VLLAGE OF LOCH ARBOUR MINUTES –REGULAR MEETING FEBRUARY 7, 2024 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, ON WEDNESDAY, FEBRUARY 7, 2024 AT 6:30 P.M.

Salute to the Flag. Present were Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola.

Also present was William Healey, Village Attorney and Marilyn Simons, Village Clerk.

MOMENT OF SILENCE FOR LONG-TIME RESIDENT WHO PASSED AWAY RECENTLY - JOSEPH GASSARO

The Village 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 8, 2024 positing the notice on the office bulletin board on the same date and filing a copy of this notice in the Clerk's office.

BILLS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the payment of bills totaling *\$150,696.66* for the month of February, 2024 be and the same is hereby approved as presented.,

Recorded Vote:

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

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 \$25,000.00 for the month of February, 2024 be and the same is hereby approved as presented.

Recorded Vote:

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

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the minutes of the following meeting are hereby approved:

Minutes of the Reorganization, Regular Meeting and Executive Session held on January 3, 2024.

Recorded Vote:

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

REPORTS

UPON MOTION of Mayor Fernicola, seconded by Commissioner D'Angelo, carried, that the following Reports for the period ending January 31, 2024 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/Delinquent Taxes Report for 2024
- Borough of Deal Police Dept. Monthly Incident Report

Recorded Vote:

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

CORRESPONDENCE

UPON MOTION of Mayor Fernicola, seconded by Commissioner D'Angelo, carried, that the following Correspondence, on file in the Village Clerk's office, be and the same is hereby ordered received and filed:

- Jersey Shore Regional Health Commission No. 1, agenda and various reports/correspondence;
- Proposal received from Avakian, Inc., 2024 Stormwater Regulatory Compliance Assistance
- Proposal received from Avakian, Inc., 2023 NJDEP Stormwater Assistance Grant Tier A Stormwater Infrastructure Mapping.
- Allenhurst Fire Department 2023 Call Summary Fire and EMS
- Monmouth County Clerk project to commemorate America's upcoming Semi-quincentennial in 2026.

Participation in the Town-by-Town – Impressions of Monmouth County.

- Borough of Allenhurst Notice Creation of Inclusionary Overlay Zone.
- Village of Loch Arbour Planning Board 2023 Report.
- Board of County Commissioners newly elected Erik Anderson, Monmouth County Commissioner
- Board of County Commissioners Resolution authorizing the Solid Waste Disposal Fees for the Monmouth County Reclamation Center.

Recorded Vote:

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

OLD BUSINESS

A. Ordinance 2024-491

CAPITAL ORDINANCE NO. 2024-491

CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO OCEAN PLACE, AND APPROPRIATING \$174,000 THEREFOR, AUTHORIZED IN AND BY THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

Purpose(s): Improvements to Ocean Place.

Appropriation: \$174,000

Section 20 Costs: \$28,000

Grant: \$157,146 NJDOT

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the meeting be opened for comments on this Ordinance only.

David Dweck, asked for the timeline to do the work and spoke about the sand on Ocean Place. The Mayor discussed.

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

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, Ordinance 2024-491 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, Mayor Fernicola Nays: None Absent: None

B. Ordinance 2024-492

ORDINANCE 2024-492

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 156, AND ORDINANCE 2022-480 ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291, P.L. 1975) AMENDING ORDINANCE 156, ARTICLE 4, (417 D) AND ORDINANCE 2022-480 ENTITLED "PERMITS" FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY."

WHEREAS, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

BE IT ORDAINED, the Board of Commissioners of the Village of Loch Arbour has determined it is in the best interest of the community to revise portions of the existing Land Use Development Regulations to address escrows and costs for reviewing applications, making zoning determinations and conducting inspections to assure that approved projects are constructed according to the approved plans.

