

**VILLAGE OF LOCH ARBOUR
MINUTES – REGULAR MEETING
NOVEMBER 4, 2015**

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 NOVEMBER 4, 2015, CALLED TO ORDER AT 6:30 P.M. BY MAYOR PAUL V. FERNICOLA.

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

Also present were Guy P. Ryan, Esq., Village Attorney, Daniel J. Mason, Acting Clerk and Marilyn Simons, Deputy Clerk.

The Deputy 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 21, 2015 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the Agenda will be amended as follows:

1. A new Ordinance 2015-419, will be added to the Agenda under New Business, for consideration by the Board of Commissioners. This Ordinance will amend Ordinance 156 concerning the maximum building coverage.
2. Item B and C under DISCUSSION will be presented by Village Engineer, Peter Avakian, at this time.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

Mr. Avakian gave a brief description of the Euclid Avenue, Phase II and Phase III projects. The projects are being funded through Grants received by the Transportation Trust Fund. The estimated cost of the two projects is \$350,000. Grants received by the Transportation Trust Fund are \$160,000. for Phase II and \$96,000. for Phase III. The Bids will be received in December, 2015 and the contract is anticipated to be awarded at the first meeting in January. The projects will be completed by Memorial Day, 2016.

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried the meeting be opened to the public on said project.

Paul Williams, Euclid Avenue, asked Mr. Avakian about the pooling of water on the Northwest corner of Euclid Avenue and Ocean Place. Mr. Avakian stated this area would be fixed during this project.

Mr. Williams asked if temporary speed bumps were installed, would they mark up the street. Mr. Avakian stated he does not believe it would.

Melanie Nowlin, Edgemont Drive, asked Mr. Avakian about the area on the Northeast corner of Edgemont Drive and Norwood Avenue and the standing puddle due to the pitch of the road. Mr. Avakian stated he would look into this matter.

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

ATTACHMENT #1

ACCOUNT	TRANSFER TO APPROPRIATION (Inside CAPS)	AMOUNT	TOTAL
5-01-20-120-021	Administrative Legal Advertising, O/E	\$ 500.00	
5-01-25-240-020	Police Contractual, O/E	\$2,300.00	
5-01-26-300-030	Parking, O/E	\$3,000.00	
5-01-27-330-029	Public Health Contractual, O/E	\$ 500.00	
5-01-28-380-030	Village Beach, O/E	\$4,000.00	
5-01-42-490-020	Refuse and Recycling, O/E	<u>\$1,000.00</u>	
	TOTAL TRANSFERS TO APPROPRIATION (Inside CAPS)		\$11,300.00
	TRANSFER FROM APPROPRIATION (Inside CAPS)		
5-01-28-380-010	Village Beach, S/W	\$11,300.00	
	TOTAL TRANSFERS FROM APPROPRIATION (Inside CAPS)		\$11,300.00

PAYMENT OF BILLS

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the payment of bills totaling \$327,156.12 for the month of November, 2015 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 Township of Ocean Board of Education in the amount of \$164,347.00 for the month of November, 2015 be and the same is hereby approved.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

MINUTES

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following minutes, be and the same are hereby approved as presented:

- Minutes of the Special Commissioners Meeting on September 30, 2015;
- Minutes of the Regular Commissioners Meeting on October 7, 2015;
- Minutes of the Special Commissioners Meeting on October 28, 2015.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

CONSENT AGENDA

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following reports and correspondence for the period ending October 31, 2015 on file in the Village Clerk's office, be and the same are hereby ordered received and filed:

REPORTS

- Expenditure Report
- Revenue Received Report
- Tax Collections Report
- Deal Police Department, Monthly Incident Report

CORRESPONDENCE

- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- IMPORTANT update from JCP&L: BEWARE of scammers calling your residence and stating your fill is in arrears. JCP&L will not demand a payment over the phone. JCP&L does not accept prepaid debit cards or wire transfer as payment.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

OLD BUSINESS –

1. Ordinance #2015-417

The Village Attorney read the Ordinance by Title, advising of its publication in summary in *The Coaster* on October 22, 2015.

ORDINANCE #2015-417

AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING PERMIT FEES FOR CODE ADMINISTRATION SERVICES UNDER A UNIFORM SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF DEAL AND THE VILLAGE OF LOCH ARBOUR.

