

**VILLAGE OF LOCH ARBOUR
MINUTES – RESCHEDULED REGULAR MEETING
APRIL 11, 2018**

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 11, 2018, CALLED TO ORDER AT 6:30 P.M. BY MAYOR PAUL FERNICOLA.

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

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

The Clerk read the Open Public Meetings Announcement: The notice requirements of C.231, P.L. 1975, have been satisfied by transmitting the notice of this rescheduled Regular Meeting to the Village's two official newspapers on March 22, 2018 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

PAYMENT OF BILLS

UPON MOTION of Commissioner D' Angelo, seconded by Mayor Fernicola, carried, that the payment of bills totaling \$27,862.44 for the month of April, 2018 be and the same is hereby approved as presented.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

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

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

MINUTES

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the minutes of the following meetings be approved as presented:

- Minutes of the Regular Meeting held on March 7, 2018;
- Minutes of the Special Meeting held on March 14, 2018;
- Minutes of the Special Meeting held on March 28, 2018;

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner D' Angelo, seconded by Mayor Fernicola, carried, that the following reports for the period ending March 31, 2018 on file in the Village Clerk's office, be and the same are hereby ordered received and filed:

- Expenditure Report
- Revenue Received Report
- Tax Collections Report
- Deal Police Department, Monthly Incident Report

- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Correspondence from Monmouth County Mosquito Control Division, Pesticide Fact Sheet.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

OLD BUSINESS - None

NEW BUSINESS

- A. **Resolution 2018-55:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the regular meeting of the Board of Commissioners scheduled for May 2, 2018 is being cancelled and being rescheduled for Wednesday, May 9, 2018 at 6:30 p.m.

Recorded Vote:

Ayes: Commissioner Cheswick, Mayor Fernicola

Nays: None

Absent: Commissioner D' Angelo

B. Ordinance 2018-437 – introduction

The Mayor read the Ordinance by Title:

ORDINANCE 2018-437

AN ORDINANCE TO AMEND ORDINANCE NO. 156 ENTITLED “AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS AND RESTRICTIONS PURSUANT TO THE MINICIPAL LAND USE LAW (CHAPTER 291, P.L. 1975); ESTABLISHING A ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD PURSUANT TO SAID LAW; AND REPEALING ALL PRIOR ORDINANCES RELATING TO ZONING AND PLANNING, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF IN THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY” SO AS TO CONFORM WITH THE MASTER PLAN OF THE VILLAGE OF LOCH ARBOUR

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

Section 1. Section 705 of Article 7, “C” Commercial, is hereby amended to read as follows:

A. Principal Permitted Use on Land and in Buildings

Office buildings and banks; churches or other places of worship; car wash; tavern; restaurant for sit-down dinners only and with no drive-in facilities; and retail businesses.

Section 2. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 3. 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 that said Ordinance #2018-437 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 May 9, 2018.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

C. Ordinance 2018-438 – introduction

The Mayor read the Ordinance by Title:

ORDINANCE NO. 2018-438

AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2018 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 2.5% 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 2018 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 3.5% increase in the budget for the said year, amounting to \$10,453.49 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 2018 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 \$10,453.49 and that the CY 2018 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 D' Angelo, carried that said Ordinance #2018-438 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 May 9, 2018.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

D. Resolution 2018-56: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour 2018 Municipal Budget of \$1,228,911.17 which includes a local amount raised for Taxation at \$630,400.00 was introduced and approved on the 11th day of April, 2018; and,

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Synopsis of the Budget will be published in *The Coaster* on April 19, 2018 and the Affidavit of Publication will be on file in the Village Clerk's office; and,

WHEREAS, a public hearing thereon is scheduled to be held on the 9th day of May, 2018.

