

VILLAGE OF LOCH ARBOUR
MINUTES - rescheduled REGULAR MEETING
FEBRUARY 8, 2017

THE rescheduled 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 8, 2017, 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 11, 2017 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 2017-38: UPON MOTION of Mayor Fernicola, 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 2017 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 2016 current fund budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,085,773.00, and

WHEREAS, 26.25% of the total appropriations in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance in said budget is the sum of \$285,015.00 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 - 2017 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

Resolution 2017-39: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following resolution is adopted:

WHEREAS, the Board of Commissioners authorized and awarded a contract to Precise Construction, on January 6, 2016 for the Project known as Improvements to Euclid Avenue, Phases II & III; and,

WHEREAS, and in order to change contract quantities to as-built quantities to remove Concrete Gutter Slabs, install Soil Cement and for Milling and Paving to enhance the road project; and,

WHEREAS, there is no additional charges, just the method of improvements; and,

WHEREAS, the Board of Commissioners has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that Change Order and Supplemental Agreement No. 1 as referenced above totaling NO INCREASE to the initial contract amount which is \$262,250.00, between Precise Construction, Inc. and the Village of Loch Arbour for the Project known as Improvements to Euclid Avenue, Phase II & III is hereby approved as Change Order and Supplemental Agreement No. 1.

Recorded Vote:

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

PAYMENT OF BILLS

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the payment of bills totaling \$342,912.98 for the month of February, 2017 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 \$167,585.00 for the month of January, 2017 be and the same is hereby approved:

Recorded Vote:

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

MINUTES

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

- The minutes of the rescheduled Regular Meeting held on December 14, 2016;
- The minutes of the rescheduled reorganization and regular meeting held on January 3, 2017;

Recorded Vote:

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

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following reports for the period ending January 31, 2017 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;
- Letter dated January 3, 2017 from Village Engineer regarding Improvements to Euclid Avenue - Phase II & III - Change Order and Voucher
- Letter dated January 24, 2017 from Village Engineer regarding FY2017 Transportation Trust Fund - Improvements to Euclid Avenue - Phase IV - Application for State Funding.

Recorded Vote:

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

PRESENTATION TO LONG-TIME RESIDENT AND VILLAGE VOLUNTEER - LOUIS PARISI

Dr. Parisi was honored with a plaque and flowers were given to his wife. The Village publicly acknowledged and sincerely thanked Dr. Parisi for his many years of service and outstanding contributions to the citizens of the Village.

Resolution 2017-40: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following resolution is adopted:

WHEREAS, **Louis Parisi** has resided in the Village of Loch Arbour since December 4, 1969; and

WHEREAS, **Louis Parisi** served on the Board of Trustees from January 1, 1978 through December 31, 1980; and

WHEREAS, **Louis Parisi** served on the Planning Board from 1985 through 2016; and

WHEREAS, **Louis Parisi** has volunteered for many other organizations, including Member of the Board of Health, Advisory Council for the Division of Aging and Veterans and the Liaison for the Neighborhood Watch; and

WHEREAS, **Louis Parisi** served with unswerving honesty and dedication and with an uncommon grasp of the principals and practice of municipal government.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, on its own behalf and on behalf of all of our fellow citizens, that **Louis Parisi** be publicly acknowledged and sincerely thanked for his many years of service and outstanding contributions to the citizens of the Village.

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS

A. Ordinance No. 2017-424 -

The Mayor read the Ordinance by Title and advised of its publication in summary in *The Coaster* on January 12, 2017 and the *APP* on January 11, 2017.

AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ESTABLISHING A HISTORIC DISTRICT AND ADOPTING CERTAIN REGULATIONS AND GUIDELINES FOR THE HISTORIC DISTRICT

Section 1. TITLE

This Ordinance shall be known and cited as the "Historic Preservation Ordinance of the Village of Loch Arbour."

Section 2. HISTORIC DISTRICT ESTABLISHED

There is hereby established within the Village of Loch Arbour (hereinafter referred to as the "Village") a "Historic District" (hereinafter referred to as the "District"). The boundaries of the District are coterminous with the boundaries of the Village.

