

VILLAGE OF LOCH ARBOUR
MINUTES – rescheduled REGULAR MEETING
MARCH 5, 2024
THE RESCHEDULED 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, MARCH 5, 2024
AT 6:30 P.M.

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

Also present was Marilyn Simons, Village Clerk.

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 February 12, 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.

Resolution 2024-47: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS N.J.S.A.40A: 4-20 states that in addition to the temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the fiscal year and the adoption of the budget for said year, and

WHEREAS the amount of such emergency appropriation shall be included under the correct heading in the budget as adopted, and;

WHEREAS there is a need to provide additional funds for Borough operations, and

WHEREAS adequate provision for such funding was not made in the temporary budget.

WHEREAS the total emergency temporary resolutions adopted in the year 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A.40A:4-20) including the increase represented by this resolution total \$332,150.60, in addition to the Current Fund temporary operating and debt service budgets adopted January 1, 2024 in the amount of \$465,014.11 for a total Year to Date Temporary Budget of \$ 796,664.71. .

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Village of Loch Arbour (not less than 2/3 affirmatively concurring) that the items of appropriation appearing on the list be included in the temporary budget for the Borough for the year 2024, and that in accordance with the Statute such item of appropriation will be included in the 2024 budget as finally adopted.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of the Division of Local Government.

2024 Emergency Budget			
ORIGINAL	2024	Increase	Total
		3/6/24	
Municipal Clerk			
Salaries & Wages	26,000.00	28,000.00	54,000.00
Other Expenses	7,000.00	7,000.00	14,000.00
Other Expenses –Legal Advertising	2,000.00	1,500.00	3,500.00
Other Expenses –Elecions		10,000.00	10,000.00
Financial Administration			
Salaries & Wages	1,000.00	0.00	1,000.00
Other Expenses	9,866.01	15,133.99	25,000.00
Audit Services			
Other Expenses	4,000.00	10,000.00	14,000.00
Assessment of Taxes			
Salaries & Wages	2,500.00	2,000.00	4,500.00
Other Expenses	1,200.00	4,300.00	5,500.00
Collection of Taxes			
Salaries & Wages	1,000.00	0.00	1,000.00

Other Expenses	4,000.00	3,000.00	7,000.00
Legal Services & Costs			
Other Expenses	25,000.00	20,000.00	45,000.00
Engineering Services & Costs			
Other Expenses	5,000.00	6,000.00	11,000.00
Planning Board			
Salaries & Wages	500.00	500.00	1,000.00
Other Expenses	1,000.00	1,000.00	2,000.00
Insurance – Unemployment			
Other Expenses	500.00	0.00	500.00
Insurance – General Liability			
Other Expenses	18,268.00		18,268.00
Insurance – Workers Compensation			
Other Expenses	4,768.00	0.00	4,768.00
Emergency Management			
Other Expenses	500.00		
Fire			
Contractual	6,000.00		6,000.00
Hydrants	2,500.00	2,000.00	4,500.00
Streets & Roads			
Other Expenses	5,000.00	4,640.00	9,640.00
Public Works (Other-Meters)			
Salaries & Wages	1,000.00	1,000.00	2,000.00
Other Expenses	200.00	3,600.00	3,800.00
Building & Grounds			
Other Expenses	5,000.00	5,000.00	10,000.00
Health Priorities Act Services – Contractual			
Other Expenses	1,000.00	4,075.40	5,075.40
Animal Control Services			
Other Expenses	500.00	300.00	800.00
Beach & Boardwalk			
Salaries & Wages	4,000.00	4,000.00	8,000.00
Other Expenses	10,000.00	28,000.00	38,000.00
License Inspector			
Salaries & Wages	0.00	0.00	0.00
Zoning Official			
Salaries & Wages	1,800.00	3,000.00	4,800.00
Other Expenses	500.00	0.00	500.00
Sewer System			
Salaries & Wages	1,000.00	1,000.00	2,000.00

