



**CORRESPONDENCE**

- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Received Audit Report from Hulsart and Company on June 19, 2015.

Recorded Vote:

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

**OLD BUSINESS -**

**1. ORDINANCE #2015-407 -**

The Village Attorney read the said Ordinance by Title, advising of its publication in its entirety in *The Coaster*, on June 11, 2015,

**ORDINANCE #2015-407  
HISTORIC PRESERVATION ORDINANCE**

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR ESTABLISHING A  
HISTORIC PRESERVATION ZONE AND PROMULGATING REGULATIONS THEREFOR**

**001 SHORT TITLE**

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

**002 HISTORIC DISTRICT ESTABLISHED**

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

**003 PURPOSES AND INTENT**

003.1 Purposes of the Historic Preservation Ordinance

The "HPO", has the following general purposes:

- A. To provide a means to preserve the visual sense of the past of Village of Loch Arbour, as reflected in its architecture.
- B. To maintain an appropriate and harmonious application of architectural styles befitting and complementary to the architecturally significant buildings within the Village of Loch Arbour.
- C. To stabilize and improve property values.

- D. To foster civic beauty and neighborhood pride.
- E. To encourage private investment in existing or new buildings in a manner that preserves, restores, repairs, or is compatible with the original architectural style characteristic within the District.
- F. To encourage preservation of the visual sense of the past in a manner that minimizes hardships on residents of the District.

003.2 Intent of the Historic Preservation Ordinance.

It is the intent of this ordinance to establish the circumstances, conditions and procedures to obtain a Certificate of Appropriateness, as hereinafter defined, from the Planning Board as it pertains to exterior architectural features, applications for permits from the Construction Official or applications for development of properties in the "District". No building permit, where such is required, shall be issued unless a Certificate of Appropriateness shall have been previously issued by the Planning Board, pursuant to this Ordinance, except in the case of an Ordinary Repair, Emergency Repair or where no change to a Major Architectural Element is proposed.

**004 DEFINITIONS**

As used in the HPO, 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.

**ADMINISTRATIVE OFFICER** shall mean the person designated by the Board of Commissioners to handle the administration of applications in accordance herewith as well as the coordination of building applications as referenced herein.

**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.

**APPLICATION** shall mean the formal request by a property owner to the Planning Board for review of an activity, which potentially constitutes a major alteration.

**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.

**BACK YARD** shall mean and be equivalent to "rear yard" as defined in the Developmental Ordinance of the Village.

**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.

**CORNER LOT** shall have the same definition as set forth in the Developmental Ordinance of the Village.

**COST ESTIMATE** shall mean a written estimate of the costs, prepared by an Architect, Engineer or Contractor licensed in the State of New Jersey, broken down by category of work, for any proposed MAJOR ALTERATION, MINOR ALTERATION or DEMOLITION.

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

**DISREPAIR** shall mean a condition that permanently and directly threatens the existence and successful preservation, restoration or rehabilitation of an Architectural Element, Major as defined herein.

**DWELLING** shall have the same definition as set forth in the Developmental Ordinance of 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.

**NON-ORDINARY REPAIR** shall mean any repair that does not constitute an ORDINARY REPAIR as that term is defined herein.

**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.

## **005 AUTHORITY GRANTED TO PLANNING BOARD**

### **005.1 Statutory Authority**

The Village of Loch Arbour Planning Board shall exercise, to the same extent and subject to the same restrictions, all of the powers of a 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 Planning 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 Planning Board member shall meet the qualifications of a Class B member as defined by N.J.S.A. 40:55D-107(b).

### **005.2 Preservation Powers of the Planning Board**

The Planning Board shall have the following preservation powers:

- A. To review any and all applications for development and applications for zoning and/or building permits with respect to proposed improvements to, or demolition of, any and all existing or proposed buildings within the District for appropriateness of design, arrangement and materials to be used and whether the proposed improvements will detract from the visual character of the District;
- B. To modify the boundaries of the District;
- C. To encourage alterations, repairs, restoration, reconstruction and rehabilitation of any building to be made in the spirit of the original architectural style and to require that any additions are made in such a manner as not to detract from a building's original appearance.
- D. To utilize and apply the Design Guidelines in the review of permit and development applications to see that said application substantially comply with the intent of the Design Guidelines.