BE IT ORDAINED by the Board of Commissioners, Board of Loch Arbour, State of New Jersey as follows:

Section 1

a. Plan review fee: The fee for plan review shall be twenty (20%) percent of the amount to be charged for a new construction permit. There shall be an additional fee of \$50.00 per hour or part thereof per sub-code having assigned plan review responsibility for review of an amendment or change to a plan that has already been released. This fee may be waived at the discretion of the Construction Official in the event the work and review is of a minor nature.

b. The basic construction fee shall be the sum of the parts computed on the basis of the volume or the cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electric fixtures and devices and the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates and/or the applicable flat fees provided herein plus any special

fees. The minimum fee for a basic construction permit covering any or all of building, plumbing, electric or fire protection work shall be \$75.00 per sub-code except as herein noted.

BUILDING

Building volume or cost: The fees for new construction or alteration are as follows:

a. Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$0.030 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in articles 3 and 4 of the building sub-code; except that the fee shall be \$0.023 per cubic foot of volume for the following use groups: F-1, F-2, S-1 and S-2. The minimum fee shall be \$100.00.

b. Fees for reconstruction, renovations, alternations and repairs or site construction associated with pre-manufactured construction, and external utility connections for pre-manufactured construction shall be based upon the estimated cost of the work. The fee shall be in the amount \$30.00 per \$1,000.00 of the estimated cost or work under \$50,000.00. From \$50,001 to and including \$100,000.00, the additional fee shall be in the amount of \$27.00 per \$1,000.00 of the estimated cost above \$50,000.00. Above \$100,000.00, the additional fee shall be in the amount of \$23.00 per \$1,000.00 of the estimated cost about \$100,000.00.

c. For the purpose of determining the estimated cost, the applicant shall submit such data as may be available to be produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available shall be submitted. The Construction Official shall make the final decision regarding estimated cost.

d. Fees for additions shall be computed on the same basis for new construction for the added portion.

e. Fees for combination renovations and additions shall be computed separately in accordance with items (a) and (b) above.

f. The fee for tents requiring a construction permit shall be \$150.00.

g. The fee for temporary structures requiring a construction permit shall be \$95.00.

h. The fee for roofing and siding work completed on structures shall be considered renovation and shall be calculated as per (b) above.

i. The fee for an in-ground swimming pool shall be considered renovation and shall be calculated as per (b) above

j. The fee for replacing barriers surrounding and enclosing swimming pools required to have barriers shall be \$100.00.

k. The fee for a permit to construct a sign shall be in the amount of \$2.00 per square foot of surface area of the sign, computed on one side only for double faced sign. The minimum fee shall be \$70.00.

l. The fee for a permit for lead hazard abatement work shall be \$160.00. The fee for lead abatement clearance certificate shall be \$35.00.

m. The fee for the issuance of a building permit where a fee has not been determined shall be \$70.00.

n. The fee for a permit to move a building or structure from one lot to another or to a new location on the same lot shall be \$80.00 plus the cost of the new foundation and alterations to the building or structure for the placement in a completed condition in the new location shall be computed as required for renovations, alternations and repairs in section 1(b).

o. The fee for an asbestos removal permit shall be \$80.00

p. Fees for retaining walls that require a construction permit shall be follows:

(1) The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$175.00;

(2) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$85.00;

(3) The fee for a retaining wall of any size that is associated with other than a Class 3 residential structure shall be in accordance with 1(b) above.

PLUMBING

Plumbing fixtures and Equipment; The fees shall be as follows:

a. The fee shall be \$25.00 per plumbing fixture and/or water closet, urinal, bidet, bathtub, shower, lavatory, sink, laundry tub, floor drains, drinking fountains, residential dishwashers, garbage disposals, clothes washers, recirculation systems, roof drains, hose bibs, manholes, reheat coils, condensate drains, or similar devices except as listed below.

b. The fee shall be \$55.00 per special device for the following: water heaters up to 99 gallons, grease traps, oil separators, water utility connections, sewer utility connections and commercial dishwashers in other than one and two family dwellings, sewer pumps, interceptors, active solar systems, and testing of waste and vents for modular homes.

c. The fee shall be \$75.00 for the installation of backflow preventers.

d. The fee shall be \$80.00 for the installation of a boiler (hot water or steam).

e. The fee for the installation of gas piping shall be \$55.00 plus \$25.00 per appliance connection to the system, excluding water heater and heat equipment.