SECTION 1: ORDINANCE 156, ARTICLE 4, (417 D) AND ORDINANCE 2022-480 is hereby amended to read as follows:

TYPE OF APPLICATION	FEE	ESCROW
Zoning Determination	\$300.00	No escrow
Zoning Determination	\$300.00	\$1,000.00

Pool Permit Application		
Zoning Determination	\$300.00	\$1,000.00
Drainage System		
Application		

SECTION 2: A copy of this Ordinance, upon introduction, shall be provided to appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3: Any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Village of Loch Arbour Code are ratified and remain in full force and effect.

SECTION 4: If any provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall take effect immediately upon final passage and publication as required by law.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the meeting be opened for comments on this Ordinance only.

Mr. Maisto asked what the specifics of the Ordinance. The Clerk advised.

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

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, Ordinance 2024-492 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, Mayor FernicolaNays: NoneAbsent: None

C. Ordinance 2024-493

Ordinance No. 2024-493

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, 255 AND 2018-433 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	\$200.00
b. Sale of Property	\$250.00
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 Mayor Fernicola, seconded by Commissioner D' Angelo, carried the meeting be opened for comments on this Ordinance only.

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

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, Ordinance 2024-493 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, Mayor Fernicola Nays: None Absent: None

D. Ordinance 2024-494

ORDINANCE NO. 2024-494

An Ordinance Amending and Supplementing Ordinance 2023-487 Entitled "An Ordinance Establishing a "Protection of Trees" in the Village of Loch Arbour, County of Monmouth"

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, County of Monmouth, as follows:

Section 5. Tree Removal Permit Requirements: Application Form: An application form can be obtained from the Village Clerk and shall include the following information:

- 1. Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation).
- 2. Description of the premises where Removal is to take place, including lot and block numbers, and street address as assigned if different that the address of the owner;
- 3. Purpose of Heritage Tree Removal;
- 4. In addition to the application form, a survey or diagram showing the approximate location and size of Heritage Trees exist on the lot and identifying those trees to be removed.
- 5. If a Heritage Tree is removed under the requirements of Section 4, a mitigation plan must be submitted which will provide for the replacement of all removed heritage trees by planting a tree of 3" to $3\frac{1}{2}$ " caliper with a similar mature height.
- 6. For any Heritage Trees to be removed under the requirements of Section 4, a replacement plan must be submitted showing the planting of trees for any Heritage Tree Removal. The replacement trees must be a minimum caliper of 3" to 3 ½ with a similar mature height. These plans must be submitted and approved by the ENFORCING OFFICER or his/her designee prior to the issuance of any permits.

Section 6. Fees – Upon the filing of an application with the ENFORCING OFFICER for a Tree Removal Permit under the terms of this Section, the applicant shall pay an application fee of \$250.00. An application may include more than one Heritage Tree within a single application fee.

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

Melanie Nowlin, asked for clarification of the changes. Mayor Fernicola explained specifics of the Ordinance. Mayor Fernicola discussed the hiring of a Tree Expert to be the Enforcing Officer.

Margot Fernicola, reminded the public of the process of applying for a tree to be removed.

David Dweck, stated in Ordinance 156, there should be a tree every 50 feet on the Village right of way. Mr. Dweck stated he could raise money to plant trees on the right of way.

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

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 2024-494 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, Mayor Fernicola Nays: None Absent: None

E. Ordinance 2024-495

ORDINANCE NO. 2024-495 AN ORDINANCE TO FIX AND DETERMINE THE SALARIES AND WAGES TO BE PAID TO THE OFFICERS AND EMPLOYEES OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, NEW JERSEY, AND REPEALING ORDINANCES NO. 295, 337, 2019-495 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH

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

Section 1. The annual salaries to be paid to certain officers or employees of the Village of Loch Arbour shall be as follows:

