

VILLAGE OF LOCH ARBOUR  
MINUTES –REORGANIZATION MEETING  
January 8, 2020

THE REORGANIZATION 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 AT 6:30 P.M. AND WAS CALLED TO ORDER BY MAYOR PAUL FERNICOLA.

Following the salute to the Flag the Clerk called the roll. Present were Commissioner Cheswick, Commissioner D' Angelo and Mayor Fernicola.

Also present were William H. 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 Reorganization and Regular Meeting to the Village's two official newspapers on January 3, 2019, posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

ORGANIZATION APPOINTMENTS AND RESOLUTION (consent agenda)

The following Resolutions may be moved by a single motion. Any Commissioner may request that any item be removed from the Consent Agenda for discussion.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolutions be adopted:

Resolution 2020-01:

WHEREAS, the need exists for the appointment of a Village Attorney to serve the Village of Loch Arbour; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires 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:  
Attorney: William H. Healey, Esq. of the law firm of  
Kluger & Healey
2. This appointment is made for the period commencing January 1, 2020 through December 31, 2020, inclusive.
3. This appointment is made without competitive bidding because this appointment involves 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.

Resolution 2020-02:

WHEREAS, there exists a need for a Village Bond Attorney; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires 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:  
Bond Attorney: Meghan Bennett Clark, Esq., of the firm  
GluckWalrath, LLP
2. This appointment is made for the period commencing January 1, 2020 through December 31, 2020 and until her successor be duly appointed.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11.
4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

continued

Resolution 2020-03:

WHEREAS, there exists a need for a Village Auditor; 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:  
Auditor: Robert A. Hulsart and Co.
2. This appointment is made for the period commencing January 1, 2020 through December 31, 2020 and until his successor be duly appointed.
3. This appointment is made without competitive bidding because this appointment involves 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.

Resolution 2020-04:

WHEREAS, there exists a need for a Village Engineer; 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:  
Engineer: Peter R. Avakian of the firm Leon S. Avakian, Inc.
2. This appointment is made for the period commencing January 1, 2020 through December 31, 2020 and until his successor be duly appointed.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11.
4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Resolution 2020-05:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Tax Collector, be and he is hereby appointed and designated to make examinations of municipal records for the year 2020 with respect to any and all unpaid municipal liens and to certify the results thereof to any person making a request therefor.

BE IT FURTHER RESOLVED that said Tax Collector shall be vested with the power to make official certificates of searches for municipal liens and to issue the same upon receipt of the statutory fees.

Resolution 2020-06:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Village Assessor be and he is hereby appointed and designated to make examinations of municipal records for the year 2020 with respect to liability for assessments for municipal improvements and to certify the results thereof to any person making a request therefor.

BE IT FURTHER RESOLVED that said Village Clerk shall be vested with the power to make official certificates as to liability for assessments for municipal improvements and to issue the same upon receipt of the statutory fees.

continued

Resolution 2020-07:

WHEREAS, the Village of Loch Arbour must designate a Certifying Officer and Supervisor of the Certifying Officer charged with the responsibilities of certifying at the local level all documents pertaining to the Public Employees' Retirement System (PERS), Police and Firemen's Retirement System (PFRS) and Defined Contribution Retirement Plan (DCRP), including, but not limited to, enrollments, transfer of member accounts, retirements, withdrawals and insurance claims.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Thomas Seaman, CFO, be designated as the Certifying Officer and Marilyn Simons, Village Clerk, as the Supervisor of the Certifying Officer for the above-referenced purposes effective immediately through December 31, 2020.

Resolution 2020-08:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Joseph McGrath be and he is hereby appointed Zoning and Housing Official of the Village for the one-year period commencing January 1, 2020 through December 31, 2020, inclusive, and until his successor has been duly appointed, at the salary provided in the Salary Ordinance and resolutions of the Village.

BE IT FURTHER RESOLVED that Mr. McGrath, in his capacity as the Enforcement Officer of Village Ordinance No. 156 et seq., shall be paid \$50. for a Rental of Property and \$55. for a Sale of Property - per Certificate of Occupancy.

