

**VILLAGE OF LOCH ARBOUR**  
**MINUTES ~ REGULAR MEETING**  
**FEBRUARY 3, 2016**

**THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW JERSEY ON FEBRUARY 3, 2016, 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, Marilyn Simons, Village Clerk and Dan Mason, Deputy 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 Regular Meeting to the Village's two official newspapers on January 14, 2016 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 2016-41:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolution is adopted:

*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 2016 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 2015 current fund budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,449,606.94 and*

*WHEREAS, 26.25% of the total appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance in said budget is the sum of \$380,521.82 and*

*NOW, THEREFORE, BE IT RESOLVED 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 ~ 2016 Temporary Budget Worksheet) of appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.*

**Recorded Vote:**

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

*Nays: None*

*Absent: None*

**PAYMENT OF BILLS**

*UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the payment of bills totaling \$225,388.66 for the month of February, 2016 be and the same is hereby approved as presented.*

**Recorded Vote:**

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

Nays: None

Absent: None

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the payment to the Township of Ocean Board of Education in the amount of \$164,347.00 for the month of January, 2016 and \$206,095.00 for the month of February, 2016, be and the same is hereby approved;

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: Commissioner Cheswick      Absent: None

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*(continued)*

### **MINUTES**

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the minutes of the following meetings be approved:

- *The Minutes of the Special Meeting held on December 28, 2015;*
- *Minutes of the Reorganization Meeting and Regular Meeting held January 6, 2016.*

Recorded Vote:

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

Nays: None

Absent: None

### **REPORTS**

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following reports for the period ending January 31, 2016 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*

Recorded Vote:

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

Nays: None

Absent: None

### **CORRESPONDENCE**

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following correspondence for the period ending January 31, 2016 on file in the Village Clerk's office, be and the same are hereby ordered received and filed:

- *Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;*
- *2015 Village of Loch Arbour Planning Board Report;*

Recorded Vote:

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

Nays: None

Absent: None

**OLD BUSINESS**

*Resolution 2016-26: Participation in Monmouth County Library System. The Village Attorney explained the process of the Village withdrawing from the Monmouth County Library System and enter into an agreement with Asbury Park Library System for Library Services. The cost for the Village would be double, and Mr. Henley explained it would not be advantageous at this time.*

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

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that the Village of Loch Arbour shall participate in the Monmouth County Library System for the year 2016.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Village of Loch Arbour, that the payment of 2016 1<sup>st</sup> Quarter Library Tax totaling \$6,841.50 is hereby approved.

Recorded Vote:

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

Nays: None

Absent: None

**NEW BUSINESS**

*Resolution 2016-42: UPON MOTION of Mayor Ferricola, seconded by Commissioner D' Angelo, carried that the following resolution is adopted.*

*WHEREAS, John P. Bosmans, Jr. has been previously serving as beach manager and is duly qualified to serve as beach manager; and*

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*(continued)*

*WHEREAS, the Board of Commissioners is desirous of appointing John P. Bosmans, Jr. as beach manager.*

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

1. John P. Bosmans, Jr. be and hereby is appointed beach manager effective immediately for the balance of 2016.
2. John P. Bosmans, Jr. shall be compensated for services as beach manager at an annual salary of \$17,000.00 payable in accordance with customary procedures of the Village of Loch Arbour.
3. A certified copy of this Resolution shall be sent to:
  - A. John P. Bosmans, Jr.
  - B. Acting CFO for the Village of Loch Arbour.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2016-43: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operation over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated, and

WHEREAS, the Village of Loch Arbour, is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Board of Commissioners hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the Municipality designated by the County as being either larval mosquito habitat or areas harboring high populations or mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and

b. such operation will be performed in compliance with applicable Federal and State regulations, and

c. the County will notify the Police Department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2016-44: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

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(continued)

WHEREAS, the National Multiple Sclerosis Society, New Jersey Metro Chapter has requested permission to use Village streets for the "Coast the Coast" Bike MS Ride on Saturday, May 21, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to the Multiple Sclerosis Society, New Jersey Metro Chapter to use Village streets for the "Coast the Coast" Bike MS Ride to be held on Saturday, May 21, 2016, subject to the following conditions:

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before April 15, 2016 along with a copy of the insurance policy;
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of bikers and pedestrians.
4. Traffic control devices, i.e., cones or barricades, must be supplied by the National Multiple Sclerosis Society, New Jersey Metro Chapter to be set-up and removed as necessary by personnel supplied by the National Multiple Sclerosis Society;
5. Execution of the required Hold Harmless Agreement.

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

1. National Multiple Sclerosis Society, New Jersey
2. Chief Ronen Neuman, Borough of Deal Police Department

**Recorded Vote:**

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

Nays: None

Absent: None

**REPORTS/DISCUSSION**

**A. Consolidation Matters** ~ Mayor Fernicola reported the Village formally petitioned the Monmouth County Executive Superintendent of Schools. The Ocean Township School District was granted an extension to February 8, 2016 to answer the Petition.

**B. Village Beach Club ~ Season Badges, Fees.** The Mayor and Commissioners discussed the possibility of raising the fees at the Village Beach Club. No Action was taken at this time.

**C. Village Beach Club ~ Yoga on the beach.**

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

Whereas, Erin Peluso has requested to have Yoga on the Beach at the Village Beach Club.

Whereas, the Board of Commissioners of the Village have discussed and considered this matter at a public meeting;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour rejects, on the advice of the Village Clerk and the Village Beach Manager, the request to have Yoga on the Beach at the Village Beach Club.

BE IT FURTHER RESOLVED that the Village Clerk's office be directed to so advise Erin Peluso.

**Recorded Vote:**

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

Nays: None

Absent: None

**PUBLIC HEARING**

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

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

(continued)

UPON MOTION of Mayor Ferricola, seconded by Commissioner D' Angelo, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq., permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Discuss, contract negotiations and anticipated or threatened litigation and attorney client privileged information regarding school funding and taxation issues. Mayor Ferricola stated no official action will be taken after the Executive Session.
3. It is anticipated at this time that the above stated subject matter will be made public within 120 days.
4. This resolution shall be effective immediately.

Recorded Vote:

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

Nays: None

Absent: None

There being no further business, and UPON MOTION of Mayor Ferricola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 7:26 p.m.

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Marilyn Simons, RMC  
Village of Loch Arbour