TITLE OF OFFICER OR EMPLOYEE	MINIMUM	MAXIMUM
Village Clerk	\$25,000.00	\$100,000.00
Collector of Taxes	\$1,000.00	\$15,000.00
Chief Finance Officer	\$1,000.00	\$25,000.00
Tax Assessor	\$1,500.00	\$15,000.00
Beach Manager	\$5,000.00	\$25,000.00
C-1 Licensed Sewage System Operator	\$1,000.00	\$5,000.00
Zoning/Local Code Official	\$1,000.00	\$20,000.00
Superintendent of Parking Meters	\$1,000.00	\$5,000.00
Clerk, Planning Board (per meeting or meeting		
equivalent)	\$150.00	\$500.00
License Inspection	\$100.00	\$500.00
Registrar of Vital Statistics	\$100.00	\$500.00
Director, Local Assistance	\$100.00	\$500.00
Acting Clerk (per diem)	\$75.00	\$150.00

Section 2. Wages to be paid to hourly employees shall be a minimum of \$13.73 per hour to a maximum of \$30.00 per hour.

Section 3. Salaries may be paid in annual, quarterly, monthly or semi-monthly installments with the exception of hourly employees, who must be paid weekly or bi-weekly in accordance with State Statute.

Section 4. All Ordinances or parts of Ordinances, which are inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

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

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

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 2024-495 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, Mayor FernicolaNays: NoneAbsent: None

NEW BUSINESS

A. Ordinance 2024-496 – introduction ORDINANCE NO. 2024-496 AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2024

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% 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 2024 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 1% increase in the budget for the said year, amounting to \$7,781.84 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 2024 budget year, the final appropriations of the Village of Loch Arbour shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$27,236.45 and that the CY 2024 municipal budget for the Village of Loch Arbour be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that said Ordinance 2024-496 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 March 5, 2024.

Recorded Vote:

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

B. Resolution 2024-40: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour, in the County of Monmouth, New Jersey (the "Village") has heretofore adopted, from time to time, various bond ordinances (the "Bond Ordinances") authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

WHEREAS, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

WHEREAS, the Village has applied to The Monmouth County Improvement Authority (the "MCIA") to participate in its pooled governmental note financing program (the "Program"); and

WHEREAS, under the Program, the MCIA will issue and sell its pooled notes (the "MCIA Notes"), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Village) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the "County"); and

WHEREAS, on January 10, 2024, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

WHEREAS, the Village wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

WHEREAS, the Village will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Village and the MCIA; and

WHEREAS, the Village acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Village; and

WHEREAS, the Village now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the "Program Notes") to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Village. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Village (each, an "Authorized Officer") of the Note Purchase Agreement, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer's execution thereof.

SECTION 3. The Village hereby authorizes the use of certain information concerning the Program Notes and the Village in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Village and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer's execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Village's allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Village, and the staff and consultants of the Village, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf of the Village, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. This resolution shall take effect immediately.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

C. **Resolution 2024-41:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

BE IT RESOLVED by the Commissioner of the Village of Loch Arbour that, in accordance with Village Ordinance No. 337 and Ordinance 2024-495, the following 2024 salaries for officers and employees of the Village are hereby authorized, through December 31, 2024, inclusive:

Tax Collector	1,000.00
Tax Assessor	8,300.00
Code Enforcement Officer	3,500.00
Zoning Official	9,000.00
Sewer System C-1 Operator	1,900.00
Clerk, Planning Board (per meeting)	300.00
Village Clerk	84,900.00
Office Assistant	19.00 per hour

Superintendent of Parking Meters	2,760.00
Beach Manager	17,000.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be filed with the Chief Financial Officer for her information and action.

Recorded Vote:

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

D. **Resolution 2024-42:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, there exists a need for the following professional to serve the Village; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (<u>N.J.S.A.</u> 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

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

- 1. The Board of Commissioners is hereby authorized and directed to engage the services of: Licensed Professional Appraiser: Donald J. Moliver, Ph.D.
- 2. Appointment is made for a term through December 31, 2024 and until his successor be duly appointed.
- 3. Appointment is made without competitive bidding because these appointments involve a member of a recognized profession, licensed and regulated by law, and is therefore exempt under <u>N.J.S.A.</u> 40A:11-5.
- 4. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Recorded by:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

E. **Resolution 2024-43:** UPON MOTION OF Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolution is adopted.

WHEREAS, Raymond Kelly has been serving as beach manager and is duly qualified to serve as beach manager; and

WHEREAS, the Board of Commissioners is desirous of appointing Raymond Kelly as beach manager.

