

VILLAGE OF LOCH ARBOUR  
MINUTES – SINE DIE MEETING  
JUNE 3, 2020

THE SINE DIE MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR,  
MONMOUTH COUNTY, NEW JERSEY, WAS CONDUCTED BY:

<https://zoom.us/j/9871856747>

Meeting ID: 987 185 6747

One Tap Mobile:

Call # 1-646-558-8656

Meeting ID/PIN: 987 185 6747#

ON JUNE 3, 2020, CALLED TO ORDER AT 6:30 P.M. BY MAYOR PAUL V. FERNICOLA.

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

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

The 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 Sine Die Meeting to the Village's two official newspapers on January 13, 2020 and May 18, 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.

OLD BUSINESS –

Ordinance No. 2020-463 –

The Mayor read the said Ordinance by Title and advised of its publication in its entirety in The Coaster on May 14, 2020.

**ORDINANCE #2020-463**

**AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING AND REGULATING PARKING FOR SPECIAL EVENTS FOR ON STREET PARKING AND IN THE VILLAGE'S PARKING LOT; AND FOR THE RENTAL OF THE VILLAGE'S PARKING LOT DURING SPECIAL EVENTS, IN THE VILLAGE OF LOCH ARBOUR COUNTY OF MONMOUTH**

Section 1. Special Event Street Parking. For special events in the Village and/or neighboring municipalities, (1) all numbered parking spots in the Village shall be roped off; (2) paid parking at the rate of \$20/vehicle (cash only), shall be available and enforced two hours before the start of the event until the event is concluded; (3) the receipt for same shall be displayed in a visible location inside the vehicle; and (4) the vehicle must exit the parking spot by 12:00 a.m. midnight.

Section 2. Special Event Parking in the Village's Parking Lot. For special events in the Village and/or neighboring municipalities, (1) paid parking in the Village's Parking Lot, at the rate of \$20/vehicle (cash only), shall be available and enforced two hours before the start of the event until the event is concluded; (3) the receipt for same shall be displayed in a visible location inside the vehicle; and the vehicle must exit the parking lot by 12:00 a.m. midnight.

Section 3. Rental of the Village's Parking Lot. The Village's Parking Lot may be rented from 6:00 p.m. to 12:00 a.m. midnight, at the rate of \$250/day for bona fide residents of the Village, and \$500/day for non-residents.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the meeting be opened to the public for comments on Ordinance 2020-463 only.

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

UPON MOTION of Commissioner D' Angelo, seconded by Mayor Fernicola, carried that the said Ordinance be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

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

Nays: None Absent: None

Ordinance 2020-464

The Mayor read the said Ordinance by Title and advised of its publication in its entirety in The Coaster on May 14, 2020.

**ORDINANCE #2020-464**

**AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING AND REGULATING PARKING PERMIT ZONES  
ON CERTAIN STREETS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH  
AND PROVIDING FOR PENALTIES**

Section 1.

- (a) Parking Permit Zones Established. Residential parking permit zones shall be as follows: (1) Euclid Avenue between Ocean Place and Ocean Avenue (Zone A), and (2) Elberon Avenue between Ocean Place and Ocean Avenue (Zone B). Wherever parking has been restricted in any portion of the above zones by another or other ordinances or resolutions presently in effect regulating parking, then said portions of the above zones shall continue to be regulated parking areas as provided in such respective other ordinances or resolutions, notwithstanding the provisions of this section. In addition, nothing in this section shall modify or repeal those restrictions. Any person or persons issued a residential parking permit or a special guest permit shall be issued such permit for a particular zone (i.e., Zone A or B), and such permit shall be used solely and exclusively for parking in such respective zone.
- (b) Application for Parking Permits. Application for parking permits under this section shall be made in writing to the Village Clerk or designee upon such forms as shall be prepared by the Village Clerk upon passage of this section.
- (c) Resident Parking Permits Conditions. Regular resident parking permits shall be granted to the following persons under the terms and conditions as hereinafter set forth:
- i. To persons who are bona fide residents of the Village, and whose residence is located in Zone A or B, each such residence shall be entitled to two (2) free parking permits for parking in the Zone they reside.
  - ii. To persons who are bona fide residents of the Village, and whose residence is located in Zone A or B, each such residence may purchase two (2) additional parking permits for parking in the Zone they reside, for \$50.00 each.
  - iii. All permits issued hereunder shall be valid for the current calendar year in which they are issued, but may be renewed upon expiration, provided that the conditions for issuance thereof still exist.
- (d) Special Guest Permits. Special guest permits shall be granted to the following person or persons under the terms and conditions set forth above: Each bona fide resident household in Zones A and B shall be entitled to two special guest permits in addition to any other permit they may be entitled to under this section.
- (e) Special Guest Permit Restrictions. Special guest permits may be used only by operators of vehicles within Zones A and B with the sole purpose of visiting a person or persons residing in the resident household to whom the special guest permit being displayed was issued. A special guest permit may be used by such persons for not more than three consecutive days.
- (f) Permits; Satisfactory Compliance of Conditions. An applicant for a regular residential parking permit or a special guest permit shall show to the Village Clerk or designee, satisfactory evidence that he/she fulfills all the conditions required by issuance of said permit. Whenever, by reason of a change of circumstances, any person, whether as an individual or member of a household, is no longer qualified to hold any such permit, such permit shall immediately be surrendered to the Village Clerk. It shall be unlawful for any person to:
- i. Represent that he/she is entitled to a permit hereunder when he/she is not entitled to display or cause same to be displayed;
  - ii. In any way assist in the display of any special guest permit for the parking of a vehicle by the operator for any purpose other than to visit a person or persons residing in

