

**PARKING SPACE ON-STREET IN 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 1. Ordinance No. 299 AND Ordinance 300 entitled “An Ordinance to establish Handicapped Parking Space On-Street in the Village of Loch Arbour, Monmouth County, New Jersey” is repealed in its entirety.

Section 2. If any part or parts of this Ordinance is for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

Section 3. All Ordinances or parts of Ordinances which are inconsistent are repealed, but only to the extent of such inconsistency.

Section 4. This Ordinance shall become effective twenty days after 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.

Paul Williams, Euclid Avenue, is in favor of this Ordinance.

There being no additional public comments, and UPON MOTION of Commissioner Cheswick, 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 2017-428 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

B. Ordinance 2017-429 – The Deputy Mayor read the Ordinance by Title and advised of its publication in its entirety in *The Coaster* on May 18, 2017.

**VILLAGE OF LOCH ARBOUR
ORDINANCE 2017-429
A CAPITAL ORDINANCE TO TRANSFER \$40,000 FROM
THE CAPITAL IMPROVEMENT FUND**

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:

WHEREAS, these are funds available in the Capital Improvement Fund;

NOW THEREFORE BE IT RESOLVED, that the following Capital Projects be appropriated by ordinance.

Legal	<u>\$ 40,000</u>
	<u>\$ 40,000</u>

BE IT FURTHER RESOLVED, that the above appropriations be funded entirely from funds available in the General Improvement Fund.

This Ordinance shall become effective twenty days after 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.

There being no public comments, and UPON MOTION of Commissioner Cheswick, 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 2017-429 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

A. Ordinance 2017-430 – Introduction The Clerk read the Ordinance by Title

BOND ORDINANCE NO. 2017-430

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO EUCLID AVENUE - PHASE II, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$90,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the VILLAGE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Village of Loch Arbour, in the County of Monmouth, New Jersey (the "Village"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$250,000, said sum being inclusive of all appropriations heretofore made therefor, including \$160,000 grant funds received or expected to be received from the New Jersey Department of Transportation (NJDOT). No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$90,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be 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 improvements to Euclid Avenue - Phase II, including but not limited to, five hundred (500) linear feet of 6"x8"x18" concrete curbing; fifty (50) square yards of 6" thick reinforced concrete driveway; two hundred fifty (250) square yards of 4" thick concrete sidewalk; six (6) reset manhole castings; removal of two thousand four hundred fifty (2,450) square yards of concrete road; five (5) type "N" Eco curb pieces; five (5) bicycle safe Eco grates; five hundred (500) square yards of milling (3" or less); four hundred (400) cubic yards of dense graded aggregate; three hundred fifty (350) tons of hot-mix asphalt (9.5M64 surface course); seven hundred (700) tons of hot-mix asphalt (19M64 base course); five hundred (500) gallons of tack coat; one thousand (1,000) gallons of prime coat; sixteen (16) square yards of detectable warning surfaces; two thousand (2,000) linear feet of traffic striping; and traffic maintenance and control, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the 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 \$90,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$250,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$250,000 over the estimated maximum amount of bonds or notes to be issued therefor being the \$160,000 grant funds received or expected to be received from the NJDOT.

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

necessary. Any balance remaining upon completion and final approval shall be returned to the applicant, Should any additional amount be required for professional services, the applicant shall replenish the escrow amount

This Ordinance shall become effective twenty days after its final passage and publication as required by law.

UPON MOTION, of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that said Ordinance #2017-431 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing for the next scheduled Commissioners Meeting on July 12, 2017.

Recorded Vote:

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

C. ABC License Renewals:

1. Resolution 2017-60: Loch Arbour Liquors, Inc. (1324-44-002-002)

The Clerk reported the following information

- Renewal application has been completed and filed;
- Appropriate fees submitted;
- Tax clearance certificate received;
- Report received from the Borough of Deal Police Department indicating no problems with renewal.

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, the meeting be opened for the public hearing on the said license renewal only.

Paul Williams, Euclid Avenue, inquired about the fees the Village charges the business owner for the liquor license.

There were no additional questions or comments from the public. UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the public hearing be closed.

