent: None

**G. Resolution 2020-41:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, 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

Nays: None

Absent: Mayor Fernicola

**H. Resolution 2020-42:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, Edison Energy has requested permission to use Village streets for the 2020 "One More Tri" A Triathlon to Benefit the Special Olympics NJ, to be held on Sunday, September 13, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to Edison Energy to use Village streets for the 2020 "One More Tri" A Triathlon to Benefit the Special Olympics NJ to be held on Sunday, September 13, 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 September 1, 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 bikers and pedestrians.
4. Traffic control devices, i.e., cones or barricades, must be supplied by Edison Energy to be set-up and removed as necessary by personnel supplied by Edison Energy;
5. Execution of the required Hold Harmless Agreement.

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

1. Edison Energy

2. Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**I. Resolution 2020-43:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, Clean Ocean Action has requested permission to conduct the Spring Beach Sweeps to be held on Saturday, April 25, 2020 and Fall Beach Sweeps to be held on Saturday, October 24, 2020 at the Village Beach from 9:00 AM to 12:30 PM; and,

WHEREAS, the Board of Commissioners support the efforts of Clean Ocean Action to preserve and protect our fragile shore environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Clean Ocean Action to conduct the Spring Beach

Sweeps on Saturday, April 25, 2020 and Fall Beach Sweeps on Saturday, October 24, 2020 to be held at the Village Beach from 9:00 AM to 12:30 PM; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Clean Ocean Action.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**UPDATES/DISCUSSION**

A. **Next Commissioners Meeting** – Scheduled for March 4, 2020 at 6:30 pm.

B. **Beach Lockers** –

Resolution 2020-44: **UPON MOTION** of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour has requested quotes to construct 16 new beach lockers to be rented at the Village Beach Club by patrons, for the upcoming 2020 Summer Season; and,

WHEREAS, quotations were requested and received as follows:

VENDOR	COST
Case Enterprises, Inc., Wall New Jersey	\$17,440.00
Backyard Structures, Shrewsbury, New Jersey	No quote
Oak Tree Sheds, Parlin, New Jersey	No quote

WHEREAS, funds are available for this purpose in the 2020 budget and capital budget of the Village of Loch Arbour which will be adopted in the Village of Loch Arbour;

WHEREAS, the Chief Financial Officer has so certified these funds will be available.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the quotation of Case Enterprises, Inc., in the amount of \$17,440.00 for the construction of 16 beach lockers to be ready for the 2020 Summer Season is hereby awarded.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Case Enterprises, Inc., with the 1<sup>st</sup> payment to start the construction in the amount of \$4,360.00

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: None

C. **May 12, 2020 – Special Municipal Election** – Candidate packages are available from the Village Office. Completed Petition packages must be returned to the Village office on or before Monday, March 9, 2020.

D. **February 26, 2020 at 5:30 p.m. Workshop Meeting** – discuss proposed 2020 Budget.

**PUBLIC HEARING**

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

Michael Goodman, Elberon Avenue, discussed with the Commissioners where the lockers will be located at the beach this summer.

Margot Fernicola, Euclid Avenue, stated she is opposed to purchasing beach lockers.

Melanie Nowlin, Edgemont Drive, suggested Loch Arbour rent beach chairs and umbrellas at the beach for additional revenue.

Stanley from Interlaken, stated he is in favor of purchasing beach lockers.

**UPON MOTION** of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted.

WHEREAS, the Village has a waiting list for Parking Permits for the Village Beach Club,

BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the waiting list for a Parking Permit for the Village Beach be hereby opened permanently for any patron, within the guidelines to be added to the waiting list.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo,

Nays: None

Absent: Mayor Fernicola

Remo Maisto, Elberon Avenue, questioned Resolution 2020-41 regarding the Aerial Mosquito Control Operation.

There being no further comments, and UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the public hearing be closed.

**Recorded Vote:**

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

Nays: None

Absent: Mayor Fernicola

**UPON MOTION** of Commissioner Cheswick, 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 Attorney client privileged information and Personnel Matters. No Official 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**

Nays: None

Absent: Mayor Fernicola

There being no further business, and UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 8:00 p.m.

Marilyn Simons, RMC  
Village Clerk