

**VILLAGE OF LOCH ARBOUR**  
**MINUTES – rescheduled REGULAR MEETING**  
**APRIL 7, 2017**

**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, LOCH ARBOUR, NEW JERSEY ON APRIL 7, 2017, CALLED TO ORDER AT 5:30 P.M. BY DEPUTY MAYOR 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 were William H. Healey, Esq., Village Attorney, Marilyn Simons, Village Clerk and Dan Mason, Deputy Village Clerk.

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 rescheduled Regular Meeting to the Village's two official newspapers on March 16, 2017 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

**MINUTES**

**UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the minutes of the following meetings be approved.**

- **The minutes of the rescheduled Regular Meeting held March 8, 2017.**

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 March 31, 2017 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;
- Letter dated March 22, 2017, from the State of New Jersey informing the Village of Loch Arbour will benefit from a grant award in the amount of \$85,210. to reimburse for the 10% cost share of eligible FEMA Program projects. (Superstorm Sandy)
- 2016 Village of Loch Arbour – Planning Board Report

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**OLD BUSINESS**

**A. Ordinance 2017-426** – The Deputy Mayor read the Ordinance by Title and advised of its publication in summary in *The Coaster* on March 16, 2017.

**ORDINANCE NO. 2017-426**  
**AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2017**  
**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 0.5% 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 2017 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 3% increase in the budget for the said year, amounting to \$23,481.21 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 2017 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%, amounting to \$23,481.21 and that the CY 2017 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 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 2017-426 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**

### **2017 Municipal Budget**

A. **RESOLUTION 2017-52:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour 2017 Municipal Budget was introduced and approved on the 8th day of March, 2017; and,

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Synopsis of the Budget was published in *The Coaster* on March 16, 2017 and the Affidavit of Publication is on file in the Village Clerk's office; and,

WHEREAS, a public hearing thereon is being held on the 7th day of April, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the budget hereinbefore set forth shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,334,619.93 for municipal purposes.

Recorded Vote:

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

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried that the meeting be opened to the public for comments on the 2017 Budget only.

There being no comments from the public present. UPON MOTION of Commissioner Cheswick seconded by Commissioner D' Angelo, carried that the meeting be closed to the public.

Rich from Hulsart and Company, Auditor for the Village of Loch Arbour explained in summary the 2017 Budget and the Amendment to the 2017 Budget.

**B. Resolution 2017-53:** UPON MOTION of Commissioner Cheswick seconded by Commissioner D' Angelo, carried,

WHEREAS, the local municipal budget for the year 2017 was approved on the 7th of April, 2017, and

WHEREAS, the public hearing on said budget has been advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE, BE IT RESOLVED, by the Commissioners of the Village of Loch Arbour, County of Monmouth, that the following amendments to the approved budget of 2017 be made

	<u>FROM</u>	<u>TO</u>
Appropriations		
General Appropriations		
Operations within CAPS:		
Administrative and Executive:		
Other Expenses	\$ 70,000.00	\$ 64,000.00
Financial Administration:		
Other Expenses	\$ 50,000.00	\$ 46,000.00
Legal Services and Costs:		
Other Expenses	\$119,200.00	\$129,200.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is certified that this is a true copy of the resolution amending the budget, adopted by the governing body on the 7<sup>th</sup> day of April, 2017.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**C. Resolution 2017-54:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour 2017 Municipal Budget was introduced and approved on the 8<sup>th</sup> day of March, 2017; and,

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Synopsis of the Budget was published in *The Coaster* on the 16<sup>th</sup> day of March, 2017 and the Affidavit of Publication is on file in the Village Clerk's office; and,

WHEREAS, a public hearing thereon is being held on the 7<sup>th</sup> day of April, 2017.

WHEREAS, permission to adopt the 2017 Municipal Budget was received from the Division of Local Government Services, with a minor amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the budget hereinbefore set forth shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,334,619.93 for municipal purposes.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None

Absent: Mayor Fernicola

**D. Resolution 2017-55:** UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following resolution be adopted:

WHEREAS, Clean Ocean Action has requested permission to conduct the Spring Beach Sweeps at the Village Beach on April 22, 2017 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 at the Village Beach on April 22, 2017, 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

### **PAYMENT OF BILLS**

UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the payment of bills totaling \$70,546.47 for the month of April, 2017 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 Township of Ocean Board of Education in the amount of \$167,585.33 for the month of March, 2017 be and the same is hereby approved;

Recorded Vote:

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

### **REPORTS/DISCUSSION**

A. Tax Issue/Special School Election – Commissioner Cheswick stated the Election held on April 4, 2017 results were as follows: 93 yes 4 no, in favor of the Village School Age Children attend the WLB and Shore Regional School Districts.

B. Special School Election, April 4, 2017: The public question was approved by a vote of 93 to 4; the required Certification has been submitted to the County Clerk and the Secretary of State.

C. Update of Improvements to Euclid Avenue, Phase II and Phase III. Dan Mason reported the project is actively in process. The project should be completed on or before April 30, 2017.

D. Local Government Ethics Law Financial Disclosure Law – All local government officials are required to complete and file the Financial Disclosure Form with the Municipal Clerk annually on or before April 30<sup>th</sup> of each year. The state is requiring all forms be electronically filed. A password and the website was sent to each official, so the form can be completed online and transmitted to the State.

E. Easter Egg Hunt/Breakfast with the Easter Bunny – Saturday, April 8, 2017 with the residents of the Borough of Allenhurst and Borough of Interlaken. Pancake Breakfast with the Easter Bunny at the Allenhurst Firehouse from 9:00 am – 11:00 am. Immediately following there will be an Easter Egg Hunt at the Allenhurst Park, Main Street.

F. Clean Ocean Action Spring Beach Sweeps – scheduled for Saturday, April 22, 2017, 9:00 am – 12:30 pm. Participants are urged to wear hats, boots, sunscreen and bring gloves.

### **PUBLIC HEARING**

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

Margot Fernicola, Euclid Avenue, encouraged everyone to participate in the Clean Ocean Action Beach Sweeps on April 22, 2017.

Ed Lee, Euclid Avenue, asked for a timeline regarding the tax issue. Mr. Mason explained the Board of Education is in the process of being established, with direct contact with the County Executive Superintendent of Schools.

Ruth Cummings, Euclid Avenue, questioned the construction on Euclid Avenue and the school bus drop off and pick-up.

Paul Cummings, Euclid Avenue, asked about the establishment of the Board of Education.

Marlaina Loushine, Euclid Avenue, asked about how the board members were chosen. Dan Mason stated Mayor Fernicola recommended the Board Members to the County Executive Superintendent of Schools, but the County Executive Superintendent of Schools will appoint the new Board Members. In November, 2017 all Board Members terms will expire and all interested parties will run for a seat on the School Board.

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 Cheswick, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 6:00 p.m.

---

Marilyn Simons, RMC  
Village of Loch Arbour