

VILLAGE OF LOCH ARBOUR
MINUTES ~ REGULAR MEETING
MARCH 2, 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 MARCH 2, 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.

UPON MOTION of Mayor Fernicola and seconded by Commissioner D' Angelo carried the Agenda be amended to add the following Resolution:

Resolution 2016-47: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution is adopted:

WHEREAS, the wind and tidal surge associated with Hurricane Sandy has caused significant damage to the recreational beach facilities along the beachfront infrastructure in the Village of Loch Arbour as well as beach protection structures along the entire Loch Arbour ocean front; and

WHEREAS, as a result of this damage, FEMA has developed a plan to replenish the beaches along the coast of New Jersey from Sandy Hook to Cape May; and

WHEREAS, the sand used by the Army Corp of Engineers to replenish the Loch Arbour Beach in 2015 was filled with large stones and other miscellaneous items, that should not have been added to any recreational beach, and

WHEREAS, the Army Corp of Engineers acknowledged this problem was caused by the actions of the contractor hired by the Army Corp of Engineers, and scheduled a thorough beach cleaning and sand sifting process to take place in January and February of 2016, and

WHEREAS, this very important clean-up project has not commenced as of today (March 2, 2016), and

WHEREAS, the Board of Commissioners, after consulting with the Borough Engineer, has determined that this clean-up is absolutely needed prior to the beginning of the 2016 beach season (May 26, 2016).

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners that the Army Corp of Engineers and the New Jersey Department of Environmental Protection should do everything in their power to commence this project immediately, including an emergency streamlined schedule for this unique project, and

THEREFORE BE IT RESOLVED, that a copy of this Resolution be immediately forwarded by the Village Clerk to the Army Corp of Engineers, New Jersey Department of Environmental Protection, Governor of the State of New Jersey, Commissioner of the NJ Department of the Environmental Protection, and U.S Congressman Frank Pallone.

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 \$17,524.87 for the month of March, 2016 be and the same is hereby approved as presented.

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(continued)

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 March, 2016 be and the same is hereby approved;

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: Commissioner Cheswick **Absent:** None

MINUTES

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

- The Minutes of the Regular Meeting held February 3, 2016

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the following reports and correspondence for the period ending February 29, 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
- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;

- Loch Arbour Historic Preservation Commission Report
- 2015 Report received from the Allenhurst Fire Department and First Aid Squad for the Village of Loch Arbour.
- Letter from the Ocean Township Elementary School for a Donation Request for the 2016 OTES Chance Auction.
- Letter received from the Deal Lake Commission dated February 25, 2016 ~ requesting a letter of support from the Village for the application being submitted by the Deal Lake Commission for SFY2016 Section 319(h) NPS Grant.

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS - None

NEW BUSINESS

Resolution 2016-45: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution is adopted:

WHEREAS, the Village of Loch Arbour is in need of a licensed expert to provide appraisal services including but not limited to property inspections, report creation, consulting services and expert testimony, if necessary, to the Village Attorney and Assessor for those properties for which 2016 tax appeals are pending; and,

WHEREAS, the Tax Assessor of the Village of Loch Arbour has requested proposals from licensed professional appraisers who provide these services; and,

WHEREAS, the Chief Financial Services has certified that funds are available in the Reserve for Tax Appeals and Legal Services, Contractual, if necessary, for this purpose.

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(continued)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that they hereby appoint Donald M. Moliver, Ph.D. to provide all services.

WHEREAS, the services to be provided hereunder are professional services for the Village of Loch Arbour and therefore this appointment is made without competitive bidding because this appointment involves members of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5; and,

BE IT FURTHER RESOLVED that a notice of the award without competitive bidding shall be published within ten (10) days of its approval as required by law.

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

1. Donald J. Moliver, Ph.D.
2. Renee Frotton, Tax Assessor
3. William H. Healey, Esq., Village Attorney

Recorded Vote:

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

Nays: None

Absent: None

Resolution 2016-46: UPON MOTION of Mayor Ferricola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, the Ocean Township Elementary School (OTES) has requested a donation from the Village of Loch Arbour for its 2016 Chance Auction to support the programs for and services to the children attending the OTES; and,

WHEREAS, the Board of Commissioners of the Village of Loch Arbour has approved donations in previous years to the OTES for this purpose, however a question has arisen as to the propriety of these donations and the Commissioners requested the Village Attorney and Village Clerk to research the same;

WHEREAS, the Village Attorney has reported that the New Jersey Constitution, specifically Article VIII, Sec. 3, Paragraph 2, prohibits a municipality from "giving any money or property ... to or in aid of any individual, association or corporation," and has advised the Commissioners against providing such donations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the donation of two adult season beach badges for the year 2016 be and the same is hereby rejected on the advice of the Village Attorney.

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

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/DISCUSSION

A. *Consolidation Matters* ~ Mayor Ferricola reported the Village formally petitioned the Monmouth County Executive Superintendent of Schools. Mayor Ferricola stated a letter to the residents was sent explaining the status of the Petition. Mayor Ferricola reported the County Superintendent granted the extension to Ocean Township to prepare a fiscal analysis until April 1, 2016.

B. *Update of Improvements to Euclid Avenue, Phase II and Phase III* ~ Dan Mason reported a preconstruction meeting was held and the improvements will start approximately April 4th and conclude approximately May 13, 2016. Mr. Mason also stated a letter will be going out to all residents explaining the procedure and construction information.

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(continued)

C. *Deal Lake Commission* ~ Letter of Support from the Village for the application being submitted by the Deal Lake Commission for SFY2016 Section 319(h) NPS Grant.

UPON MOTION OF Commissioner Cheswick, seconded by Mayor Ferricola, carried that the following Resolution be adopted:

WHEREAS, the Deal Lake Commission has requested a letter of support for an application being submitted for SFY2016 Section 319(h) NPS Grant.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the Village Clerk on behalf of the Village draft a letter of support to the State of New Jersey for SFY2016 Section 319(b) NPS Grant which is being submitted by the Deal Lake Commission.

Recorded Vote:

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

Nays: None

Absent: None

D. Local Government Ethics Law Financial Disclosure Law ~ All local government officials are required to complete and file the Financial Disclosure Form with the Municipal Clerk annually on or before April 30th of each year. The State is requiring all forms be electronically filed. A password and the website will be sent to each official, so the form can be completed online and transmitted to the State.

E. Easter Egg Hunt ~ Sunday, March 20, 2016 at 1:00 p.m. with the residents of Borough of Allenhurst and Borough of Interlaken. The cost of the hunt will be split between the three towns.

Recorded Vote:

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

Nays: None

Absent: None

PUBLIC HEARING

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

Cathy Cunniff, Euclid Avenue, discussed with Mayor Fernicola the project of sifting the Village Beach.

Mr. Mason and Ms. Cunniff discussed the time table for the Improvements to Euclid Avenue, Phase II and Phase III.

Ed Lee, Euclid Avenue, asked about an approximate time line if the Village is successful in withdrawing from the Ocean Township School District.

Mayor Fernicola stated, if successful the Village's school age children would start going to the West Long Branch School System in September, 2017. Mayor Fernicola stated the Village has a very strong legal argument to form a new school district.

Cathy Cunniff, Euclid Avenue, commented about the trash on the beach during the summer months and suggested the Deal Police ticket beachgoers for littering. The Board of Commissioners had a lengthy discussion on the littering on the beach in Loch Arbour, especially on Sunday's and ways that this issue can be addressed.

There being no further 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 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.

Regular Meeting

(continued)

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 Fernicola 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 Fernicola

Nays: None

Absent: None

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