Other Expenses	1,000.00	2,000.00	3,000.00
Deal Lake Commission			
Other Expenses	1,000.00	2,750.00	3,750.00
Street Lighting			
Other Expenses	3,100.00	900.00	4,000.00
Contribution to PERS			
Other Expenses	2,397.10	12,000.90	14,398.00
Social Security (FICA/MED)			
Other Expenses	5,000.00	5,000.00	10,000.00
Sewer Fees-Ocean Twp. Sewer Authority			
Other Expenses	17,000.00	15,000.00	32,000.00
Refuse/Recycling – Borough of Deal			
Other Expenses	40,000.00	40,000.00	80,000.00
Municipal Court-Borough of Deal			
Other Expenses	2,800.00	7,865.87	10,665.87
Beach Raking-Borough of Deal			
Other Expenses	2,500.00	6,000.00	8,500.00
Finance Officer-Red Bank			
Other Expenses	<u>6,250.00</u>	<u>6,250.00</u>	12,500.00
Police - Borough of Deal			
Other Expenses	47,500.00	47500	95,000.00
Stormwater Maintenance			
Other Expenses		25,000.00	25,000.00

TOTAL:	<u>281,149.11</u>	<u>\$335,316.16</u>	<u>\$615,965.27</u>
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DEBT SERVICE

Payment of Bond Principal	45,000.00		45,000.00
Payment of Bond Anticipation Notes	99,440.00		99,440.00
Interest on Bonds	24,775.00		24,775.00
Interest on Notes	14,650.00	-3,165.56	11,484.44
	<u>183,865.00</u>	<u>-3,165.56</u>	<u>180,699.44</u>

Capital Improvement Fund	<u>\$465,014.11</u>	<u>\$332,150.60</u>	<u>\$796,664.71</u>
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Recorded Vote:

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

Nays: None

Absent: None

BILLS

UPON MOTION of Commissioner D’ Angelo, seconded by Commissioner Cheswick, carried, that the payment of bills totaling \$176,909.35 for the month of March, 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 Mayor Fernicola, 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 March, 2024 be and the same is hereby approved as presented.

Recorded Vote:

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

MINUTES

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

- Minutes of the Regular Meeting and Executive Session held on February 7, 2024.

Recorded Vote:

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

REPORTS

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, that the following Reports for the period ending February 29, 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 Commissioner Cheswick, 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;
- Letter from US Department of Interior, regarding Atlantic Shore Wind North Project.

Recorded Vote:

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

OLD BUSINESS

A. Ordinance 2024-496

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

There being no public comment, 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 2024-496 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

NEW BUSINESS

A. Ordinance 2024-497 – introduction

ORDINANCE NO. 2024-497

Ordinance #2024-497

Stormwater Control Ordinance

Stormwater Control

Section I. Scope and Purpose:

Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

Applicability

This ordinance shall be applicable to the following major developments:

Non-residential major developments and redevelopment projects; and
Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

This ordinance shall also be applicable to all major developments undertaken by **Loch Arbour Village**.

Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

Section III. Design and Performance Standards for Stormwater Management Measures:

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

Section IV. Solids and Floatable Materials Control Standards:

Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.A.2 below.

Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

The standard in IV.A.1. above does not apply:

existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

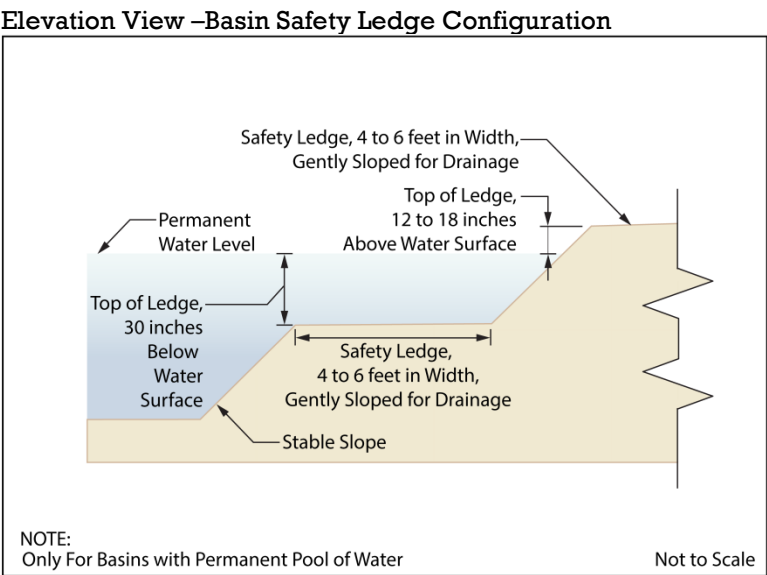
Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

- i. Where each individual clear space in the curb opening in

Section V. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration



Section VI. Requirements for a Site Development Stormwater Plan:

Submission of Site Development Stormwater Plan

Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.

