

**VILLAGE OF LOCH ARBOUR  
MINUTES –REGULAR MEETING  
FEBRUARY 7, 2018**

**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 FEBRUARY 7, 2018, CALLED TO ORDER AT 6:30 P.M. BY COMMISSIONER AL CHESWICK.**

Following the salute to the Flag the Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo. Mayor Fernicola was absent.

Also present was Marilyn Simons, Village Clerk. William H. Healey, Esq., Village Attorney and Dan Mason, Deputy Village Clerk were absent.

The Clerk read the Open Public Meetings Announcement: The notice requirements of C.231, P.L. 1975, have been satisfied by transmitting the notice of this Regular Meeting to the Village's two official newspapers on January 11, 2018 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

**Resolution 2018-43:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following resolution is adopted:

WHEREAS, certain 2017 appropriations reserves require additional funds to cover expenditures through December 31, 2017; and,

WHEREAS, certain other 2017 appropriations reserves show a surplus of funds available; and,

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits transfers between appropriations reserves during the first three of the succeeding fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the following appropriations transfers be and the same are hereby authorized:

See Attachment #1

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to the Chief Financial Officer for appropriate action.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**Resolution 2018-44:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolution is adopted:

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2018 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriations in the 2017 current fund budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$ and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, State of New Jersey, that the attached listing (Attachment 1 – 2018 Temporary Budget Worksheet) of appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**PAYMENT OF BILLS**

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the payment of bills totaling \$227,339.29 for the month of February, 2018 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the payment to the Loch Arbour Board of Education in the amount of \$57,710.17 for the month of February, 2018 be and the same is hereby approved;

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

#### MINUTES

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the minutes of the following meetings be tabled:

- The minutes of the reorganization and regular meeting held on January 3, 2018;

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

#### REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following reports for the period ending January 31, 2018 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;
- Fact Sheet received from Clean Ocean Action regarding the proposed Offshore Oil and Gas Drilling in the Atlantic Ocean., and a proposed Resolution opposing Offshore Oil and Gas Activities.
- Plaque presented to Village of Loch Arbour received from the Rumson Fair Haven High School Surf Team in Recognition of Support for High School Surfing.
- 2017 Village of Loch Arbour Planning Board Report

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

#### OLD BUSINESS

A. Ordinance No. 2018-433

The Village Clerk read the Ordinance by Title and advised of its publication in *The Coaster* on January 11, 2018.

AN ORDINANCE TO AMEND ORDINANCE NO. 296, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES, BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE AND REPEALING ORDINANCES NO. 229 AND 255 OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY

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

#### Section 2. Additions, Insertions and Changes.

That the International Property Maintenance Code is amended and revised in the following respects:

B. Section 103.6 Fees: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

Certificate of Occupancy Inspection	
a. Rental of Property	\$100.00
b. Sale of Property	\$125.00
Smoke Detector Inspection	\$ 35.00

#### Section 3. Date of Effect

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

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

Mark Maisto, Elberon Avenue, questioned the fees for a Smoke Detector Inspection.

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

**UPON MOTION** of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that said Ordinance 2018-433 be and the same is hereby adopted on final reading directing the Clerk to post and publish as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

## **NEW BUSINESS**

**Resolution 2018-45:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following resolution is hereby adopted:

WHEREAS, Gerald V. Matthews, of the Eastern Surfing Association has requested permission to hold a Surfing Contest on the south end of Loch Arbour Beach on Saturday, May 5, 2018 and Sunday, May 6, 2018, and a no wave alternate date for Saturday, May 12, 2018 and/or Sunday, May 13, 2018 and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to the Eastern Surfing Association to use the Village Beach to hold a Surfing Contest on Saturday, May 5, 2018 and Sunday, May 6, 2018 and a no wave alternate date for Saturday, May 12, 2018 and/or Sunday, May 13, 2018., subject to the following conditions:

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before April 1, 2018 along with a copy of the insurance policy;
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of Surfers and Patrons.
4. Execution of the required Hold Harmless Agreement.

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

- Gerald V. Matthews, The Eastern Surfing Association
- Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**Resolution 2018-46:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following resolution is hereby adopted:

WHEREAS, Clean Ocean Action has requested permission to conduct the Spring Beach Sweeps to be held on Saturday, April 21, 2018 and Fall Beach Sweeps to be held on Saturday, October 20, 2018 at the Village Beach from 9:00 AM to 12:30 PM; and,

WHEREAS, the Board of Commissioners support the efforts of Clean Ocean Action to preserve and protect our fragile shore environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Clean Ocean Action to conduct the Spring Beach Sweeps on Saturday, April 21, 2018 and Fall Beach Sweeps on Saturday, October 20, 2018 to be held at the Village Beach from 9:00 AM to 12:30 PM; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Clean Ocean Action.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**Resolution 2018-47:** Oppose Offshore Oil and Gas Exploration and Drilling Activities that would affect the coast of New Jersey. A motion was done by Commissioner D' Angelo. No second to the Motion. Resolution died on the table.

**Resolution 2018-48:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the following resolution is hereby adopted:

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operation over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated, and

WHEREAS, the Village of Loch Arbour, is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Board of Commissioners hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the Municipality designated by the County as being either larval mosquito habitat or areas harboring high populations or mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and

b. such operation will be performed in compliance with applicable Federal and State regulations, and

c. the County will notify the Police Department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

#### **REPORTS/DISCUSSION**

A. School Tax Issue – Mayor Fernicola was not present at the meeting. No report given.

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

WHEREAS, the Village received a quote from the White Stallion Studio to restore the Village of Loch Arbour sign that is on the gate house at the Village Beach for approximately \$280.00 - \$300.00.

BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the quote is accepted and the sign be restored as stated in the quote.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

#### **PUBLIC HEARING**

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

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

There being no further business, and UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that the meeting be finally adjourned at 6:50 p.m.

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Marilyn Simons, RMC  
Village of Loch Arbour