the household to whom the special guest permit was issued by the Village;

iii. Fail to surrender a permit to which he/she, or the household for whom he/she obtained a permit, is no longer entitled;

iv. Park a vehicle within Zone A or B at any time when holder of such permit is not entitled to hold it.

(g) Permits. The Chief of Police is hereby directed to prepare and erect proper signs calling attention to the provisions of this section along those streets or portions thereof located within Zones A and B.

(h) Violations and Penalties.

i. Any person who violates any provision of this section, except as otherwise provided herein, shall, upon conviction, be punished by a fine of up to \$100, plus such costs in the amount of \$25 and other state imposed fees. Said penalties may be payable without Court appearance in accordance with the Local Supplemental Violations Bureau Schedule promulgated pursuant to New Jersey Court Rule 7:12-4. A separate offense shall be deemed committed each day during or on which the violation occurs and/or continues.

II. It shall be prohibited for any individual to whom parking permits have been issued to duplicate, sell or lease or otherwise transfer any pass in a manner not provided for in this section. Any individual to whom a parking permit has been issued that is found to have duplicated, sold, leased or otherwise unlawfully transferred said parking permit will be subject to a fine of \$100 and/or imprisonment up to 30 days upon conviction. In addition, all future parking privileges provided for in this section shall be revoked for said individual or person.

III. Any vehicles found to have parking permits which have been duplicated, sold or leased or otherwise unlawfully transferred shall be towed at the owner's expense. The owner of said vehicle shall receive a summons for a violation of this section and be subject to a penalty as provided in subsection (h) (i) above.

(i) Exemptions. The following vehicles shall be exempt from this chapter:

i. Contractors, service and delivery vehicles bearing the name and address of a commercial business and registered and licensed to do business in the State of New Jersey, if required, and exhibiting commercial license tags may park without a permit between the hours of 8:00 a.m. and 6:00 p.m. during the time that the operator and/or occupants of said vehicle are actually rendering service, repairs or improvements to a residence or other property located in Zone A or B. Any commercial vehicle parked overnight shall be deemed in violation of this section.

ii. Emergency vehicles and public service, telephone and other utility vehicles may park without a permit during the time they are rendering service or repairs to the area. Any public utility vehicle parked overnight and not providing service shall be deemed in violation of this section.

(j) Other Regulations: Compliance by Vehicles Displaying Permits. Every vehicle displaying a regular residential parking permit or a special guest permit shall comply with all other applicable statutes, ordinances, rules and regulations governing, regulating or restricting the parking of motor vehicles on the public streets of the Village. Permits must be displayed and visible within the vehicle.

**UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, the meeting be opened to the public for comments on Ordinance 2020-464 only.**

**John Soto, thanked the Mayor and Commissioners for not adopting this Ordinance.**

Patti Englert, owner 601 Main Street, inquired the content of the Ordinance.