**006 GUIDELINES**

*The Planning Board shall establish guidelines to be known as "Design Guidelines for the District" which shall be submitted by the Planning Board to the Board of Commissioners for its approval. Any amendments or supplements thereto proposed by the Planning Board shall also be submitted to the Board of Commissioners for its approval. The Design Guidelines may be used in the review of all development applications and applications for Certificates of Appropriateness in the District. The Design Guidelines establish the "suggested" or "preferred" means of maintaining the visual sense of the past within the District. However, the Design Guidelines are not "requirements" but are to be liberally construed to provide the Planning Board with the flexibility to address the specific circumstances of a particular applicant while achieving the purposes of this Ordinance.*

**007 HISTORIC REVIEW PROCESS**

**007.1 Requirement 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, as defined herein;
  - 2. Any change, rehabilitation, restoration, improvement or alteration to the exterior of a building, accessory building or garage, which would constitute a Minor Alteration, as defined herein;
  - 3. Additions to any building, accessory building or garage as defined herein;
  - 4. Demolition of any building, accessory building or garage as defined herein;
  - 5. New construction.
  
- B. Any applicant undertaking any change to the exterior of any building, accessory building or garage which would constitute (i) Major Alteration (as defined herein), (ii) a Minor Alteration (as defined herein), (iii) demolition or (iv) new construction shall first complete and submit an application for a Certificate of Appropriateness to the Zoning Officer.
  
- C. The Construction Official shall not issue a building permit for any exterior change to any building, accessory building or garage, which would constitute (i) Major Alteration (as defined herein), (ii) a Minor Alteration (as defined herein), (iii) demolition or (iv) new construction prior to review by the Planning Board and the issuance of a Certificate of Appropriateness, 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.

**007.2 A Complete Application shall consist of:**

A Complete Application for a Certificate of Appropriateness shall consist of:

- A. Completed application form in full as supplied by the administrative officer;
- B. Architectural drawings or renderings of the details of the exterior of the building, accessory building or garage;
- C. A narrative description pursuant to the Design Guidelines of the proposed scope of work;

- D. In the case of an application for a partial or total demolition, a Cost Estimate (as defined herein) to rehabilitate / restore the building, accessory building or garage or part thereof sought to be demolished and a Cost Estimate (as defined herein) of the proposed demolition and replacement.
- E. An application fee of \$50.00, plus any additional fees required for applications to the Board.

### **007.3 Hearings**

- A. Within 90 days of receipt of a complete application, the Secretary of the Planning Board will schedule a public hearing on the application to take place at a regular meeting of the Planning 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 the granting of a Major Alteration or a Demolition as defined herein or from any other relief from the Developmental Ordinance of the Village of Loch Arbour 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.
- D. Applications for Minor Alterations, as defined herein, shall not require the applicant to comply with the Notice and Advertisement provisions of sub-paragraph C of this Section.

### **007.4 Determination by The Board**

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

- A. Approve, approve with conditions or deny a development application;
  - 1. When denying an application, the Planning Board shall state the reasons for said action;
  - 2. Upon a favorable decision approving, or approving with conditions any application, the Planning Board shall issue a Certificate of Appropriateness.

- B. The Certificate of Appropriateness shall authorize the Construction Official to issue a building permit if all other conditions or requirements of the law have been satisfied;
  - 1. The Certificate of Appropriateness shall be valid for one year from the date it is issued by the Planning Board. Two extensions of six 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 extensions.
  - 2. 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 comply with an issued Certificate of Appropriateness or this ordinance.
- C. If, after a Certificate of Appropriateness has been issued, a change in the scope of the work becomes necessary or desired by the applicant, the applicant shall immediately halt all ongoing activity and re-apply to the Planning Board pursuant to the procedures set forth in this ordinance.

**008 CRITERIA FOR REVIEW OF APPLICATIONS.**

The Planning Board shall be guided by the following standards in reviewing applications for Certificates of Appropriateness and/or development applications:

- A. Every reasonable effort should be made to provide a compatible architectural appearance for buildings, accessory buildings or garages which will require minimum alteration to the building, accessory building or garage.
- B. Rehabilitation of any buildings, accessory buildings or garages should not substantially alter the distinguishing qualities or visual character of the said building, accessory building or garage.
- C. Deteriorated architectural features should be repaired, wherever possible. In the event that replacement 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.
- D. With respect to an application for demolition, no building, accessory building or garage within the DISTRICT shall be demolished without being condemned by standard procedures or unless it:
  - 1. Is not feasible to restore it in conformance with the Design Guidelines; or

2. It can be shown that the building, accessory building or garage has no significant architectural or historic value.

If a building, accessory building or garage within the District is destroyed by fire or natural disaster, new construction shall conform to the Design Guidelines. Removal of architecturally significant exterior building material that conceals mechanical equipment should be avoided.

- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize older buildings, accessory buildings or garages and/or pre-date mass production of building materials should be retained wherever possible.
- F. All buildings, accessory buildings or garages should be recognized as products of their own time. Alterations to create an appearance inconsistent with the original character of the building, accessory building or garage should be discouraged.
- G. The design of any new buildings, accessory buildings or garages in the District and any additions to existing buildings, accessory buildings or garages should be compatible with the architectural style of the District.
- H. The Planning Board may refer to the Design Guidelines for assistance in reviewing applications.

#### **009 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.

#### **010 GENERAL PROVISIONS**

- A. If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof which shall remain in full force and effect to the extent of such conflict or inconsistency provided not otherwise required by law.
- B. All ordinances and provisions thereof inconsistent or conflicting with the provisions of this ordinance shall supersede and the controlling to the extent of such conflict or inconsistency, except in cases where the inconsistency is in direct opposition to the purpose of this ordinance as determined by the Planning Board.
- C. All other terms, provisions, sections and subsections of the Ordinance above described remain in full force and effect.
- D. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided 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.

Cathy Cunniff, Euclid Avenue, asked why the Board of Commissioners is considering this Ordinance at this time. Mayor Fernicola stated they have been considering this Ordinance for a while and it was raised by a resident. Mayor Fernicola stated what is being considered by the Board is the least restrictive of all types of Historic Preservation Ordinance. The rules and regulations would have to be formulated and approved by the Board of Commissioners before the Ordinance would be effective.

Joseph Shamie, Euclid Avenue, commented that there is no consistency of the types of homes in Loch Harbour. The taxes have tripled since he has bought his home and he does not want to see the value of his home go down further, due to a situation where some problem homes cannot be fixed without abiding by rules and regulations.

Sam Shamie, Evergreen Place, commented he is opposed to adopting this Ordinance.

Paul Williams, Euclid Avenue, commented he is in favor of this Ordinance being adopted. Mr. Williams volunteered to be on the Advisory Committee.

Joe Shamie volunteered to be on the Advisory Committee.

Ed Lee, Euclid Avenue, commented before adopting this Ordinance there should be some consideration of the impact it will have on the Village residents. Mr. Lee commented when the rules and regulations are prepared it will be difficult to define what the standard is. Mr. Lee also commented on the homeowner having an added expense to go to board and get a decision of what can be done or not. He stated the government should not be in charge of aesthetics on someone's home. Mr. Lee requested that the homeowners make the decision of adopting this Ordinance.

Dave DenBleyker, Euclid Avenue, had a discussion about different scenarios with the Village Attorney and Board Members.

Mrs. Sarkessian, Edgemont Drive, had a discussion with the Village Attorney and Board Members about the Certificate of Appropriateness.

Cathy Cunniff, Euclid Avenue, had a discussion with the Village Attorney and Board Members about a Certificate of Appropriateness and the rules and regulations, if this Ordinance is adopted.

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 said Ordinance 2015-407 be and the same is hereby tabled, indefinitely. An advisory committee will be formulated at this time.

Recorded Vote:

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

**2. ORDINANCE #2015-408 -**

The Villlage Attorney read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on June 20, 2015.

ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING ORDINANCE NO. 0-2013-386, AMENDING AND SUPPLEMENTING CHAPTER 352, FLOOD DAMAGE PREVENTION, OF THE CODE OF THE VILLAGE OF LOCH ARBOUR SO AS TO AMEND THE PERMITTED HEIGHT OF STRUCTURES

WHEREAS, Chapter 352, Flood Damage Prevention, of the Village Code sets forth regulations to promote the public health, safety, and general welfare of its citizenry and to minimize public and private losses due to flood conditions in specific areas within the Village of Loch Arbour; and

WHEREAS, certain modifications to these regulations are necessary to permit the Village of Loch Arbour to continue to promote the public health, safety and welfare;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that Chapter 352, "Flood Damage Prevention" is hereby amended and supplemented so as to add the following new subsections (in bold face) to the subsections listed below:

5.2-1 RESIDENTIAL CONSTRUCTION

[c]: Building or structure height - no dwelling, building or other structure of whatever composition, construction, type or style, regardless of its intended use or purpose, shall be erected at a height exceeding 35 feet, which height shall be measured from based flood elevation, plus one foot, regardless of whether the lowest finished floor area is at or above base flood elevation plus one. Towers, turrets, minarets, elevator shafts, rooftop heating, ventilation and air-conditioning units, chimneys or other such auxiliary structures or attachments annexed to buildings or dwellings shall be permitted for the purposes of decoration but shall not be permitted to exceed the overall height of 35 feet.

