



Recorded Vote:

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

**OLD BUSINESS -**

**UPON MOTION of Mayor Fernicola seconded by Commissioner D' Angelo, carried that the Agenda be modified and item #3 (old business) be heard at this time.**

Recorded Vote:

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

1. **Ordinance #2015-411 -**

**Chief Ronen Neuman of the Deal Police Department gave a summary of Ordinance and explained how the process works within the Police Department, how the decibel meter works and where the readings will be taken from, when a complaint is called in.**

**The Mayor read the Ordinance by Title, advising of its publication in its entirety in *The Coaster* on August 20, 2015.**

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR REPEALING  
ORDINANCE NO. 27 ADOPTED ON NOVEMBER 11, 1960 AND  
ENACTING AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING  
NOISE CONTROL**

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

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound; and

WHEREAS, Ordinance No. 27, adopted by the Board of Trustees of the Village of Loch Arbour on November 11, 1960, is archaic and no longer adequately protects the public health, safety and welfare; and,

THEREFORE, the Board of Commissioners of the Village of Loch Arbour finds that to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life, the following Ordinance be enacted:

1. **Definitions**

As used in this section:

*Background sound level* shall mean the sound level present when the offending noise source is silenced.

*Decibel (dB)* shall mean a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals twenty (20) micronewtons per square meter.

*Motor vehicle* shall mean any vehicle which is propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mopeds, minibikes, go-carts, snowmobiles, amphibious craft, dune buggies or racing vehicles.

*Noise* shall mean any sound which annoys or distracts humans or which causes an adverse psychological effect on humans.

*Person* shall mean any individual, association, partnership, corporation, or other entity.

*Sound pressure level* shall mean the weighted sound pressure level obtained by the use of sound level meter and frequency weighted network of the "A" type as referred to in the N.J. Adm. Code 7:29-1.1, or the latest approved revision thereof. The sound pressure level measured in decibels using the aforesaid A-weighting network shall be designated dBA.

*Sound level meter* shall mean an instrument commonly used to measure sound pressure levels, which includes a microphone, amplifier, root-mean-square (RMS) detector, integrator or time averager, output meter and A-weighting network.

### 1.2 **Creation of Loud or Unnecessary Noise Prohibited**

It shall be unlawful for any person to make, continue, or cause to be made or continued, directly or indirectly upon premises owned, occupied, or under the control of such person, any unreasonably loud, disturbing or unnecessary noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any individual.

### 1.3 **Certain Sound Pressure Levels Prohibited**

a. *By Land Use.* It shall be unlawful for any person to operate or permit to be operated upon premises owned, occupied, or under the control of such person any source of noise in such manner as to create a sound pressure level in excess of the levels set forth in Table 1, or more than ten (10) decibels above the existing background level.

**TABLE 1**

<i>Time</i>	<i>Sound Pressure Level Limit dBA</i>
8:00 a.m. - 11:00 p.m.	65
11:00 p.m. - 8:00 a.m.	50

b. *By Motor Vehicle Operation.* It shall be unlawful for any person to operate a motor vehicle on a public right-of-way in such a manner as to create a sound pressure level in excess of the levels set forth in Table 2, measured at a distance of fifty (50) feet from the center line of the right-of-way being monitored.

**TABLE 2**

<i>Vehicle Class</i>	<i>Sound Pressure Speed Limit 35 mph or less</i>	<i>Level Limit dB(A) Speed Limit 35 mph or more</i>
Federally Registered Interstate Motor Carrier	86	90
All other motor vehicles with a manufactures gross vehicle rating of 10,000 pounds or more, and any combination of vehicles towed by such motor vehicle	92	96
Motorcycles	88	92
Any other motor vehicle and any combination of vehicles towed by such motor vehicle	82	88

c. *Sound Pressure Levels Not Prohibited.* In no instance, however, shall it be necessary to reduce the sound pressure level below forty (40) decibels between the hours of 9:00 a.m. and 8:00 p.m. or thirty (30) decibels between the hours of 8:00 p.m. and 9:00 a.m.

d. *Place of Measurement.* The sound pressure level shall be measured no nearer than three feet from the source of the noise than the boundaries of the premises or area from which the noise emanates.