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

THIS ORDINANCE WAS WITHDRAWN FROM CONSIDERATION

NEW BUSINESS:

SPECIAL ELECTION – Results Report – the Special Election to elect three Commissioners to serve as the governing body for a four-year term was held on May 12, 2020 in the Village of Loch Arbour. The results are as follows:

ALFRED J. CHESWICK, 50 VOTES  
DENIS D'ANGELO 51 VOTES  
PAUL V. FERNICOLA 52 VOTES

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the Sine Die Meeting be adjourned

#### MINUTES - ORGANIZATION MEETING

June 3, 2020

THE ORGANIZATION MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS CONDUCTED BY:

<https://zoom.us/j/9871856747>

Meeting ID: 987 185 6747

One Tap Mobile:

Call # 1-646-558-8656

Meeting ID/PIN: 987 185 6747#

ON WEDNESDAY, JUNE 3, 2020 AND WAS CALLED TO ORDER IMMEDIATELY FOLLOWING THE CONCLUSION OF THE SINE DIE MEETING OF THE BOARD OF COMMISSIONERS

The Clerk announced the results of the Special Election held May 12, 2020 to elect three persons to the Board of Commissioners: Alfred J. Cheswick - 50 votes, Denis D'Angelo – 51 votes Paul V. Fernicola - 52 votes.

THE OATH OF OFFICE WAS ADMINISTERED TO THE NEWLY ELECTED COMMISSIONERS FOR FULL FOUR-YEAR TERMS AS COMMISSIONER.

Resolution 2020-01: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, that the following resolution be adopted:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Paul V. Fernicola be and he is hereby appointed Mayor of the Board of Commissioners of the Village of Loch Arbour for a period of four years, commencing May 19, 2020 through May 21, 2024, inclusive, and until his successor has been duly appointed.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-02: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, pursuant to N.J.S.A. 40:72-4 through 40:72-6, inclusive, the Board of Commissioners of the Village of Loch Arbour shall establish Departments and assign a Commissioner to oversee each Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the following Departments be and the same are hereby established and do hereby assigns the Commissioner designated to oversee each Department:

Department of Public Affairs and Public Safety – Mayor Paul V. Fernicola

- Municipal Clerk, including Elections
- Legal Services
- Planning Board

- Police
- Fire
- EMS
- Emergency Management
- Board of Health
- Animal Control
- Public Assistance
- Municipal Court (including Municipal Prosecutor, Public Defender)

Department of Revenue and Finance – Commissioner Alfred J. Cheswick

- Financial Administration
- Audit Services
- Tax Collection
- Tax Assessment
- Insurances
- Licenses (Dog, Mercantile)
- Deal Lake Commission (Interlocal – Administrative-CFO Services)
- Capital Improvement Fund
- Debt Service

Department of Public Works, Public Property and Beaches – Commissioner Denis D’Angelo

- Engineering - contractual
- Streets and Road Maintenance
- Meters
- Uniform Construction Code
- Zoning
- Sewerage (Other)
- Sewerage (TOSA)
- Street Lighting
- Refuse/Recycling
- Deal Lake Commission
- Village Beach Club

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D’Angelo, Mayor Fericola

Nays: None

Absent: None

Resolution 2020-03: UPON MOTION of Mayor Fericola, seconded by Commissioner D’Angelo, carried, that the following resolution be adopted:

WHEREAS, N.J.S.A. 40:72-12, the Commissioner of Revenue and Finance shall be designated Deputy Mayor of the Board and, in the case of vacancy in the office of Mayor, shall perform the duties of that office.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Commissioner Alfred J. Cheswick, the Commissioner of Revenue and Finance, shall be designated Deputy Mayor of the Board and, in the case of vacancy in the office of Mayor, shall perform the duties of that office.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D’Angelo, Mayor Fericola

Nays: None

Absent: None

ORGANIZATION APPOINTMENTS AND RESOLUTION

Resolution 2020-04:

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

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

July 1

August 5

September 2

October 7

November 4

December 2

BE IT FURTHER RESOLVED that Workshop Meetings of the Board of Commissioners, when necessary, for the year 2020 shall be scheduled on the following dates at 6:30 PM:

July 22  
August 26

September 23  
October 28

BE IT FURTHER RESOLVED that the Reorganization Meeting for the year 2017 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.

Recorded Vote:

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

#### PAYMENT OF BILLS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the payment of bills totaling *\$24,727.38* for the month of June, 2020 be and the same is hereby approved as presented.

