



- Deal Police Department, Monthly Incident Report

**CORRESPONDENCE**

- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Letter dated March 13, 2015 from P. Avakian's office requesting a one year extension from the New Jersey Department of Transportation regarding improvements to Euclid Avenue - Phase II, due to beach replenishment project and the wear, due to overuse, of Euclid Avenue.

Recorded Vote:

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

**OLD BUSINESS - NONE**

**NEW BUSINESS -**

**1. ORDINANCE 2015-403 - introduction**

The Acting Clerk read the said Ordinance by Title:

**ORDINANCE NO. 2015-403  
AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2015  
MUNICIPAL BUDGET APPROPRIATION LIMITS AND  
TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

**BE IT ORDAINED** by the Board of Commissioners of the Village of Loch Arbour as follows:

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Village of Loch Arbour in the County of Monmouth finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 2% increase in the budget for the said year, amounting to \$14,190.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY



issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. a. The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of various beach equipment including, but not limited to, a beach rake, tractor, and lockers, together with all work and materials necessary therefor or incidental thereto, as more fully described in plans and specifications on file with the Acting Village Clerk, as finally approved by the governing body of the Village.

b. The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$110,000, as stated in Section 2 hereof.

c. The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$125,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$125,000 over the estimated maximum amount of bonds or notes to be issued therefor being the \$15,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Acting Chief Financial Officer of the Village, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Acting Chief Financial Officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the Acting Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Acting Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Acting Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

a. The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Village may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.

c. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Acting Village Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the



WHEREAS, the reserve for Uncollected Taxes Budget permits a municipality to use a three year average of percentage of tax collections to figure the reserve for uncollected taxes:

BE IT RESOLVED, that the Village of Loch Arbour, County of Monmouth, State of New Jersey, adopts the three year average to compute the 2015 Reserve for Uncollected Taxes as follows:

Year	Percentage of Collection	Three Year Average
2012	97.32%	
2013	97.02%	
2014	95.43%	
	<u>289.77</u>	96.59%

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the Director of Local Government Services for his approval.

Recorded Vote:

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

4. **RESOLUTION 2015-45:** UPON MOTION of Mayor Fernicola, 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 the attached statements of revenues and appropriations shall constitute the Municipal Budget for the year 2015.

BE IT FURTHER RESOLVED that said Budget be published in *The Coaster* in the issue of April 16, 2015.

BE IT FURTHER RESOLVED that a hearing on the Budget and Tax Resolution will be held at the Loch Arbour Municipal Building on May 6, 2015 at 6:30 p.m.

Recorded Vote:

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

5. **RESOLUTION 2015-46** Request Extension for Euclid Avenue Grant

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

WHEREAS, the Village Engineer has requested one year extension of time for completion of the project known as Improvements to Euclid Avenue - Phase II;

WHEREAS, THE Village is currently engaged in a beach replenishment program sponsored by the New Jersey Department of Environmental Protection and the Army Corp of Engineers;

WHEREAS, the Manson Construction Company will be using Euclid Avenue as a primary access for large equipment during the summer of 2015;

WHEREAS, the following schedule is being proposed:

Advertise in *The Coaster*: July 16, 2015  
Receive Bids at Village of Loch Arbour- July 30, 2015

Award Contract - August 5, 2015  
Finalize contract documents/Start Construction-September 8, 2015  
Construction completion by November 25, 2015

BE IT RESOLVED, that the Village of Loch Arbour, Board of Commissioners hereby grant an extension of time and approve the above stated schedule.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the NJ DOT (Department of Transportation) and Village Engineer.

Recorded Vote:

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

## **REPORTS/DISCUSSION**

**A. Consolidation Matters** - Mayor Fernicola reported that Interlaken is having a Special Meeting tonight. The Borough of Interlaken has solicited RFP's and had budgeted \$35,000.00. Two responses were received for \$50,000.00 and \$77,000.00. Tonight's meeting in Interlaken is a workshop meeting to discuss this matter.

**B. Presentation by Richard Fernicola - Historic Preservation Ordinance.** Mr. Fernicola explained that he was involved with implementing the Borough of Allenhurst's Historic Ordinance. In the late 1990's Allenhurst was about to have a Centennial Celebration, which added inspiration and awareness to admire the architecture, uniqueness and character of the town. At that time there were rumors of people potentially buying and changing the architecture look in Allenhurst. Mr. Fernicola stated that he received a lot of guidance from the State of New Jersey Historic Preservation Office. A Historic Ordinance is only implemented through the town's Local Government. It must be referenced in the town's Master Plan. Mr. Fernicola stated the three benefits of a Historic Ordinance are the following:

- The review of any demolition, partial or total.
- The review of new construction.
- and significant major alterations to a home.

Mr. Fernicola stated a Historic Ordinance stabilizes or elevates value to the properties of the town. The Allenhurst Planning Board (Historic Commission) reviewed and drafted the Ordinance, along with a Professional Architect and the Administrator of Allenhurst.

**C. Options for Village of Loch Arbour Beach -**

1. Purchase of Beach Cleaning Machine and Tractor
2. Lockers.

The Mayor and Commissioners discussed the options of purchasing a Beach Cleaning Machine and Tractor and hiring a part-time seasonal employee to operate the Beach Cleaning Machine. Also discussed were the purchase of 25-50 lockers and the location of the lockers. Mr. Mason suggested having a lottery with the beach patrons to have the ability to rent the lockers.

**D. Hedge Ordinance** - The Commissioner unanimously voted that this item will not be discussed, as the Board discussed at prior meetings and a hedge ordinance did not seem practical.

**E. 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 30<sup>th</sup> 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.

**F. Summer Monthly Meetings - June 3, 2015, July 1, 2015 and August 5, 2015.**

UPON MOTION of, Mayor Fernicola seconded by, Commissioner Cheswick carried that the following resolution be adopted.

BE IT RESOLVED, that the regular meeting of the Board of Commissioners of the Village of Loch Arbour scheduled for August 5, 2013 is hereby cancelled.

BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that a special meeting shall be scheduled for Wednesday August 12, 2015 at 6:30 p.m. to be held in the Municipal Building, 550 Main Street, Loch Arbour, New Jersey. Official action may be taken at this special meeting.

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, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

**PUBLIC HEARING**

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

Robert Fernicola, Euclid Avenue, suggested buying a sifter that Allenhurst had previously used to smooth the sand, instead of the expense of a new beach cleaning machine.

Mark Maisto, Elberon Avenue, commented about the lockers being rented.

There being no further comments, and UPON MOTION, 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, 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, potential renewal of the lease of the office space by the State of New Jersey at 550 Main



Street, Loch Arbour and anticipated or threatened litigation and attorney client privileged information regarding consolidation and/or school funding and taxation issues. The Board reserves the right to take action 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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the Board of Commissioners of the Village of Loch Arbour authorize Guy Ryan, Village Attorney, to finalize a letter for the Mayor and the Commissioners to execute and send to the State of New Jersey, Commissioner of Education, David Hespe, on behalf of the Village of Loch Arbour.

Recorded Vote:

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the Board of Commissioners of the Village of Loch Arbour authorize Dan Mason, Village Clerk, to advise the State of New Jersey, Department of Community Affairs to vacate the Village of Loch Arbour Municipal Building by September 30, 2015, due to the need for the additional office space for the employees of the Village.

Recorded Vote:

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

There being no further business, and UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the meeting be finally adjourned at 9:00 p.m.

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Daniel J. Mason, Acting Clerk  
Village of Loch Arbour