

**VILLAGE OF LOCH ARBOUR
MINUTES – REGULAR MEETING
DECEMBER 2, 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 DECEMBER 2, 2015, CALLED TO ORDER AT 6:30 P.M. BY DEPUTY MAYOR CHESWICK.

Following the salute to the Flag the Deputy Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo. Mayor Fernicola was absent. (Mayor was running late to the meeting.)

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.

Resolution 2015-89: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried the following resolution is adopted:

WHEREAS, certain 2015 appropriations require additional funds to cover anticipated expenditures through December 31, 2015; and,

WHEREAS, certain other 2015 appropriations 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 during the last two months of the current 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:

See Attachment #1

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

ATTACHMENT #1

Village of Loch Arbour
Schedule of 2015 Budget Transfer
Commissioner's Meeting: December 2, 2015

ACCOUNT	TRANSFER TO APPROPRIATION (Inside CAPS)	AMOUNT	TOTAL
5-01-20-120-011	Administrative, S/W	\$ 4,000.00	
5-01-20-130-012	Financial Admin, S/W	\$ 9,000.00	
5-01-20-145-012	Collection of Taxes, S/W	\$ 1,500.00	
5-01-20-155-027	Legal, O/E	<u>\$11,500.00</u>	
	TOTAL TRANSFERS TO APPROPRIATION (Inside CAPS)		\$26,000.00

TRANSFER FROM APPROPRIATION (Inside CAPS)

5-01-28-380-010	Village Beach, S/W	\$3,000.00
5-01-20-120-030	Administrative, O/E	\$5,000.00
5-01-20-130-030	Financial Admin, O/E	\$6,000.00
5-01-20-145-030	Collection of Taxes, O/E	\$5,000.00
5-01-20-165-028	Engineering Contractual, O/E	\$1,000.00
5-01-23-210-090	Insurance - Liability, O/E	\$1,000.00
5-01-25-240-020	Police Contractual, O/E	\$2,000.00
5-01-30-412-030	Sewer System, O/E	\$2,000.00
5-01-36-472-100	Social Security, O/E	<u>\$1,000.00</u>

TOTAL TRANSFERS FROM APPROPRIATION (Inside CAPS) \$26,000.00

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, that the payment of bills totaling \$83,467.50 for the month of December, 2015 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, that the payment to the Township of Ocean Board of Education in the amount of \$164,347.00 for the month of December, 2015 be and the same is hereby approved.

Recorded Vote:

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

CONSENT AGENDA

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following reports and correspondence for the period ending November 30, 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;
- Letter received November 5, 2015 from the Township of Ocean Sewerage Authority stating the reconstruction of the Interlaken Pump Station and the surrounding bulkhead was delayed due to

reconstruction of Bridge O-11, but work intends to begin around Memorial Day, 2016 for approximately 6-8 months, with no road closures.

- Letter dated November 16, 2015 received from Borough of Allenhurst in response to the Village's letter dated November 12, 2015 regarding the purchase of the power load cot.
- Letter dated April 29, 2013 from Stryker regarding the power load cot.
 - This letter was attached to the November 16, 2015 letter from the Borough of Allenhurst.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the Agenda be amended to allow Mayor Fernicola time to arrive to discuss Ordinance #2015-418 and Ordinance #2015-419 under Old Business.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

Acting Clerk, Dan Mason, moved in letter dated December 1, 2015 from Village Engineer, Peter Avakian, regarding the following on-going projects in the Village. The following subjects were discussed:

- Euclid Avenue Roadway Improvements
- Kassin Cabana Site Plan
- Army Corps Beach Fill Project
- County Bridge O-11 (Main Street)
- Deal Lake Flood Hazard Grant

NEW BUSINESS –

Resolution 2015-90: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Village of Loch Arbour; and

WHEREAS, the State of New Jersey law permits joint use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey the following:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Village of Loch Arbour, subject to the following:

A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State and Local laws regarding safety requirements related to the use of the public right-of-way.

B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State and Local Laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Village of Loch Arbour.

C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Village of Loch Arbour, its officers, agents and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Village of Loch Arbour.

D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000. for injury to or death of one or more persons in any one occurrence and \$500,000. for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Village of Loch Arbour as an additional insured.

E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. Notwithstanding any provision contained herein, neither the Village of Loch Arbour nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to the this instrument.

G. This instrument shall be adopted on behalf of the Village of Loch Arbour by the Board of Commissioners of the Village of Loch Arbour and attested to by the Village of Loch Arbour Clerk who shall affix the Village of Loch Arbour Seal thereto.

H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

Mayor Fernicola arrived at 6:47 p.m.

OLD BUSINESS –

1. Ordinance #2015-418

The Village Attorney read the Ordinance by Title, advising of its publication in summary in *The Coaster* on November 12, 2015.

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

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 D' Angelo, seconded by Commissioner Cheswick, carried, the meeting be opened for comments on said Ordinance only.

Tom Collins, Euclid Avenue, asked about an unrelated issue regarding the construction of Bridge O-11.

Paul Williams, Euclid Avenue, discussed the handicap parking space out front of 112 Euclid Avenue.

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, said Ordinance #2015-418 be and the same is hereby adopted, 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

2. Ordinance 2015-419

The Village Attorney read the Ordinance by Title, advising of its publication in summary in *The Coaster* on November 12, 2015.

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, the meeting be opened for comments on said Ordinance only.

Melanie Nowlin, Edgemont Drive, asked for clarification of the wording of this Ordinance. Ms. Nowlin had a discussion with the Mayor about 101 Euclid Avenue.

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried said Ordinance #2015-419 be and the same is hereby adopted, 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

REPORTS/DISCUSSION

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

B. Borough of Allenhurst – Reconsider request from the Borough of Allenhurst requesting the purchase of a power load cot for the new Ambulance. Letter received from the Borough of Allenhurst dated November 16, 2015, in response to the Village letter sent concerning the solicitation of bids.

After a brief discussion, there was a Motion by Mayor Fernicola to approve the Village of Loch Arbour's 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.

No motion for a second was made and this resolution died on the table.

C. Holiday Tree Lighting –

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo carried, that the Holiday Tree Lighting and Menorah Lighting is scheduled for December 6, 2015 at 6:00 pm., at the Village Beach Club.

Recorded Vote:

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

Nays: None

Absent: None

D. Special Meeting –

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo carried a Special Meeting is scheduled for December 28, 2015 at 5:30 pm., regarding end of year financial matters and all other matters which may come before the Board of Commissioners.

Recorded Vote:

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

Nays: None

Absent: None

The Acting Clerk announced the Reorganization Meeting is scheduled for January 6, 2016 at 6:30 pm.