BE IT FURTHER RESOLVED that Mr. McGrath, in his capacity as Zoning Official, be designated as the Code Official for the enforcement of Village Ordinances No. 156, 201, and 296 and any other Ordinances adopted during 2020 specifying the Zoning and Housing Official as the Enforcement Agent.

Resolution 2020-09:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons, Village Clerk, be and she is hereby appointed as Fund Commissioner to the Monmouth Municipal Joint Insurance Fund for the period commencing January 1, 2020 through December 31, 2020, inclusive, and until her successor has been duly appointed.

Resolution 2020-10:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons, Village Clerk, be and she is hereby appointed as Community Development Representative for the period commencing January 1, 2020 through December 31, 2020, inclusive, and until their successors be duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Monmouth County Community Development Office.

Resolution 2020-11:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons be and she is hereby appointed as Registrar of Vital Statistics for the period commencing January 1, 2020 through December 31, 2020, inclusive, and until her successor be duly appointed at the salary provided in the Salary Ordinance and resolutions of the Village.

Resolution 2020-12:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons be and she is hereby appointed as License Inspector for the period commencing January 1, 2020 through December 31, 2020, inclusive, and until her successor be duly appointed at the salary provided in the Salary Ordinance and resolutions of the Village.

Resolution 2020-13:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons, Village Clerk, be and she is hereby appointed as Recycling Coordinator for the period commencing January 1, 2020 through December 31, 2020, inclusive, and until her successor be duly appointed.

continued

Resolution 2020-14:

WHEREAS, N.J.A.C. 17:27-3.5 requires the annual appointment of a Public Agency Compliance Officer (P.A.C.O.).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Marilyn Simons, Village Clerk be and she is hereby appointed to serve as the Public Agency Compliance Officer (P.A.C.O.) for the Village of Loch Arbour, commencing January 1, 2020 through December 31, 2020, inclusive, and until her successor be and the same is duly appointed.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Contract Compliance and EEO in Public Contracts, P.O. Box 209, Trenton, NJ, 08625-0209.

Resolution 2020-15 and Resolution 2020-16: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that these items are removed from Consent Agenda for further discussion.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-17:

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and,

WHEREAS, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% per annum to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, as follows:

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after the due date and 18% per annum on any amount in excess of \$1,500.00 delinquent after the due date and, if the delinquency is in excess of \$10,000.00 and remains in arrears after December 31<sup>st</sup>, an additional penalty of 6% per annum shall be charged against the delinquency; there will be a ten (10) day grace period of quarterly payments made by cash, check or money order.
2. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of this resolution.

Resolution 2020-18:

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax refunds or delinquent amounts in the amount of less than \$10.00; and

WHEREAS, the Governing Body of the Village of Loch Arbour may authorize a municipal employee chosen by said body to process without further action on their part, any cancellation of property tax refunds or delinquencies of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Village of Loch Arbour, County of Monmouth, State of New Jersey, that the Tax Collector of the Village of Loch Arbour is hereby authorized to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Village Auditor.

Resolution 2020-19:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Alfred J. Cheswick, Commissioner of Revenue and Finance, Village Clerk and the Chief Financial Officer, be and they are hereby authorized to invest cash balances as they become available from time to time during the year 2020 in depositories which are designated by the Village of Loch Arbour.

continued

Resolution 2020-20:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that the Chief Financial Officer be and he is hereby authorized to open or continue interest bearing accounts as necessary in TD Bank, NA, New Jersey, and Kearny Bank for the year 2020 in the name of the Village of Loch Arbour, for the deposit of funds which will only be transferred as needed to the checking account by the signature of any two (2) of the following:

Paul V. Fernicola, Mayor  
Village Clerk/Chief Financial Officer  
Alfred J. Cheswick, Commissioner of Revenue and Finance  
Denis D' Angelo, Commissioner

BE IT FURTHER RESOLVED that telephone transfers from the interest account to the checking account may be authorized by the Chief Financial Officer.