- f. The fee shall be \$55.00 for oil piping. Adding to an existing system shall be \$25.00.
- g. For cross connections and backflow preventers that are subject to testing, the fee shall be \$60.00 per device for each test.
- h. The fee shall be \$70.00 for each installation of air conditioning and furnaces for use groups R-2, R-3, R-4 and R-5.
- i. The fee shall be \$140.00 for the installation of industrial and commercial air conditioning refrigeration and furnaces.
- j. The fee the installation of medical gas shall be \$80.00 per system plus \$20.00 for each station, outlet, inlet, or alarm box.
- k. The fee for the demolition of a sewer or water service or a septic system shall be \$70.00.
- l. The fee for the installation of pool drains associated with swimming pools shall be \$50.00.
- m. The minimum plumbing sub-code fee shall be 70.00.

ELECTRICAL

The electrical sub-code fees shall be as follows:

a. For the first block of one to 25 receptacles, fixtures or devices, the fee shall be \$55.00. For each additional block consisting of up to 25 receptacles, fixtures or devices, the fee shall be \$20.00. For the purpose of computing this fee, receptacles, fixtures or devices shall include wall switches, convenience receptacles, light fixtures, exit signs, emergency lights, smoke detectors, CO detectors, heat detectors, communications points, rain sensor, CATV, intercoms, alarm devices, glass-breaks, motion sensors, keypads, light standards eight feet or less in height including luminaries, thermostats, energy management points, sensors, dimmers or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt (kw),

b. For each service equipment, panel board, load center, overhead service entrance conductor, motor starter, motor control center, automatic transfer switch, disconnecting means, and future electric, such as circuits installed for future use or intermittent needs (all bonding and grounding for the above items are included), the fee shall be:

1. Up to and including 200 amps	\$ 90.00
2. Up to and including 400 amps	\$160.00
3. Up to and including 800 amps	\$380.00
4. Up to and including 1200 amps	\$575.00
5. For each additional 400 amps above 1200 amps added	\$160.00

c. For each motor or electrical device rated in horsepower (hp), the fee shall be:

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|---|----------|
| 1. From <u>one</u> hp up to and including 10hp | \$ 45.00 |
| 2. Greater than 10 hp up to and including 50hp | \$ 65.00 |
| 3. Greater than 50 hp up to and including 100hp | \$125.00 |
| 4. Greater than 100 hp | \$225.00 |

d. For each generator, transformer, and all other items measured in kw not specified in this fee schedule, the fee shall be

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| 1. From one kw up to and including 10 kw | \$ 45.00 |
| 2. Greater than 10 kw up to and including 45 kw | \$ 65.00 |
| 3. Greater than 45 kw up to and including 112.5 kw | \$125.00 |
| 4. Greater than 112. Kw | \$225.00 |

e. For each piece or unit of equipment used for air conditioning refrigeration, measured in tonnage, the fee shall be: 1-4 Ton \$45.00, 4-6 Ton \$65.00, over 6 Ton \$15.00 per Ton.

f. For each swimming pool spa, hydro message tub, hot tub or sauna, (fee includes one GFCI, one timer, up to two underwater lights (UW), bonding, heater, and trenches. The fee shall be:

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|---|----------|
| 1. New in-ground swimming pool for group R-5
With UW lights/bonding/heater | \$300.00 |
| 2. Swimming pool for all other groups-Commercial | \$500.00 |
| 3. Spa, hydro massage tub, hot tub, sauna | \$ 40.00 |
| 4. Replacement Pool Heater | \$ 60.00 |
| 5. Annual Commercial Pool Inspection | \$150.00 |

g. In other than one and two family dwellings, for each burglar alarm panel, fire alarm panel, intercom panel, audio video head-end panel, energy management control panel, communications closet, and automated card access panels, the fee shall be \$45.00 per panel. The fee for devices connected to the system shall be in accordance with 3(a) above. For one and two family dwellings, the fee shall be \$55.00, which includes the first block of of 25 devices connected to the system. For each additional block of 25 devices connected to the system the fee shall be \$20.00.

h. For each trench over 150 lineal feet for primary power, secondary power, and communications, the fee shall be \$45.00.

i. For each solar photovoltaic system and other alternative energy systems, the fee shall be:

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|----------------------------------|----------|
| 1. For the first 10 kw | \$250.00 |
| 2. For each additional 10 kw add | \$ 65.00 |

j. For light standards above 8-0' in height (includes first 150 lineal feet of trench) the fee shall be \$20.00 per fixture. Trenches over 150 lineal feet shall be \$45.00 for each additional 150 lineal feet.