Recorded Vote:

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

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

Recorded Vote:

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

#### REPORTS/CORRESPONDENCE

UPON MOTION of Mayor Fericola, seconded by Commissioner D' Angelo, carried, that the following reports and correspondence for the period ending May 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
- Deal Police Department, Monthly Incident Report
  
- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;

Recorded Vote:

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

#### NEW BUSINESS

Resolution 2020-05: UPON MOTION of Mayor Fericola, seconded by Commissioner D' Angelo, carried, the following Resolution be adopted:

UPON MOTION of Mayor Fericola seconded by Commissioner D' Angelo carried that the following Resolution be adopted:

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the

Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Village of Loch Arbour to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Village of Loch Arbour, that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this resolution shall take effect immediately upon its enactment.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-06: UPON MOTION of Mayor Fernicola seconded by Commissioner Cheswick, carried that the following Resolution be adopted:

WHEREAS, the United States of America, the State of New Jersey, Monmouth County and the Municipality have become victims of the COVID-19 Virus and Pandemic; and

WHEREAS, Monmouth County has received CARES Act funds from the United States Treasury to be used to reimburse Monmouth County due to economic damage caused to them by the Coronavirus; and

WHEREAS, the Freeholders have determined that it is in the best interest of the citizens of Monmouth County to dedicate a share of the funding to reimburse municipalities for COVID-19 related costs and expenses under the Municipal Coronavirus Relief Fund Program; and

WHEREAS, it is in the best interest of the Village of Loch Arbour to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Village of Loch Arbour, that the agreement entitled " MONMOUTH COUNTY, MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM REIMBURSEMENT AGREEMENT", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this resolution shall take effect immediately upon its enactment.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2020-07: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, the Village Clerk, in consultation with Beach Manager, has recommended the following personnel for seasonal employment at the Village Beach Club for the summer season of 2020, as needed position; and,

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

1. The following persons are appointed for employment at the Village Beach Club, Loch Arbour, for the summer season of 2020:

NAME	TITLE	SALARY PER HOUR
Harry Greenspan	Lifeguard	10.30
Isabella Castelo	Lifeguard	10.30
Raquel Shor	Lifeguard	10.30

BE IT FURTHER RESOLVED that the weekly scheduled hours for any employee may be changed at the Beach Manager's discretion based upon the staffing.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Chief Financial Officer for his action.

Recorded Vote:

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

Nays: None Absent: None

Resolution 2020-08: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following resolution be adopted:

WHEREAS, due to the scheduled protest in the City of Asbury Park, Chief Neuman of the Borough of Deal Police Department has requested the Village to adopt a curfew, on June 5, 2020, for all persons within the Village of Loch Arbour, inclusive, for the period beginning at 8:00 PM on Friday, June 5, 2020 through 6:00 AM on Saturday, June 6, 2020, inclusive;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that a curfew is hereby authorized for all persons within the Village of Loch Arbour, from 8:00 PM to 6:00 AM, inclusive, each evening beginning Friday, June 5, 2020 through 6:00 AM on Saturday, June 6, 2020, inclusive.

BE IT FURTHER RESOLVED that a certified copy of this resolution be supplied to Chief Neuman of the Borough of Deal Police Department for his information and distribution.

Recorded Vote:

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

Nays: None Absent: None

#### REPORTS/DISCUSSION

##### A. Building Moratorium Relief –

Resolution 2020-08 UPON MOTION, of Commissioner Cheswick, seconded by Commissioner D' Angelo, that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour adopted an Ordinance 2017-435 on November 1, 2017, prohibiting Construction during Certain Months in the Village.

WHEREAS, Deal Lake Bar + Co., 601 Main Street, Loch Arbour, New Jersey, submitted a formal request to the Village of Loch Arbour Board of Commissioners to consider an Emergency Waiver to perform work at 601 Main Street, Loch Arbour, NJ;

WHEREAS, the homeowner is desirous of continuing to work during the moratorium due to Governor Murphy's Executive Order, which stopped all non-essential construction for a period of time, due to the Coronavirus;

NOW THEREFORE, BE IT RESOLVED, by the Village of Loch Arbour Board of Commissioners that the matter of consideration is hereby approved with the following stipulations:

1. All necessary building permits be obtained by the Borough of Deal Building Department prior to the start of all work.
2. All work must be done during Monday through Friday between 8 am To 6 pm.

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

1. Deal Lake Bar
2. Borough of Deal Building Department

Recorded Vote:

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

Nays: None Absent: None

##### B. Discuss Additional Plantings on Edgemont Drive around Deal Lake

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the meeting opened to the public to discuss the potential for additional plantings on Edgemont Drive around Deal Lake.

The following residents are opposed to the additional plantings:

Robin Seruya, Edgemont Drive

Gail Tawil, Edgemont Drive

Mrs. Sarway, Edgemont Drive

Frieda Braha, Edgemont Drive