Section 3. PURPOSES AND INTENT

This Ordinance has the following general purposes and intent:

- A. To promote the goals of the Historic Preservation Element of the Village's Master Plan.
- B. To maintain and preserve the historic character of housing units in the District.
- C. To ensure that new buildings and substantial modifications to existing buildings be compatible with the historic character of the architecture in the District.
- D. To promulgate procedures and provide for guidelines for accomplishing the purposes of this Ordinance without imposing undue hardships on residents of the District seeking to renovate existing homes.

Section 4. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESSORY BUILDING shall mean a building, which is customarily associated with and is subordinate and incidental to the principal building, and exceeds a 40 square foot footprint and/or five (5) feet in height at its peak.

ADDITION shall mean any extension or increase in the size, floor area or height of a building.

ALTERATION, MAJOR shall mean the addition, change or modification of major architectural elements to a building, which effects the design, shape, pitch or existence of the roof including, but not limited to, main roofs, dormers, roofs of bay or cantilevered windows, pediments, parapets, towers, porches, cupolas, Porte Cochere and balconies, as well as alterations, including demolition of non-linear (e.g. oval, Palladian, etc.) window frame outlines. Major alterations would additionally include changes by additions or complete conversion or alteration of the traditional predominant substance, texture or finish of a building (e.g. changing from wood to stucco, stucco to brick), and changes by additions or complete conversion or alteration of columns and railings on any exterior elevation.

ALTERATION, MINOR as distinct from alteration, major, shall mean the replacement or renewal of existing work, requiring a building permit, of a building, with the same or architecturally equivalent materials, equipment or parts, that are made in the ordinary course of maintenance and that do not cause a major alteration of the building, nor result in a request for any other relief from the Planning Board.

ARCHITECTURAL DRAWINGS shall mean drawings prepared, signed and sealed by a New Jersey licensed Architect, or drawings prepared so as to clearly and unambiguously indicate proposed new work and the existing building (in the case of an addition or modification). Drawings shall include a site plan, floor plans and elevations in sufficient scale and detail to convey the intended new work. The elevation drawings shall indicate all features (i.e. dormers, windows, roofs, trim, etc.) and surface finishes proposed for the project. Plans shall indicate the intended use of all rooms, terraces, Porches, etc.

ARCHITECTURAL ELEMENT, MAJOR is a distinguishing original feature, and shall mean an architectural component/design/style/object, which clearly expresses the time period in which a building was built. For the purpose of administration of this ordinance the following are considered Architectural Elements, Major: (a) Roof shape/pitch and existence of roofed items, including main roof, dormer roof, roof of roofed windows, pediments/parapets, tower roof, Porte-cochere roof, porch roof, balcony roof; (b) Non-linear (e.g. oval, Palladian, etc.) window frame outlines; (c) Predominant surface/finish of the building; (d) Columns and railings.

BOARD shall mean the Planning Board established pursuant to the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.)

BUILDING shall have the same definition as set forth in the Developmental Ordinance of the Village.

CERTIFICATE OF APPROPRIATENESS shall mean that certificate issued by the Board, that is required prior to undertaking rehabilitation, restoration, renovation, alteration or demolition, undertaken of buildings, accessory buildings or garages in the District.

DEMOLITION shall mean the partial or total razing, dismantling or destruction of any building or of any improvement within the Village.

EMERGENCY REPAIR shall mean an immediate and temporary repair necessary only to allow the continued habitability of a building and/or to protect the health and safety of any occupants and/or the community at large.

GARAGE shall have the same definition as set forth in the Developmental Ordinance of the Village.

IMPROVEMENT shall mean any building or any part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation.

ORDINARY REPAIR shall mean repairing any deterioration, wear or damage to a building, accessory building, garage or part thereof, to return the same as nearly as practicable to its condition prior to such deterioration, wear or damage.

PRINCIPAL BUILDING shall mean any BUILDING, as defined in the Developmental Ordinance of the Borough, which is not an ACCESSORY BUILDING or GARAGE.

PORCH shall have the same definition as set forth in the Developmental Ordinance of the Village.