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

Joseph Shamie, Euclid Avenue, clarified the base flood elevation of homes in the Village.

Paul Williams, Euclid Avenue, clarified that this Ordinance applies to the entire Village.

There being no further 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 D' Angelo, carried, that said Ordinance 2015-408 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

3. **Resolution 2015-62:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour, of the County of Monmouth, New Jersey, has experienced natural hazards that result in public safety hazards to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk and;

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the Monmouth County Multi-Jurisdictional All Natural Hazards Mitigation Plan and;

WHEREAS, a Hazard Mitigation Plan has been developed by the Mitigation Planning Committee and;

WHEREAS, the Hazard Mitigation Plan includes a prioritized list of mitigation action including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS, the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as approved by the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on April 14, 2015 is hereby adopted as an official plan of the Village of Loch Arbour in the County of Monmouth.

2. The Municipal departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Board of Commissioners, and this resolution shall not be interpreted so as to mandate any such appropriations.

4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15<sup>th</sup> of each year.

Recorded Vote:

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

Nays: None

Absent: None

**NEW BUSINESS :**

1. **RESOLUTION 2015-66:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit report entitled:

GENERAL COMMENTS  
RECOMMENDATIONS;

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS  
RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than 45 days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars

(\$1,000.00) or imprisoned for not more than one year, or both, and in addition, shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Village of Loch Arbour hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Recorded Vote:

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

Nays: None

Absent: None

2. **Resolution 2015-67:** UPON MOTION of Commissioner D' Angelo, seconded by Mayor Fernicola, carried that the following resolution be adopted:

WHEREAS, Evelyne Mehani, Dinah Fetaya, Nina Siguario, Sarah Cytryn, Frida Siguario purchased four 2015 Senior Season Badges and one 2015 Adult Season Badge for the Village Beach Club during the pre-season, and

WHEREAS, the above listed persons have requested a refund in the amount of \$290.00, due to the extended length of the Village Beach in connection with the beach replenishment and health issues of the members, and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that a refund of \$290.00 be and the same is hereby authorized for Evelyne Mehani, Dinah Fetaya, Nina Siguario, Sarah Cytryn and Frida Siguario.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Chief Financial Officer for his information and action.

Recorded Vote:

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

Nays: None

Absent: None

3. **Resolution 2015-68:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Village of Loch Arbour has received a grant from the New Jersey Department of Transportation for Improvements to Euclid Avenue - Phase II and Improvements to Euclid Avenue - Phase III; and

WHEREAS, The Village of Loch Arbour is in need to advertise for competitive bids for Improvements to Euclid Avenue - Phase II and Improvements to Euclid Avenue - Phase III; and

WHEREAS, the Chief Financial Officer has certified to the Board of Commissioners that there are adequate funds available for the purpose of granting this bid process; and,

WHEREAS, the Board of Commissioners have considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Acting Clerk and Village Engineer are authorized to advertise for competitive bids from Improvements to Euclid Avenue - Phase II and Improvements to Euclid Avenue - Phase III.

Recorded Vote:

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

#### 4. ABC License Renewals

**Resolution 2015-69:** Loch Arbour Liquors, Inc. (1324-44-002-002)  
Reported are the following facts:

1. Renewal application has been completed and filed;
2. Appropriate fees were submitted;
3. Tax clearance certificate was received;
4. Report was received from Chief Neuman, Borough of Deal Police Department, reporting no problem with renewal request.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be opened to the public for hearing on said application only. There were no comments from the public present. UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the public hearing be closed.

**Resolution 2015-69:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following resolution be adopted:

WHEREAS, an application was made for a Plenary Retail Distribution License renewal (#1324-44-002-002) by Loch Arbour Liquors, Inc., t/a Loch Arbour Liquors, for the premises located at 541 Main Street (north store), Loch Arbour, accompanied by a check in the amount of \$1,150.00 for the required municipal license fee. A check in the amount of \$200.00 for the required State fee, was paid directly to the State of New Jersey; and,

WHEREAS, the governing body makes the following findings with respect to the Plenary Retail Distribution License to be issued by it:

1. The submitted application form is correct in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license, and the licensed business and/or additional financing obtained in the previous license term for use in the licensed business.