#### 1.4 Exceptions

- (a) Noise emanating from parades, sirens, horns and whistles used by the Fire and Police Departments, Emergency Management Coordinator and any other municipal Department or governmental agency for official functions shall not be subject to the provisions of this section.
- (b) Noise emanating from the erection, excavation, demolition, construction, alteration or repair of any building or property between the hours of 7 a.m. to 6 p.m. on weekdays, shall not be subject to the provisions of this section. Noise emanating from emergency repairs to any structure caused by fire, flood, storm or other catastrophe shall not be subject to the provisions of this section. In the event the Construction Official determines that the public health, safety and welfare requires the erection, demolition, alteration or repair of any building between the hours of 6 p.m. and 7 a.m. or on Saturdays or Sundays, he may grant permission for such work to be done within said hours or on said days.
- (c) Noise emanating from landscaping and yard care equipment used between the hours of 7 a.m. to 6 p.m. on Mondays thru Fridays and from 8 a.m. to 5 p.m. on Saturdays and Sundays shall not be subject to the provisions of this section.

#### 1.5 Violations

Any person, company, corporation, organization, association or body of individuals found guilty of violating any provision of this ordinance, shall upon conviction for a first offense be penalized by a fine of at least \$1000 but not exceeding \$2000, imposition of a term of community service not exceeding ninety (90) days, or a term of imprisonment in county jail for a period of not more than sixty (60) days, or any combination thereof as ordered by the court and, upon a second or subsequent conviction, be penalized by a fine of \$2000, imposition of a term of community service of at least ten (10) days but not exceeding ninety (90) days, or a term of imprisonment in county jail for a period of not more than ninety (90) days, or any combination thereof as ordered by the court. For the purposes of this section, a violation occurring or continuing one hour or more after a prior violation shall be considered a subsequent offense. For the purposes of sentencing, a violation that occurs more than three (3) years after a prior violation shall not be considered a second or subsequent violation.

**BE IT FURTHER ORDAINED THAT** Ordinance No. 27, adopted November 11, 1960, be and hereby is repealed in its entirety.

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

Tony Santos, Edgemont Drive, asked about the decibel levels that are proposed in this Ordinance.

Paul Williams, Euclid Avenue, commended the Deal Police Department for all of their service. Mr. Williams suggested the Commissioners consider changing the time until 10:00 p.m.

Barbara Gassaro, Ocean Place, suggested the Commissioners consider changing the time until 10:00 p.m. during the week and 11:00 p.m. on the weekends.

Mary Gosline, Euclid Avenue, agreed the time should be at 10:00 p.m. during the week.

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

**UPON MOTION** of Mayor Fernicola, seconded by Commissioner Cheswick, carried Ordinance #2015-411 is amended as follows:

### 1.3 Certain Sound Pressure Levels Prohibited

d. *Place of Measurement.* The sound pressure level shall be measured at the boundary line of the property of the person complaining of the sound level at the point closest to the boundary of the premises from which the noise emanates.

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 Ordinance #2015-411 is amended as follows:

### 1.3 Certain Sound Pressure Levels Prohibited

a. *By Land Use.* It shall be unlawful for any person to operate or permit to be operated upon premises owned, occupied, or under the control of such person any source of noise in such manner as to create a sound pressure level in excess of the levels set forth in Table 1, or more than ten (10) decibels above the existing background level.

**TABLE 1**

<i>Time</i>	<i>Sound Pressure Level Limit dBA</i>
8:00 a.m. – 10:00 p.m. (Sunday-Thursday)	65
10:00 p.m. – 8:00 a.m. (Sunday-Thursday)	50
8:00 a.m. – 11:00 p.m. (Friday, Saturday and any day before a legal holiday)	65
11:00 p.m. – 8:00 a.m. (Friday, Saturday and any day before a legal holiday)	50

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

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, said Ordinance #2015-411 be and the same is hereby adopted as amended, 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 #2015-409 -

**The Mayor read the Ordinance by Title, advising of its publication in its entirety in *The Coaster* on August 20, 2015.**

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING ORDINANCE #2013-387 SO AS TO ELIMINATE PAID PARKING SPACES #201 THROUGH #207, INCLUSIVE.**