Section 5. AUTHORITY GRANTED TO PLANNING BOARD

5.1 Statutory Authority

The Village of Loch Arbour Planning Board shall have and exercise, to the same extent and subject to the same restrictions, all of the powers of a historic preservation commission established pursuant to N.J.S.A. 40:55D-107 *et seq.*, and as may be amended from time to time. At least one Board member shall meet the qualifications of a Class A member as defined by N.J.S.A. 40:55D-107(b) and at least one Board member shall meet the qualifications of a Class B member as defined by N.J.S.A. 40:55D-107(b).

5.2 Historic Preservation Powers of the Planning Board

The Planning Board shall have the following preservation powers:

- A. For any and all applications for development and applications for zoning and/or building permits for proposed improvements to, or demolition of, any and all existing or proposed buildings within the District, to review said application for the purpose of determining whether the application is, and to require that it be, consistent with the Village's goal of maintaining and preserving the historic character of buildings in the District, and to require that any such development or improvement be compatible with, and not detract from, the historic character of the architecture in the District.
- B. For all Major Alterations and Minor Alterations proposed within the District and that do not otherwise require any land use board approval, to review said proposed alterations and require that said alterations, in order to be permitted, be consistent with the Village's goal of maintaining and preserving the historic character of the architecture in the District and be compatible with, and not detract from, that historic character.
 - 1) Minor Alterations, as defined herein, may be reviewed and approved solely by the Board Chairman or such other Board member who has been appointed Chairman of the Board's historic preservation commission functions, acting on behalf of the entire Board.
- D. To grant or deny Certificates of Appropriateness as provided for herein.

Section 6. HISTORIC REVIEW PROCESS

6.1 Requirement and Application for a Certificate of Appropriateness

- A. A Certificate of Appropriateness is required in the District for the following actions:
 - 1. Any change, rehabilitation, restoration, reconstruction, improvement or alteration to the exterior of a building, accessory building or garage, which would constitute a Major Alteration or Minor Alteration, as defined herein.
 - 2. Additions to any building, accessory building or garage as defined herein.
 - 3. Demolition of any building, accessory building or garage as defined herein.
 - 4. New construction of any building, accessory building or garage as defined herein.
- B. The Construction Official shall not issue a building permit for any action requiring a Certificate of Appropriateness absent the Planning Board issuing such a certificate approving that action in its entirety, except in the case of an Ordinary Repair (as defined herein), or an Emergency Repair (as defined herein) or in the event of the Board's failure to act in the time prescribed in N.J.S.A. 40:55D-111. The Construction Official shall refer any applicant for a building permit who has not obtained a Certificate of Appropriateness to the Board for the purpose of obtaining such a certificate.
- C. Application for a Certificate of Appropriateness shall be made to the Board by submission of such application forms made available by the Village for such purpose, together with the required fees, plans, and drawings or renderings, including such additional copies as the Board may require for such applications.

6.2 Hearings on Applications for Certificates of Appropriateness

- A. Within 90 days of receipt of a complete application for a Certificate of

Appropriateness and for any other relief that may be sought by the applicant, the Secretary of the Planning Board will schedule a public hearing on the application to take place at a regular meeting of the Board. The presence of the property owner or his legal representative is required.

- B. Hearings will be conducted pursuant to the administrative procedures established in the Developmental Ordinance of the Village of Loch Arbour as amended, as well as other statutory requirements of the State of New Jersey for the conduct of Planning Board Hearings.
- C. Any application for a Certificate of Appropriateness, other than one solely proposing a Minor Alteration, as defined herein, shall require the applicant to advertise and give public notice to owners of property within two hundred (200) feet of the proposed project, in accordance with the procedure for development applications. The applicant shall be responsible for sending out the appropriate notices and shall be responsible for paying the cost of the proceedings. On the date of the hearing, the applicant shall be required to provide the Planning Board with an Affidavit of Mailing and an Affidavit of Publication as proof of fulfilling the notification and advertisement requirements specified herein.