The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

The applicant shall submit **eight (8)** copies of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

Submission of Site Development Stormwater Plan

The following information shall be required:

Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

Calculations

Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section VII. Maintenance and Repair:

Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

General Maintenance

Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.

The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:

If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section VIII. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall, **upon conviction thereof, be subject to the maximum fines and penalties as established in N.J.S.A. 40:49-5 and as the same may be amended from time to time. Each and every day a violation of this Ordinance shall exist shall constitute a separate violation.**

Section IX. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section X. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

UPON MOTION OF Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2024-497 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 April 3, 2024.

Recorded Vote:

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

B. Resolution 2024-48: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, it is necessary to hire an Office Assistant for the Village of Loch Arbour, to prepare for the upcoming beach season, and;

WHEREAS, the Board of Commissioners is desirous of hiring, as recommended by the Village Clerk, Dale Burke as the Office Assistant.

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. Dale Burke, shall be compensated to be an Office Assistant, as of March 1, 2024 at a rate of \$19.00 an hour payable in accordance with customary procedures of the Village of Loch Arbour.
2. A certified copy of this Resolution shall be sent to:
 - A. Dale Burke
 - B. CFO for the Village of Loch Arbour.

Recorded Vote:

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

C. Resolution 2024-49: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, 2026 marks the 250th anniversary of the founding of the United States of America; and

WHEREAS, to observe this momentous occasion, the [U.S. Semiquincentennial Commission](#), established by Congress ([P.L. 114-196](#)) in 2016, and it's supporting non-profit America250, will plan and commemorate on a national level the celebration of our nation's semiquincentennial; and

WHEREAS, New Jersey played a significant role during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature in 2018 authorized the creation of a program to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events; and

WHEREAS, Monmouth County also has a rich history integral to the independence effort, including the critical Battle of Monmouth; and

WHEREAS, Monmouth County Board of County Commissioners has established by way of resolution, Monmouth County's Committee that will commemorate our nation's semiquincentennial, highlighting Monmouth County's role in the fight for independence, and will coordinate events and activities throughout Monmouth County, working with public and private entities; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of our great nation and the role New Jersey and Monmouth County have played over the past 250 years, as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, County and Village of Loch Arbour; and

WHEREAS, preserving, studying, celebrating and enjoying our history strengthens our communities by way of building bonds amongst our residents, engages our youth in the education about our nation and it's founding principles, improves our economies by promoting our unique history and attracting visitors to our community.

NOW, THEREFORE, BE IT RESOLVED, that the [MUNICIPALITY] hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Board of Commissioners commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Board of Commissioners authorizes the appointment of Margot Fernicola to develop a plan for this commemoration that will coordinate with the federal, state and county celebration committees and will promote the maximum involvement of our residents, neighborhoods, businesses, schools, historical and civic organizations, and institutions in the commemorations.

3. The Board of Commissioners further urges all its residents to reflect upon the significance of this event and the role that our State, County and Village of Loch Arbour and its people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of history, and understanding that the revolution continues today as we uphold the ideals articulated in our founding documents.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None Absent: None Abstain: Mayor Fernicola

REPORTS/DISCUSSION

A. Next Commissioners Meeting scheduled for Wednesday, April 3, 2024 at 6:30 p.m.

B. 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.

C. The Allenhurst Fire Department will be holding their "Breakfast with the Easter Bunny" on Saturday, March 23, from 9:00 am to 11:00 am at the firehouse. The Annual Easter Egg Hunt will take place at Railroad Plaza Park at 11:30 am. In case of inclement weather, the Egg Hunt will be held at the Fire House.

PUBLIC HEARING:

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

There being no comments, UPON MOTION, Mayor Fernicola, seconded by Commissioner Cheswick, 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, N.J.S.A. 10:4-12 et seq., permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Pending Litigation/Attorney client privileged information.
No action will be taken after the Executive Session.
3. It is anticipated at this time that the above stated subject matter will be made public within 120 days.
4. This resolution shall be effective immediately.

Recorded Vote:

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

Nays: None Absent: None

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, that the meeting be adjourned at 7:15 p.m.

Marilyn Simons, RMC
Village Clerk