NOW, THEREFORE, BE IT RESOLVED, as follows:

That a Plenary Retail Distribution License, State assigned license number 1324-44-002-002, for the period July 1, 2015 through June 30, 2016, both dates inclusive, be issued to Loch Arbour Liquors, Inc., t/a Loch Arbour Liquors, for the premises located at 541 Main Street (north store), Loch Arbour, New Jersey; and,

BE IT FURTHER RESOLVED that the Village Clerk be and he is hereby authorized and directed to execute and deliver said license certificate to the aforementioned applicant; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Loch Arbour Liquors, Inc. t/a Loch Arbour Liquors, and to the Alcoholic Beverage Control of the State of New Jersey.

Recorded Vote:

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

Nays: None

Absent: None

**Resolution 2015-70:** Stress Management t/a McGillicuddy's Lakeside Taphouse (1324-33-001-016)

Reported are the following facts:

1. Renewal application has been completed and filed;
2. Appropriate fees were submitted;
3. Tax clearance certificate was received;
4. Report was received from Chief Neuman, Borough of Deal Police Department, reporting no problem with renewal request.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be opened to the public for hearing on said application only. There being no comments and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the public hearing be closed.

WHEREAS, an application was made for a Plenary Retail Consumption License renewal (#1324-33-001-016) from Stress Management, LLC t/a McGillicuddy's Lakeside Taphouse for the premises located at 601 Main Street, Loch Arbour, accompanied by a check in the amount of \$2,000.00 for the required municipal license fee. A check in the amount of \$200.00 for the required State fee; was paid directly to the State of New Jersey and,

WHEREAS, the governing body makes the following findings with respect to the Plenary Retail Consumption License to be issued by it:

1. The submitted application form is correct in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license, and the licensed business and/or additional financing obtained in the previous license term for use in the licensed business.

NOW, THEREFORE, BE IT RESOLVED, as follows:

That a Plenary Retail Consumption License, State assigned license number 1324-33-001-016, for the period July 1, 2015 through June 30, 2016, both dates inclusive, be issued to Stress Management, LLC t/a McGillicuddy's Lakeside Taphouse, for the premises located at 601 Main Street, Loch Arbour, New Jersey with the following special conditions to address the documented



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

1. The following persons are appointed for employment at the Village Beach Club, Loch Arbour, on a part-time basis (as needed) for the summer season of 2015:

NAME	TITLE	SALARY PER HOUR	HOURS PER WEEK
Crosby Surmonte	GATEPERSON	8.92	Part-time (as needed)
Raymond D' Apolito	GUARD	10.00	Part-time (as needed)
Todd Ganghamer	GUARD	10.00	Part-time (as needed)
Joseph Falco	GUARD	10.00	Part-time (as needed)

BE IT FURTHER RESOLVED that the weekly scheduled hours for each employee may be changed at the Beach Manager's discretion based upon the staffing.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Chief Financial Officer for his action.

Recorded Vote:

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

Nays: None

Absent: None

#### **REPORTS/DISCUSSION**

**A. Consolidation Matters/School Taxation Issues** - Mayor Fernicola reported consolidation is no longer being considered. The Village is working to Petition the State, Department of Education, to see if they will allow to change the Village's school system to resolve the tax issues.

**B. Summer monthly meetings -**

**Wednesday, August 12, 2015 (changed from 8.5.15)**

**Wednesday, September 2, 2015**

**C. Need for Emergency Appropriation for possible anticipated litigation.** Mr. Mason explained this is a procedural item for the Board to ask the Attorney, Clerk, CFO to begin the paperwork that will likely be necessary to get an approval from the State of New Jersey to modify the Village's 2015 Municipal Budget due to the anticipation of possible litigation for the Attorney for School Taxation Issues.

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

BE IT RESOLVED, that the Board of Commissioners of the Village of Loch Arbour authorize the Attorney, Clerk and Chief Financial Officer, to begin the process to provide the adequate information and documents for an Emergency Appropriation for the possible anticipated litigation for the School Tax Issues.

Recorded Vote:

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

Nays: None

Absent: None

**D. Possible amendments to Parking Ordinance regarding Edgemont Drive** - Mr. Mason reported that Chief Neumann of the Deal Police Department submitted a letter with recommendations. Chief Neumann reported there should be clarification of the parking meters for the parking spaces that are on the border of Loch Arbour and Asbury Park. Signs will be installed in the next week or two to clarify the spaces.