Resolution 2020-21:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Village Treasurer be and he is hereby authorized to open or continue checking (general) accounts as necessary in TD Bank, New Jersey and Kearny Bank for the year 2020 in the name of the Village of Loch Arbour, for the deposit of funds in said bank to the credit of this Village, from time to time, of any monies, checks, drafts, notes, acceptances, or other evidence of indebtedness, whether belonging to the Village or otherwise, which may be or hereafter come into its possession, and that said bank be and is hereby authorized to make payments from the funds on deposit with it, upon and according to the checks, drafts, notes or acceptances of this Village, signed by any two (2) of the following:

Paul V. Fernicola, Mayor  
Village Clerk/Chief Financial Officer  
Alfred J. Cheswick, Commissioner of Revenue and Finance  
Denis D' Angelo, Commissioner

BE IT FURTHER RESOLVED that telephone transfers from the interest account to the checking account may be authorized by the Chief Financial Officer.

Resolution 2020-22:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that accounts may be opened and/or continued in the following banks or their successors for the year 2020 and invest from time to time in said banks such Village funds may be allowed by law:

State of New Jersey Cash Management Fund  
Bank of America  
Central Jersey Bank/Kearny Bank  
TD Bank  
Manasquan Savings Bank  
Provident Bank  
Investors Savings Bank

BE IT FURTHER RESOLVED that all funds in said accounts shall be subject to withdrawal on the application of the Village of Loch Arbour signed by any two (2) of the following:

Paul V. Fernicola, Mayor  
Village Clerk/Chief Financial Officer  
Alfred J. Cheswick, Commissioner of Revenue and Finance  
Denis D' Angelo, Commissioner

Resolution 2020-23:

BE IT RESOLVED by the Commissioners of the Village of Loch Arbour, that the Village of Loch Arbour participates in the Monmouth County Library System for the year 2020.

continued

Resolution 2020-24:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Regular meetings of the Board for the year 2020 shall be scheduled for the following dates at 6:30 PM:

February 12	May 6	August 5	November 4
March 4	June 3	September 2	December 2
April 1	July 1	October 7	

BE IT FURTHER RESOLVED that Workshop Meetings of the Board of Commissioners, when necessary, for the year 2019 shall be scheduled on the following dates at 6:30 PM:

January 29	April 22	July 22	October 28
February 26	May 27	August 26	
March 25	June 24	September 23	

BE IT FURTHER RESOLVED that the Reorganization Meeting for the year 2020 shall be scheduled for Wednesday, January 6, 2021 at 6:30 PM, to be immediately followed by a Regular Meeting.

BE IT FURTHER RESOLVED that all meetings shall be held in the Municipal Building, 550 Main Street, Loch Arbour until further notice; and,

BE IT FURTHER RESOLVED that the Asbury Park Press and The Coaster are hereby designated official newspapers for notices, and said notices shall be sent to either or all, when necessary, under the provisions of the Open Public Meetings Act; and,

BE IT FURTHER RESOLVED that in accordance with R.S. 10:4-19, any person, upon prepayment of a fee of \$10.00 for each calendar year or part thereof, may request a copy of any regular or workshop meeting agenda or revision, and advance notice of any regular, workshop, special or re-scheduled meeting of the Board of Commissioners, be mailed to such a person within the time limit prescribed by the Open Public Meetings Act.

Resolution 2020-25:

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Loch Arbour that Chief Ronen Neuman be and he is hereby appointed as the Emergency Management Coordinator and Lt. Matthew Sharin 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 January 1, 2020 until December 31, 2020 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, Commissioner Cheswick and Chief Ronen Neuman of the Deal Police Department.

Resolution 2020-26:

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2020 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriations in the 2019 current fund budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,016,183.96. and

WHEREAS, 26.25% of the total appropriations in the 2019 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance in said budget is the sum of \$266,748.28. and

NOW, THEREFORE, BE IT RESOLOVED, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, State of New Jersey, that the attached listing (Attachment 1 –

**Marilyn Simons, RMC  
Village Clerk**