**WHEREAS**, the Board of Commissioners of the Village of Loch Arbour adopted Ordinance #2013-387 establishing the parking meter zone and other regulations relative to parking of vehicles;





**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY DECLARING ALL PUBLIC  
AREAS OF BLOCKS 6, 7, & 8 ON THE OFFICIAL TAX MAP OF  
THE VILLAGE OF LOCH ARBOUR TO BE A PLACE OF RESORT  
FOR PUBLIC HEALTH, RECREATION AND BATHING,  
PROMULGATING REGULATIONS FOR THE BEACH AREA,  
PROHIBITING SWIMMING IN AN UNPROTECTED BEACH AREA AND  
PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

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

1. Unless permitted in a designated area of the beach as authorized by the Board of Commissioners, in which case signs shall be posted in public view to advise the general public of the acts which are permitted in said designated area, no person shall do any of the following things at or upon the beach, which encompasses all public areas of Blocks 6, 7 and 8 on the Official Tax Map of the Village of Loch Arbour, said areas being hereby declared to be a place of resort for public health, recreation and bathing:

- A. Throw, drop, discard or leave any wastepaper, garbage or other refuse on the beach or in the water or anywhere which is not a designated trash or recycling receptacle; or in any way litter, make unsightly, damage, destroy or disfigure the said beach or any public or private property thereat.
- B. Sell, peddle or hawk any food, drink or confections upon the public beach, unless specifically authorized by agreement approved by the Board of Commissioners.
- C. Make any loud noise, sound or music to the annoyance of any other person; or use loud or obscene language.
- D. Play ball or any other game in a bathing area, ride or operate a surfboard in a bathing area or engage in any activity which will endanger another person or interfere with the enjoyment of the quiet use of the beach or said place of public resort by another person or do anything which shall endanger the life, health or safety of oneself or any other person.
- E. Take or permit his or her dog to be or go upon the public beach or in the water at a public bathing beach from May 15 to September 15 of any year.
- F. Go into or remain in the water at any beach when:
  - i. It is unsafe to do so. This prohibition shall include swimming out from the beach so far that, in the judgment of a lifeguard or the Beach Manager, it is unsafe.
  - ii. Directed by a public lifeguard to come from said water.
  - iii. Intoxicated.
- G. Swim in the water in an area of the beach which is not protected by lifeguards unless said person is utilizing a surfboard or other flotation or recreational device which is tethered to the swimmer's body by a lanyard or other suitable cord, or is operated by means of a paddle or oars.
- H. Go out in the water at a bathing beach farther than directed by a public lifeguard or in violation of a reasonable order of a lifeguard when the safety of the bather is or may be endangered by going in the water.
- I. Operate a privately owned beach buggy or other motor vehicle on a public beach.
- J. Enter or attempt to enter upon the public beach without having purchased a current and valid beach badge from the Village of Loch Arbour. Upon request of any lifeguard, beach attendant, police officer, special officer or other officer or employee of



with potential litigation pertaining to the continued affiliation of the Village of Loch Arbour with the Ocean Township School District.

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 D' Angelo, carried, that the meeting be opened for comments on said Ordinance only.

Melanie Nowlin, Edgemont Drive, asked how hiring this Attorney is different from the last time the Attorney was hired to sue the State.

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 D' Angelo, carried, said Ordinance #2015-413 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

#### **NEW BUSINESS**

1. **Ordinance #2015-414 - introduction**

The Mayor read the Ordinance by Title

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CANCELLING \$19,738.04 IN PROCEEDS OF OBLIGATIONS FROM ORDINANCE #340 NOT NEEDED FOR THE ORIGINAL PURPOSE AND TRANSFERING SAME TO CAPITAL SURPLUS**

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

1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$19,738.04 of the proceeds of obligations originally made available pursuant to Ordinance #340, finally adopted on December 5, 2007, of the Village of Loch Arbour, in the County of Monmouth, New Jersey, are no longer necessary for the purposes for which the obligations previously were authorized. It is further determined that it would be in the best interest of the Village that such proceeds be cancelled and transferred to capital surplus.

2. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance 2015-414 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 October 7, 2015.