6.3 Determination by the Board

Upon completion of review by the Board, the Board may:

- A. Approve, approve with conditions, or deny any application requiring the issuance of a Certificate of Appropriateness.
 - 1. When denying a Certificate of Appropriateness, the Board shall state the reasons for its decision.
 - 2. Upon a favorable decision approving, or approving with conditions any application, the Planning Board shall issue a Certificate of Appropriateness.
- B. A Certificate of Appropriateness granted by the Board shall authorize the Construction Official to issue a building permit if all other conditions and legal requirements for issuing that permit have been satisfied.
 - 1. The Certificate of Appropriateness shall be valid for one (1) year from the date it is issued by the Board. Two (2) extensions of six (6) months each may be granted by the Planning Board, at their discretion, upon written request by the applicant and the applicant's appearance before the Board to substantiate the basis upon which the Board should grant any such extension. Any such request for an extension must be submitted before the expiration of the certificate sought to be extended.
- C. If a Certificate of Appropriateness has been denied, the Construction Official or his agent shall not issue a building permit.
 - a) The Construction Official or his agent may stop work at any site which does not fully comply with an issued Certificate of Appropriateness or this Ordinance.
- D. If, after a Certificate of Appropriateness has been issued, a change in the scope of the approved work becomes necessary or desired by the applicant, the applicant shall immediately halt all ongoing activity and re-apply to the Board for a new or amended Certificate of Appropriateness pursuant to the procedures set forth in this Ordinance.

Section 7. GUIDELINES AND GENERAL CRITERIA FOR CERTIFICATE OF APPROPRIATENESS APPLICATION

7.1 Guidelines

The Planning Board shall establish and, where appropriate, amend and/or supplement, "Design Guidelines for the Historic District," for use in the Planning Board's review of all development applications and applications for Certificates of Appropriateness in the District. Such guidelines shall not constitute "requirements," but rather are intended to provide the Planning Board with flexible guidelines in deciding an application for a Certificate of Appropriateness and effectuating the purposes of this Ordinance.

7.2 Criteria for Issuance of a Certificate of Appropriateness

The following shall be required for the grant of a Certificate of Appropriateness for all proposed work requiring such a certificate:

(1) All work shall be compatible with the existing structures, landscapes and streetscapes within the District.

(2) The work shall not adversely affect the ambiance, character, and appearance of the District and the relationships among structures and between structures and public ways in the District.

(3) The work shall not adversely affect the exterior architectural features and setting of an existing structure and its historical and architectural interest.

(4) The work shall not result in structural elements that are out of scale with the other structural elements in the surrounding area.

(5) Every structure shall be and remain visually compatible with the structures and places to which it is visually related.

(6) The height of a structure shall be visually compatible with adjacent structures.

(7) The relationship of the width of a structure to the height of the front elevation shall be visually compatible with structures and places to which it is visually related.

(8) The relationship of the width of windows to the height of windows in a structure shall be visually compatible with the structures and places to which it is visually related.

(9) The relationship of solids to voids in the front facade of a structure shall be visually compatible with the structures and places to which it is visually related.

(10) The relationship of a structure to the open space between it and adjoining structures shall be visually compatible with the structures and places to which it is visually related.

(11) The relationship of a structure's entrance and porch projections to the street shall be visually compatible with the structures and places to which it is visually related.

(12) The relationship of materials and texture of the facade and roof of a structure shall be visually compatible with the predominant materials used in the structures to which it is visually related.

(13) The roof shape of a structure shall be visually compatible with structures to which it is visually related.

(14) If proposed, appurtenances such as walls and open-type fencing shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the main structure with the structures and places to which it is visually related.

(15) The size of a structure, the mass of the structure in relation to open spaces, and the windows, door openings, porches and balconies shall be visually compatible with the structures and places to which it is visually related.

(16) A structure shall be visually compatible with structures and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

(17) Work to restore all or part of a structure shall return the structure, or that part covered by the application, to the known or reasonably conceived appearance (including design elements, architectural details, and textures) it had when it was first constructed or when it was remodeled, if the remodeling occurred before 1950. Notwithstanding the foregoing, the Board may permit (a) modifications that are necessary or beneficial to contemporary living and consistent with the architectural design and character of the structure, and (b) modifications that improve structures lacking architectural merit and not in character with the District and which will result in a structure that is in character with the District.