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. Raymond Kelly be and hereby is appointed beach manager effective immediately for the 2024 Summer Season.

2. Raymond Kelly shall be compensated for services as beach manager at an annual salary of \$17,000.00 payable in accordance with customary procedures of the Village of Loch Arbour.

- 3. A certified copy of this Resolution shall be sent to:
 - A. Raymond Kelly
 - B. CFO for the Village of Loch Arbour.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor FernicolaNays: NoneAbsent: None

F. **Resolution 2024-44:** 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 Joseph Marinaccio be and he is hereby appointed Superintendent of Parking Meters and Collector of Parking Meter Monies of the Village of Loch Arbour for the period commencing January 1, 2024 through December 31, 2024, inclusive, and until his successor be duly appointed at the rate in the Village of Loch Arbour Ordinances and resolutions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be filed with the Chief Financial Officer for his information and action.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola Nays: None Absent: None G. **Resolution 2024-45:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolutions be 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, Mayor Fernicola Nays: None Absent: None

H. **Resolution 2024-46:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need for a new Office 365 GCC as the old system is antiquated.

WHEREAS, the Village Clerk in consultation with the Village IT Department received a quotation for the license and installation of Office 365 GCC G3 and online Emails for all Village Officials and Employees; and,

WHEREAS, pursuant to **N.J.S.A.** 40A:11-1, the Local Public Contracts Law, the following quote were received:

APPs4RENT, LLC \$1,114.00

and the CFO has certified that funds are available in the 2024 Temporary Budget.

NOW, THEREFORE, BE IT RESOLVED that the quotation of APPs4RENT, LLC in the amount of \$1,114.00 for the license and installation of 365 GCC G3 and online Emails for all Village Officials and Employees; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to APPs4RENT and that the Village Clerk and the IT Department be directed to arrange for said service.

Recorded Vote:

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

REPORTS/DISCUSSION

A. UPON MOTION, of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the Commissioners Meeting scheduled for March 6, 2024 is hereby cancelled.

The Board of Commissioners of the Village of Loch Arbour will hold a rescheduled regular meeting at 6:30 pm on Tuesday, March 5, 2024. This meeting is taking the place of the regular meeting. Official action will be taken at this rescheduled regular meeting.

Recorded Vote:

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

 Nays:
 None

 Absent:
 None

B. Budget Workshop Meeting scheduled for Tuesday, February 20, 2024 at 6:30 p.m.

C. The Village of Loch Arbour Special Election – will be held on May 14, 2024 to elect three Commissioners to serve as the new governing body through May of 2028. Interested parties may receive a Candidate Package from the Village Clerk's office 550 Main Street, Loch Arbour, New Jersey between the hours of 9:00 am and 4:00 pm. The deadline for filing the Petitions is February 29, 2024 at 4:00 pm in the Village Clerk's Office.

PUBLIC HEARING:

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

Remo Maisto, Elberon Avenue, inquired about the New Zoning Officer.

David Dweck, Euclid Avenue, discussed with the Mayor the Allenhurst redevelopment project on Main Street. Mr. Dweck stated Allenhurst gave the builder permission to work during the summer moratorium and he would like Loch Arbour to object.

Mr. Dweck and the Mayor spoke about the parking situation and the Affordable Housing.

UPON MOTION, Commissioner Cheswick, seconded by Mayor Fernicola, carried, the meeting be closed to the public.

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 following Resolution be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, <u>N.J.S.A.</u> 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.
- The general nature of the subject matter to be discussed is as follows: Pending Litigation/Attorney client privileged information.
 The Mayor and Commissioners reserve 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
- 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 FernicolaNays:NoneAbsent:None

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, that the meeting be adjourned at 8:05 p.m.

Marilyn Simons, RMC Village Clerk