Recorded Vote:

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

2. **Ordinance #2015-415 - introduction**

The Mayor read the Ordinance by Title

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CANCELLING \$123,534.23 IN PROCEEDS OF OBLIGATIONS FROM ORDINANCE #360 NOT NEEDED FOR THE ORIGINAL PURPOSE AND TRANSFERING SAME TO CAPITAL SURPLUS**

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

1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$123,534.23 of the proceeds of obligations originally made available pursuant to Ordinance #360, finally adopted on May 5, 2010 of the Village of Loch

Arbour, in the County of Monmouth, New Jersey, are no longer necessary for the purposes for which the obligations previously were authorized. It is further determined that it would be in the best interest of the Village that such proceeds be cancelled and transferred to capital surplus.

2. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance 2015-415 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 October 7, 2015.

Recorded Vote:

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

3. **Resolution 2015-77:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour has received two grants for the New Jersey Department of Transportation in FY 2013 for Elberon Avenue - Phase II in the amount of \$160,000 And in FY 2015 for Elberon Avenue - Phase III in the amount of \$96,000; and

WHEREAS, the Village of Loch Arbour wishes to combine the above mentioned grants into a combined allotment of \$256,000; and

WHEREAS, by combining these two projects, the Village of Loch Arbour will reduce the design, construction and administration costs; and

NOW, THEREFORE, BE IT RESOLVED that the Village of Loch Arbour formally approves to combine these two projects subject to all conditions requested by NJDOT; and

BE IT FURTHER RESOLVED that the Mayor and Commissioners are hereby authorized to sign a new grant agreement on behalf of the Village of Loch Arbour, if required and that their signature constitutes acceptance of the terms and conditions of the grant agreement.

Recorded Vote:

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

4. **Resolution 2015-78**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY, TERMINATING ALL SERVICES BY THE DEPARTMENT OF  
COMMUNITY AFFAIRS, OFFICE OF LOCAL CODE ENFORCEMENT FOR  
ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION  
CODE**

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

**WHEREAS**, the Village of Loch Arbour has utilized the Department of Community Affairs, Office of Local Code Enforcement, for the administration and enforcement of the State Uniform Construction Code;

**WHEREAS**, the Village of Loch Arbour has provided free office space to the Office of Local Code Enforcement which it utilizes for services it provides to other municipalities in addition to the Village of Loch Arbour;

**WHEREAS**, the Village has determined that it is no longer feasible to provide the Office of Local Code Enforcement with said office space;

**WHEREAS**, the Village has determined that it would be efficient, economical and promote the public health, safety and welfare of inhabitants of the Village for the Village to enter into a shared services agreement with the Borough of Deal, a neighboring municipality, to provide administration and enforcement of the State Uniform Construction Code;

**WHEREAS**, the Board of Commissioners of the Village of Loch Arbour is desirous of severing all ties with the Office of Local Code Enforcement.

**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. Any and all relationship or agreements between the Office of Local Code Enforcement and the Village of Loch Arbour for services relating to the administration and enforcement of the Uniform Construction Code be and hereby are terminated, effective September 30, 2015.

2. A certified copy of this resolution shall be provided to the Department of Community Affairs, Office of Local Code Enforcement, Southern Regional Office, 852 So. Whitehorse Pike, Hammonton, New Jersey 08037.

Recorded Vote:

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

**5. Resolution 2015-79**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
TERMINATING PERMISSION FOR THE OFFICE OF LOCAL CODE ENFORCEMENT OF THE  
DEPARTMENT OF COMMUNITY AFFAIRS TO UTILIZE OFFICE SPACE IN VILLAGE HALL**

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

**WHEREAS**, the Village of Loch Arbour has terminated all services by the Department of Community Affairs, Office of Local Code Enforcement, for the administration and enforcement of the State Uniform Construction Code in the Village of Loch Arbour;

**WHEREAS**, the Village of Loch Arbour has provided free office space to the Office of Local Code Enforcement for said services;

**WHEREAS**, the Village has determined that it is no longer feasible to provide the Office of Local Code Enforcement with said office space;

**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. The Office of Local Code Enforcement of the Department of Community Affairs shall vacate all office space currently being occupied in the Village Hall of the Village of Loch Arbour by the close of business September 30, 2015.