(18) Existing materials, if they are the original materials of the original structure or remodeling which is being restored, should, where reasonably possible, be maintained and repaired rather than replaced.

(19) In the event that replacement of materials is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications

of original features. This is not intended to require that the new material be identical to the material being replaced. Material adequately mimicking the material being replaced is acceptable, and may sometimes be preferable where of greater durability than the material being replaced.

(20) Architectural details of the original construction or remodeling which is being restored or altered should be retained. This includes, but is not limited to, cornices and their brackets, window trims such as molded lintels, porch elements such as posts, balustrades, and spindles, and windows, particularly the number and size of the individual panes.

(21) The original roofing material should be maintained or repaired, and, if replacement is needed, it should be of the same material and size. If the same material is not available, a substitute material should be of the same shape, texture, and size.

(22) Storm windows and doors should be as unobtrusive as is reasonably possible.

(23) Period trim that defines the character of a structure should be retained. It should not be covered by application of aluminum or vinyl.

(24) Synthetic siding (aluminum or vinyl) is acceptable, but the width of the siding shall be appropriate for the period of the building's construction and not detract from the character of the District.

(25) Windows should be divided into the number of lites or panes appropriate to the style of the building. True divided lites are preferred, but snap-in mountings are acceptable.

(26) Shutters should be of a height and width so that they appear capable of being closed. They are not appropriate on double, bay, or picture windows.

(27) Doors should have the number and type of panels suitable to the style of the building.

(28) Demolition of a building, accessory building or garage in this District shall not be permitted unless (a) the structure has been condemned by applicable procedures, (b) the condition of the structure is such that the cost of necessary restoration or repairs make such restoration or repairs unfeasible, or (c) it can be shown that the structure has no significant architectural or historic value.

Section 8. VIOLATIONS AND PENALTIES

Any person, firm or corporation that shall violate the terms of this ordinance shall be subject to the violations and penalties set forth in the Developmental Ordinance.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the meeting be opened for comments on the said Ordinance 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 Mayor Fernicola, seconded by Commissioner Cheswick, carried, that said Ordinance 2017-424 be and the same is hereby TABLED until the next scheduled Regular Meeting of the Board of Commissioners.

Recorded Vote:

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

Nays: None

Absent: None

B. Ordinance No. 2017-425 –

The Mayor read the Ordinance by Title and advised of its publication in its entirety in *The Coaster* on January 19, 2017 and the *APP* on January 13, 2017.

**AN ORDINANCE TO AMEND ORDINANCES NO. 207, 220, 243, 309,
345, 366, 376 and 382 OF THE VILLAGE OF LOCH ARBOUR ENTITLED
"AN ORDINANCE TO CREATE A MUNICIPAL BEACH IN THE VILLAGE OF LOCH ARBOUR,
COUNTY OF MONMOUTH, AND TO REGULATE AND PROVIDE FUNDS TO IMPROVE, MAINTAIN
THE PURPOSES OF INCREASING THE
FEES AND CHARGES and THE ADDITION OF A WEEKDAY PARKING PERMIT FOR THE USE OF THE
MUNICIPAL BEACH AND FACILITIES
IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH**

BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:

Section 1. ARTICLE II – REGISTRATION AND ADMISSION TO BEACH is amended and supplemented to read as follows:

Section 3. The fees and charges for said bathing, beach and facilities service shall be as follows:

- (a) Seasonal admittance and facilities service charge for persons 12 years of age or older - \$95.00 per person.
- (b) Seasonal admittance and facilities charge for senior citizens, 62 years of age or older - \$55.00 per person.

Section 3.g. Beginning April 1, 2017, a Weekday only Parking Permit, will be offered.