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 \$1,228,911.17 for municipal purposes.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

E. Resolution 2018-57: UPON MOTION, of Mayor Fernicola, seconded by Commissioner D' Angelo carried that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need of a Chief Financial Officer, due to the resignation of Michael Mariniello, Jr., effective March 31, 2018;

WHEREAS, Jersey Professional Management (JPM) has submitted a proposal to provide, a temporary acting Chief Financial Officer dated December 18, 2017;

WHEREAS, Richard Wright, Jr., is a Certified Municipal Financial Officer (CMFO) and is duly qualified to serve as Village CFO;

WHEREAS, the Board of Commissioners of the Village of Loch Arbour wishes to have Richard Wright, Jr., serve as temporary acting Chief Financial Officer effective April 1, 2018 in accordance with a proposal by JPM dated December 18, 2017;

WHEREAS, adequate funds exist for this expenditure in the 2018 temporary operating budget of the Village of Loch Arbour;

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., permits the Resolution authorizing the award of this contract without competitive bidding but provides that the same must be advertised after passage as required by law.

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. The Board of Commissioners hereby authorizes and awards a contract to Jersey Professional Management for temporary acting Chief Financial Officer and Management Consultant Services in accordance with the proposal dated December 28, 2017.
2. The fees for these services will be at an hourly rate of \$110.00 per hour for time worked as a temporary Acting Chief Financial Officer and Management Consultant based upon \$10.00 per hour payroll and \$100.00 per hour on voucher.
3. This resolution shall further authorize the appointment of Richard Wright, Jr., CMFO, as temporary acting Chief Financial Officer of the Village of Loch Arbour effective April 1, 2018, subject to cancellation of this agreement in accordance with the terms of JPM's proposal dated December 18, 2017.
4. This appointment is made without competitive bidding as this appointment involves a professional services contract and therefore exempt under N.J.S.A. 40A:11-5.
5. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be supplied to Jersey Professional Management, 23 North Avenue East, Cranford, New Jersey 07016 and Richard Wright, Jr.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

F.Resolution 2018-58: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, the Village of Loch Arbour and Loch Arbour Board of Education wish to enter into a Shared Services Agreement whereby the Village employed Jersey Professional Management for management consultant services for the period of July 1, 2017 through September 30, 2017;

WHEREAS, the Village, through the services of Jersey Professional Management, is able to provide the services to the Loch Arbour Board of Education;

WHEREAS, the Village provided payment for all services provided by Jersey Professional Management during the period of time listed above;

WHEREAS, the Board of Commissioners has duly considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the Mayor of the Board of Commissioners and Village Clerk of the Village of Loch Arbour be the same are hereby authorized to execute and deliver a Shared Services Agreement with the Loch Arbour Board of Education, which agreement is on file in the office of the Village Clerk at the Village of Loch Arbour Municipal Building, 550 Main Street, and available for public inspection during regular business hours.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the following:

Loch Arbour Board of Education

Richard Wright, Acting CFO, Village of Loch Arbour

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: Commissioner Cheswick

REPORTS/DISCUSSION

A. **School Tax Issue** – Mayor Fernicola reported a hearing date for the Ocean Township School District Appeal has been scheduled for April 16, 2018 at 1:45 pm. A letter was sent to all residents notifying them of the hearing date.

B . Consideration of possible new Ordinances:

- Roof Top Decks – tabled to be discussed at the next regular scheduled Commissioners Meeting.
- Change of Definition “Height of Building” – tabled to be discussed at the next regular scheduled Commissioners Meeting.
- Add language to Ordinance 2017-424, regarding any denial of a Certificate of Appropriateness – tabled to be discussed at the next regular scheduled Commissioners Meeting.
- Add language to Ordinance 420 (definition) regarding driveway materials/coverage – tabled to be discussed at the next regular scheduled Commissioners Meeting.

PUBLIC HEARING

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

Melanie Nowlin, Edgemont Drive, discussed the Hearing Date with the Mayor.
Ms. Nowlin also discussed the Ordinances that the Mayor and Commissioners are considering.

There being further comments, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the public hearing be closed.

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 7:10 p.m.

Marilyn Simons, RMC
Village of Loch Arbour