2. A certified copy of this resolution shall be provided to the Department of Community Affairs, Office of Local Code Enforcement, Southern Regional Office, 852 So. Whitehorse Pike, Hammonton, New Jersey 08037.

Recorded Vote:

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

**6. Resolution 2015-80**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICES  
AGREEMENT BETWEEN THE VILLAGE OF LOCH ARBOUR AND THE  
BOROUGH OF DEAL FOR ADMINISTRATION AND ENFORCEMENT OF  
UNIFORM CONSTRUCTION CODE SERVICES**

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

**WHEREAS**, the Village of Loch Arbour has a need to contract with another municipality for administration and enforcement of Uniform Construction Code services;

**WHEREAS**, the Village determined it would be in the best interest of its residents to enter into an agreement with the Borough of Deal for said services;

**WHEREAS**, the Village is authorized to enter into this agreement with the Borough of Deal pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to - 35, for the purpose of sharing the services of Uniform Construction Code administration and enforcement.

**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. The Mayor is hereby authorized to execute, and the Clerk to attest, to a uniformed shared services agreement with the Borough of Deal for administration and enforcement of Uniform Construction Code services.

2. A certified copy of this resolution shall be provided to the Borough of Deal.

Recorded Vote:

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

**7. Resolution 2015-81:**

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

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1967, c. 102, established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and,

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and,

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Board of Commissioners to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Village of Loch Arbour that the Village of Loch Arbour hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Daniel J. Mason, Recycling Coordinator, to ensure that the application is properly filed.

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund used solely for the purposes of recycling.

Recorded Vote:

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

8. **ORDINANCE 2015-416** - introduction  
The Village Attorney read Ordinance by Title

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO REESTABLISH JURISDICTION OF THE VILLAGE OF LOCH ARBOUR FOR THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE PURSUANT TO N.J.A.C. 5:23-4.3 FOR THE PURPOSE OF ENTERING INTO AN INTER-LOCAL AGREEMENT WITH THE BOROUGH OF DEAL FOR SAID SERVICES**

**BE IT ORDAINED** as follows:

1. The Village of Loch Arbour hereby seeks to reestablish jurisdiction for administration and enforcement of the Uniform Construction Code pursuant to N.J.A.C. 5:23-4.3 for the purpose of entering into an inter-local shared services agreement with the Borough of Deal for said services.

2. Pursuant to N.J.A.C. 5:23-4.3(g), the Village of Loch Arbour hereby requests that the commissioner temporarily waive any administrative requirements, including the number of days upon which this ordinance becomes effective, so that the Village of Loch Arbour may begin shared services with the Borough of Deal on October 1, 2015 for the administration and enforcement of the Uniform Construction Code. The purpose of this request is that the Office of Local Code Enforcement of the Department of Community Affairs previously held office space in Village Hall of the Village of Loch Arbour but is vacating that office space by September 30, 2015 at the request of the Village due to limited space available in Village Hall. Therefore, it is in the public interest to permit the commencement of a shared services agreement for construction, inspection and enforcement services with the Borough of Deal on October 1, 2015 immediately after the Office of Local Code Enforcement vacates Loch Arbour Village Hall.

3. A certified copy of this ordinance shall be sent by certified and regular mail, and email or facsimile to the Department of Community Affairs, Office of Local Code Enforcement, Southern Regional Office, 852 So. Whitehorse Pike, Hammonton, New Jersey 08037.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2015-415 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 September 30, 2015.

Recorded Vote:

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

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

BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that a special meeting shall be scheduled for Wednesday September 30, 2015 at 6:00 p.m. to be held in the Municipal Building, 550 Main Street, Loch Arbour, New Jersey.

The purpose for having a public hearing and to consider possible adoption of Ordinance #2015-416, which ordinance seeks to reestablish jurisdiction of the Village of Loch Arbour for administration and enforcement of the Uniform Construction Code pursuant to N.J.A.C. 5:23-4.3 for the purpose of entering into an inter-local shared services agreement with the Borough of Deal for said services.

BE IT FURTHER RESOLVED that the Village Clerk be and he is hereby directed 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.



MINUTES - rescheduled REGULAR MEETING  
September 9, 2015

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There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 8:38 p.m.

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Daniel J. Mason, Acting Clerk  
Village of Loch Arbour