- (a) A Weekday only Parking Permit will be in effect:
 - Only 4 days per week (Monday, Tuesday, Wednesday, Thursday)
- (b) Maximum of 40 Weekday parking permits will be sold per season.
 - 1. Village of Loch Arbour resident fee: \$80.00
 - 2. Non-resident fee: \$140.00
- (c) Current Seasonal Parking Permit holders are not eligible for Weekday only Parking Permits for one year following the last year they had a regular Seasonal Parking Permit.
- (d) The Weekday only Parking Permit will not be valid for any holiday that falls on a Monday, Tuesday, Wednesday, Thursday).
- (e) The Beach Manager, at his discretion, may also designate 3 other weekdays per season, when Weekday only Parking Permits are not valid. (Any designated days must be posted 72 hours in advance of the event.)

Section 2. ARTICLE VII – REPEAL, SEVERABILITY is amended as follows:

Section 1. All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 2. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this ordinance shall be deemed valid and effective.

Section 3 – EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

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

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that said Ordinance 2017-425 be and the same is hereby 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

NEW BUSINESS

Resolution 2017-41: UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the following resolution be adopted:

WHEREAS, on December 22, 2016, the New Jersey Department of Education granted the Village of Loch Arbour's Petition to seek voter approval to withdraw from the Ocean Township School District; and

WHEREAS, the Board of Commissioners of the Village of Loch Arbour determined at a special public meeting held on January 20, 2017, that a Ballot Question and Interpretive Statement should be placed on a Special Election ballot on April 4, 2017 as a binding Ballot Question to determine the sentiment of the voters concerning whether the Village of Loch Arbour should withdraw from the Ocean Township School District and form a separate school district which would enter into send/receive relationships with the West Long Branch School District for grades K-8 and the Shore Regional School District for high school; and

WHEREAS the foregoing determination was embodied in Resolution 2017-39, approved by the Commissioners on January 20, 2017; and

WHEREAS, a "Yes" vote means the Village of Loch Arbour will form a separate, non-operating school district and enter into send-receive relationships with West Long Branch and Shore Regional school districts, pursuant to which Loch Arbour students will attend West Long Branch public schools for grades K-8 and Shore Regional High School for high school; and

WHEREAS, currently, the Village of Loch Arbour school taxes are based on assessed property values apportioned between Loch Arbour and Ocean Township. Under the send-receive relationships with the West Long Branch and Shore Regional school districts, the Village of Loch Arbour's school tax levy will be based not on the costs of the Ocean Township School District but on the amounts paid to West Long Branch and Shore Regional and other expenses of the new Loch Arbour School District, to be apportioned among Loch Arbour taxpayers on the basis of equalized assessed property values; and

WHEREAS, the following Ballot Question would be placed on a Special Election ballot on April 4, 2017: "Should the Village of Loch Arbour withdraw from the Ocean Township School District and form a separate school district which would enter into send-receive relationships with the West Long Branch School District for grades K-8 and Shore Regional School District for high school?"; and

WHEREAS, the Ballot Question would be accompanied by an Interpretive Statement, a form of which was approved by the Commissioners on January 20, 2017, and included with the Ballot Question attached to Resolution 2017-39; and

WHEREAS, the Village Clerk of the Village of Loch Arbour forwarded a certified copy of Resolution 2017-39 and the attached Ballot Question and Interpretive Statement to the County Clerk and the Board of Elections of the County of Donmouth on January 23, 2017; and

WHEREAS, the County Clerk and the Board of Elections of the County of Donmouth, have begun the necessary arrangements to place said binding Ballot Question and Interpretive Statement on the Special Election ballot on April 4, 2017; and

WHEREAS, the Commissioners have reviewed the Interpretive Statement accompanying the Ballot Question and wish to revise the Interpretive Statement in light of their attorneys' advice.

WHEREAS, ballots have not yet been printed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, Donmouth County, New Jersey, on this 8th day of February 2017, as follows:

1. The Village Clerk of the Village of Loch Arbour is authorized and directed to forward a certified copy of this Resolution and the attached Ballot Question with revised Interpretive Statement to the County Clerk and the Board of Elections of the County of Donmouth. The revised Interpretive Statement will take the place of the original Interpretive Statement on the Ballot.