Resolution 2017-60: 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, 2017 through June 30, 2018, 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 she 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
Nays: None Absent: Mayor Fernicola

2. Resolution 2017-61: Stress Management t/a McGillicuddy's Lakeside Taphouse (1324-33-001-016)

The Clerk reported the following information

- Renewal application has been completed and filed;
- Appropriate fees submitted;
- Tax clearance certificate received;
- Report received from the Borough of Deal Police Department indicating no problems with renewal.

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, the meeting be opened for the public hearing on the said license renewal only.

Paul Williams, Euclid Avenue, inquired about the fees the Village Charges the business owner for the liquor license.

There were no additional questions or comments from the public. UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the public hearing be closed.

Resolution 2017-61: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

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, 2017 through June 30, 2018, 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 problems of inappropriate behavior by rowdy patrons leaving the premises in the early morning hours, and inappropriate behavior by certain staff members:

1. Within six months of the date of adoption of this resolution, all current bar staff and employees shall attend the Techniques of Alcohol Management (TAMS) training provided by the New Jersey Licensed Beverage Association. New staff members and employees shall attend the TAMS training within six months of initial hire date.
2. Within thirty (30) days of the initial hire date, new staff members and employees shall register with and be photographed by the Borough Deal of Police Department.
3. On an annual basis, all other employees and staff members shall register with and be photographed by the Borough of Deal Police Department.
4. The establishment shall ban problem customers from the premises for a period of one year.
5. Occupancy of the patio area, including bar stools, dining tables and standees, shall not exceed 90 people at any time.
6. Live entertainment shall end at 1:00 AM.
7. Employees of the licensed premise shall make inspections on Friday, Saturday, Sunday and Monday mornings before 11:00 AM along Main Street and Euclid Avenue to Page Avenue for the purpose of removing debris left by departing patrons.

BE IT FURTHER RESOLVED that the Licensee hereby stipulates that he accepts these conditions without appeal to the Director of the Division of Alcohol Beverage Control.

BE IT FURTHER RESOLVED that the Village Clerk be and she 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 Stress Management, LLC t/a McGillicuddy's Lakeside Taphouse and to the Alcoholic Beverage Control of the State of New Jersey.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

D. Resolution 2017-62: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, Mrs. Elaine Dweck purchased Seven 2017 season badges for the Village Beach Club during the pre-season, and

WHEREAS, Mrs. Elaine Dweck has requested a refund in the amount of \$380.00, (cost of 4 badges) and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that a refund of \$380.00 be and the same is hereby authorized to Mrs. Elaine Dweck.

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

Nays: None

Absent: Mayor Fernicola

William Healey, Esq., Village Attorney joined the meeting.

REPORTS/DISCUSSION

A. Tax Issue/Board of Education: Mr. Mason stated a lawsuit was filed against the Loch Arbour Board of Education by the Ocean Township Board of Education. Court date is July 28, 2017.

B. Update of Improvements to Euclid Avenue, Phase II and Phase III: Mr. Mason stated the project is completed and the job was done well.

C. Discussion regarding Certificate of Occupancy Ordinance (fees) – This matter will be discussed at the next regular scheduled Commissioner's Meeting.

D. Discussion regarding Dumpster Ordinance – This matter will be discussed at the next regular scheduled Commissioner's Meeting.

E. Discussion regarding Resolution received from Village Planning Board – off-street parking – This matter will be discussed at the next regular scheduled Commissioners Meeting.

F. UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo carried the regular meeting of the Board of Commissioners is being cancelled for July 5, 2017 and being rescheduled for Wednesday July 12, 2017 at 6:30 p.m.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

G. Schedule Annual Village-Wide Yard Sale – UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the Annual Village-Wide Yard Sale has been scheduled for Saturday, July 15, 2017 and Sunday, July 16, 2017.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

PUBLIC HEARING

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

Paul Williams, Euclid Avenue, inquired about the status of the violations regarding 205 Edgemont Dive. Village Officials stated fines were paid and the property is now up for sale.

Mr. Williams requested the Village put in speed bumps on Euclid Avenue, between Ocean Avenue and Ocean Place, due to speeding.

Mr. Williams requested the Village Officials look into the stagnate water that is pooled at the corner of Euclid Avenue and Ocean Avenue.

Remo Maisto, Elberon Avenue, requested the Village put in speed bumps on Elberon Avenue between Ocean Avenue and Ocean Place, due to speeding.

There being no other 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.

Marilyn Simons, RMC
Village of Loch Arbour