- k. For each hardwired sign, including switch, the fee shall be \$75.00.
- 1. For each electric range, electric dryer, dishwasher, electric cook top, double oven, garbage disposal, and electric water heater, the fee shall be

a. Individual dwelling units.	\$30.00
b. All other groups – Commercial	\$60.00

- 1. For the installation or replacement of each furnace or boiler, the fee shall be:

1. Individual dwelling units	\$ 45.00
2. All other groups	\$ 70.00

m. For all lightning protection, lightning arrester systems, other than service electrode, the fee shall be \$15.00 for each point, lightning rod or arrestor.

- n. For each satellite dish, the fee shall be \$45.00.

- o. The minimum electric fee shall be \$70.00.

FIRE

For fire protection and hazardous equipment, sprinklers, standpipes. Detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators, crematoriums, fireplaces and flues, the fee shall be as follows:

a. The installation, relocation or alteration of sprinkler heads and single or multiple station smoke or heat detectors not connected to a fire alarm panel:	
1. The fee for 20 or fewer sprinkler heads or detectors shall be	\$ 75.00
2. The fee for 21 to and including 100 sprinkler heads or detectors shall be	\$ 150.00
3. The fee for 101 to and including 200 sprinkler heads or detectors shall be	\$ 310.00
4. The fee for 201 to and including 400 sprinkler heads or detectors shall be	\$ 625.00
5. The fee for 401 to and including 1000 sprinkler heads or detectors shall be	\$ 920.00
6. The fee for over 1000 sprinkler heads or detectors shall be	\$1,210.00

In computing fees for heads and detectors, the number of each shall be counted separately and two fees, one for heads and one for detectors shall be charged.

b. The fee for the installation of a fire alarm panel shall be \$70.00. The fee for each smoke and heat detector, pull station, horn, strobe, enunciator, tamper switch, flow switch, and any other device connected to the fire alarm panel shall be in accordance with 4(a) above.

c. The fee for each standpipe shall be \$245.00.

d. The fee for each independent pre-engineered system shall be \$100.00.

e. The fee for each gas or oil fired appliance which is not connected to the plumbing system shall be \$60.00.

f. The fee for each commercial kitchen exhaust system shall be \$85.00.

g. The fee for each gas fireplace shall be \$70.00 the fee for each solid fuel burning fireplace shall be 90.00.

h. The fee for each flue attached to an oil or gas fired appliance shall be \$70.00.

i. The fee shall be \$70.00 for the installation or residential fuel tanks.

j. The fee for the installation of commercial fuel tanks up to and including 1000 gallons shall be \$120.00 each. For tanks 1001 gallons and above the fee shall be \$225.00 each.

k. The fee for the removal or abandonment of a fuel storage tank shall be \$90.00 for each tank under 2000 gallons and \$175.00 for each tank 2000 gallons and above.

l. The fee for each incinerator shall be \$420.00.

m. The fee for each crematorium shall be \$420.00.

n. The fee for fire suppression system underground piping, up to the building, shall be \$95.00 per every 150 lineal feet.

o. The fee for the inspection of gasoline vapor/product line shall be \$70.00.

p. The fee for the installation of a smoke control system shall be \$250.00.

q. For the installation, relocation, alteration or replacement of any item requiring a fire protection sub-code permit and not included in section 4, the fee shall be per item as stated in 4(a) above.

r. The minimum fire fee shall be \$70.00.

CERTIFICATES AND OTHER FEES

Fees are as follows:

- a. The fee for a certificate of occupancy shall be 10 percent of all construction permit and permit update fees. The minimum fee shall be \$70.00.
- b. The fee for a certificate of occupancy granted pursuant to a change of use group shall be 225.00.
- c. The fee for a continued certificate of occupancy shall be \$225.00.
- d. The fee for a temporary certificate of occupancy shall be \$70.00. There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at that time, plus yearly increase.
- e. The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$70.00. The fee for a re-submission of an application for a variation shall be \$50.00.
- f. The fee for a demolition or removal permit shall be \$110.00 for structures of less than 5,000 square feet in area and less than 30 feet in height, and for one and two family residences. The fee shall be \$150.00 for all other structures (accessory structures, garages and sheds with no utilities shall be \$70.00.)
- g. The fee to reinstate a lapsed construction permit shall be ten (10%) percent of the cost of the original permit, but in no case less than \$70.00.
- h. The fee or the issuance of a construction permit as a result of changing from one contractor to another shall be \$70.00 plus the fees normally charged for any additional items that were not previously included.
- i. The fee for development-wide inspection of homes after the certificate of occupancy ordered pursuant to N.J.A.C. 5:23-2.35 or otherwise shall be:
 1. The hourly charge shall be an amount equal to twice the hourly base salary paid to any licensed code official(s) performing the work or the hourly fees charged to the municipality by a professional contracted to provide such services.
 2. The fees, payments, accounting procedures and limits shall be set in accordance with and subjected to N.J.A.C. 5:23-4.17(d) 1-5.
- j. Pursuant to the rules adopted by the New Jersey Department of Children and Families, the fee for the issuance of a letter of verification of the prior uses of a structure that is intended to be used for a child care facility shall be \$85.00.
- k. In order to provide for training, certification and technical support programs required by the Uniform Construction Code Act and the Regulations, the Enforcing Agency shall collect in addition to the fees, a surcharge fee of \$0.00334 per cubic foot of volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C 5:23-2.28. The fee for all other construction shall be \$1.70 per \$1,000 of value of construction. Said surcharge fee shall be remitted to the Division of Codes and Standards, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31 and June 30, and not later than one month next succeeding the end of the quarter for which it is due.

1. All fees are to be rounded to the nearest dollar.

Section 2

That all ordinances or parts of ordinances of the Village of Loch Arbour, in conflict or inconsistent with this ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances or parts of ordinances, now existing and in effect unless the same be in conflict or inconsistent with any provisions of this ordinance.

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, the meeting be opened for comments on the said Ordinance only.

Paul Williams, Euclid Avenue, asked for clarification of the Ordinance.

Melanie Nowlin, Edgemont Drive, had a conversation with Mayor Fernicola about the employees in the Village of Loch Arbour.

There being no further comments, UPON MOTION of Mayor Fernicola seconded by Commissioner Cheswick, carried, the public hearing be closed.

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that said Ordinance #2015-417 be and the same is hereby adopted, directing the Clerk to post and publish as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

NEW BUSINESS –

1. **Ordinance #2015-418** – introduction

The Clerk to read the Ordinance by Title:

CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO EUCLID AVENUE - PHASE III, AND APPROPRIATING \$100,000 THEREFOR, AUTHORIZED IN AND BY THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

WHEREAS, the Village Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, New Jersey (the “Village”) has determined to provide for improvements to Euclid Avenue - Phase III, and

WHEREAS, the Village has available \$100,000 in the Village’s Capital Fund.

NOW, THEREFORE, BE IT ORDAINED by the VILLAGE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Village of Loch

Arbour, in the County of Monmouth, New Jersey (the “Village”). For the improvements or purposes described in Section 2, there is hereby appropriated \$100,000, said sum being inclusive of \$4,000 from the Village’s Capital Improvement Fund and including \$96,000 grant funds expected to be received from the New Jersey Department of Transportation.

Section 2. The improvements hereby authorized to be undertaken consist of improvements to Euclid Avenue - Phase III, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Acting Village Clerk, as finally approved by the governing body of the Village.

Section 3. The 2015 capital budget of the Village will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Acting Village Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$20,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section 5. The Village Attorney and other Village officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 6. This ordinance shall take effect as provided by law.

UPON MOTION, of Commissioner Cheswick, seconded by Mayor Fernicola, carried that said Ordinance #2015-418 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 December 2, 2015.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D’ Angelo

2, **Ordinance #2015-419** – introduction

The Clerk to read the Ordinance by Title:

AN ORDINANCE TO AMEND ORDINANCE NO. 156 ESTABLISHING LAND USE DEVELOPMENT REGULATIONS FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, SO AS TO AMEND THE ALLOWABLE BUILDING COVERAGE IN THE RESIDENTIAL ZONE.

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

Section 1. Article 7, “R” RESIDENTIAL, Subsection E7, “Maximum Building Coverage”, is hereby amended and supplemented as follows:

7. Maximum Building Coverage – Twenty percent (20%) of the lot may be occupied by the principal use or structure. An additional twenty percent (20%) of the lot may be occupied by all other buildings or structures which constitute Building

Coverage. However, in no event shall the total lot coverage exceed 40% of the lot. [Underlined text constitutes proposed amendment.]