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2017-42: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following resolution is hereby 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 2017; 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 Donmouth, 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 DA-2017-Euclid Avenue Phase IV - 00494 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, Commissioner D' Angelo, Mayor Fernicola
Nays: None Absent: None

Resolution 2017-43: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following resolution is hereby adopted:

WHEREAS, Edgemont Drive was paved in May, 2012. In accordance with Ordinance #380 no permits shall be issued for an opening of Edgemont Drive within five years (May, 2017) except by the direction of the Board of Commissioner of the Village of Loch Arbour; and

WHEREAS, an application for a Street Opening Permit has been received from Verizon for the location at Edgemont Drive and Ocean Avenue to install Fiber Optic Cable Path to Pole; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the application for a Street Opening Permit is hereby granted to the Verizon for the location at Edgemont Drive at Ocean Avenue to install Fiber Optic Cable Path to Pole at Loch Arbour.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Verizon.

Recorded Vote:

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

REPORTS/DISCUSSION

A. Village Petition approved by New Jersey Commissioner of Education to create a Loch Arbour School District - Mayor Fernicola explained to the public the details about the public referendum to be held on April 4, 2017.

PUBLIC HEARING

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

Michael Goodman, Elberon Avenue, read from a prepared statement commending the Mayor and Commissioners for a job well done regarding the Village's Tax Issue.

Mrs. Loushine, Euclid Avenue, had many questions regarding the upcoming Special School Election on April 4, 2017 as well as the withdrawal from the Ocean Township School District. Mrs. Loushine asked about the costs for the children to attend the West Long Branch/Shore Regional Schools. Mrs. Loushine also questioned how the Members of the School Board will be chosen, if the ballot question is approved by the Loch Arbour Voters.

Mayor Fernicola discussed the above with Mrs. Loushine and reiterated to Mrs. Loushine that a lot of her questions would be addressed after the results of the election on April 4, 2017.

Edwin Lee, Euclid Avenue, asked if there will be a minimum payment made to the West Long Branch/Shore Regional Schools each year. Mayor Fernicola discussed the contract the Borough of Interlaken has with the West Long Branch/Shore Regional Schools and stated the Village's contract would be similar to Interlaken's.

Joan Codispodi, Euclid Avenue, thanked the Mayor and Commissioners for all of their hard work regarding the Village's tax issue. She also discussed with Mayor Fernicola the Appeal Process.

Edward Sasson, Edgemont Drive, asked about the time line regarding the Appeal filed by the Ocean Township School District.

Mary Ellen Harvey, Buena Vista Court, asked the Mayor if there is any way the children would be sent to the Asbury Park School System. Mayor Fernicola confirmed the children would not attend the Asbury Park School System, the Petition that was approved by the Commissioner of the NJ Department of Education stated the children will attend the West Long Branch/Shore Regional School System. Mrs. Harvey also commented on the Academy Schools. Mayor Fernicola stated if the vote is approved on April 4, 2017, Loch Arbour would become its own school district. Mrs. Harvey asked about "grandfathering" the current school age children to continue in the Ocean Township School District. Mayor Fernicola stated the Village's Petition specifically requested a "phase-out" of the children in the OTSD, the Commissioner did not include this in the decision.

Robert Wiener, Page Avenue, commended the Mayor and Commissioners on a job well done. He also discussed with Mayor Fernicola the injunction.

Joan Codispodi, Euclid Avenue, commented about all of the improvements to the Ocean Township High School.

Mrs. Loushine, Euclid Avenue, discussed the injunction time line.

Cathy Cunniff, Euclid Avenue, commented she understands both sides of this issue. She believes the solution that is being made at this time is amicable. The Village residents will be receiving tax relief; as well as the children of the Village, will have a good school to attend.

Robert Wiener, Page Avenue, asked about the relationship between the Mayor and Commissioners and the Ocean Township School District. Mayor Fernicola stated the Village has reached out many times to schedule a meeting with the OTSD, to no avail.

Louis Parisi, Evergreen Avenue, expressed a Big Thank you, to the Mayor and Commissioners for all of their hard work and dedication to the Village.

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

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be finally adjourned at 7:55 p.m.

Marilyn Simons, RMC
Village of Loch Arbour