Section 2. This Ordinance shall become effective twenty days after its final passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance #2015-419 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 December 2, 2015.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

3. **Resolution 2015-86:** UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, the following Resolution be adopted:

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2016; and

WHEREAS, the Village of Loch Arbour is desirous of submitting an application under this program for the following purpose:

Improvements to Euclid Avenue-Phase IV from Evergreen Place to Edgemont Drive

NOW, THEREFORE, BE IT RESOLVED by the Village Commissioners of Loch Arbour, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Village Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Euclid Avenue Phase IV – 00428 to the New Jersey Department of Transportation on behalf of the Village of Loch Arbour; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Loch Arbour and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

4. **Resolution 2015-87:** UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following resolution be adopted:

WHEREAS, N.J.S.A. 40:8a-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and

WHEREAS, the Village of Loch Arbour and the Borough of Deal wish to enter into an agreement whereby the Borough of Deal will provide public works services to the Village of Loch Arbour effective at 12:01 a.m. on January 1, 2016 through and inclusive of December 31, 2020.

WHEREAS, the Board of Board of Commissioner has duly considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the Mayor and the Village Clerk of the Village of Loch Arbour be the same are hereby authorized to executive and deliver an agreement with the Borough of Deal for the provision of public works services (i.e. refuse and recyclable) for the period commencing January 1, 2016 through December 31, 2020, which agreement is on file in the office of the Village Clerk at the Village of Loch Arbour

Municipal Building, 550 Main Street, and available for public inspection during regular business hours. (The first year (2016) fee is \$114,856.00.)

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

1. Borough Clerk Administrator, Borough of Deal
2. Borough Clerk-Administrator, Borough of Allenhurst

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

REPORTS/DISCUSSION

A. School Taxation Issues – Mayor Fernicola reported there is significant progress being made.

B. Euclid Avenue, Phase II and Phase III – Agenda was amended, subject was addressed at the beginning of the meeting.

C. Update on Northwest corner of Euclid Avenue and Ocean Place – Agenda was amended, subject was addressed at the beginning of the meeting.

D. Free Beach Access – Letter received from Norman Greig regarding Free Beach Access for “Monmouth County Volunteer First Responders”. Village Attorney explained to the Commissioner there is no statutory authorization to provide for a fee exemption or fee reduction for “Volunteer First Responders”. Village Ordinance 382-2013 provides that persons in active military service in any of the Armed Forces of the US and active New Jersey National Guard and their spouses are exempt from daily beach fees. A letter will be sent to Mr. Greig, explaining, due to advice from Village Attorney, such an exemption is not permitted by state law and the Village has no choice but to deny the request.

E. Borough of Allenhurst – Letter received from the Borough of Allenhurst requesting the purchase of a power load cot for the new ambulance.

Village Attorney, Guy Ryan, explained this purchase is above the bid threshold. Mayor Fernicola asked to send a letter asking if this purchase was solicited by bids, due to the fact the amount exceeds the bid threshold amount.

UPON MOTION, Mayor Fernicola, seconded by Commissioner Cheswick, carried that the Board of Commissioners approve the Village of Loch Arbour share in the amount of \$598.58 for the next five years to purchase a power load cot for the new ambulance for the Allenhurst First Aid Squad.

Recorded Vote:

Ayes: Mayor Fernicola

Nays: Commissioner Cheswick

Absent: Commissioner D' Angelo

This matter was not passed, and it will be reconsidered at the December 2, 2015 Commissioners meeting.

PUBLIC HEARING

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

Melanie Nowlin, Edgemont Drive, commented about the speeding on Edgemont Drive. The Deputy Clerk reported that the police are performing radar on both Edgemont Drive and Euclid Avenue.

Paul Williams, Euclid Avenue, asked about the contract for Refuse and Recyclables with the Borough of Deal.

Mr. Williams commented that he is in favor of the purchase of a power load cot for the new ambulance.

Ms. Nowlin, asked about the days of the garbage pickup and recyclable pickup. The Acting Clerk advised that the contract is set up to be identical as the previous contract, with reference to the days of the week for pickup.

There being no further comments, and UPON MOTION, Mayor Fernicola seconded by Commissioner Cheswick, carried, that the public hearing be closed.

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, 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, contract negotiations and anticipated or threatened litigation and attorney client privileged information regarding school funding and taxation issues. 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, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, **carried that the meeting be finally adjourned at 8:25 p.m.**

Daniel J. Mason, Acting Clerk
Village of Loch Arbour

