

VILLAGE OF LOCH ARBOUR
MINUTES – rescheduled REGULAR MEETING
MARCH 8, 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 MARCH 8, 2017, CALLED TO ORDER AT 6:30 P.M. BY MAYOR PAUL V. FERNICOLA.

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

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 February 20, 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.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the item under REPORTS/DISCUSSION (B.) Rumson-Fair Haven High School Surf Team will be heard at this time

Recorded Vote:

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

The Rumson-Fair Haven High School Surf Team presented the Mayor and Commissioners with a Plaque to Thank the Village of Loch Arbour for

Resolution 2017-44: UPON MOTION of Mayor Fernicola, seconded by **Commissioner D' Angelo**, carried that the following resolution is adopted:

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2017 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriations in the 2016 current fund budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,085,773.00, and

WHEREAS, 26.25% of the total appropriations in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance in said budget is the sum of \$285,015.00 and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth, State of New Jersey, that the attached listing (Attachment 1 – 2017 Temporary Budget Worksheet) of appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

Recorded Vote:

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

PAYMENT OF BILLS

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the payment of bills totaling \$44,490.17 for the month of March, 2017 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 Cheswick, seconded by Commissioner D' Angelo, carried, that the payment to Margot Fernicola in the amount of \$25.56 for the month of March, 2017 be and the same is hereby approved.

Recorded Vote:

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the payment to the Township of Ocean Board of Education in the amount of \$246,170.01 for the month of February, 2017 be and the same is hereby approved;

Recorded Vote:

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

MINUTES

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the minutes of the following meetings be approved:

- The minutes of the Special Meeting held January 6, 2017;
- The minutes of the Special Meeting held January 20, 2017;
- The minutes of the rescheduled Regular Meeting held February 8, 2017.

Recorded Vote:

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

REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner D' Angelo, seconded by Mayor Fernicola, carried, that the following reports for the period ending February 28, 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;
- County of Monmouth, Mosquito Control Division, informational materials regarding New Jersey Pesticide Control Regulations.

Recorded Vote:

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

OLD BUSINESS

A. Ordinance No. 2017-424 –

The Ordinance was published in summary in *The Coaster* on January 12, 2017 and the *APP* on January 11, 2017.

The Ordinance was tabled at the Commissioners Meeting on February 8, 2017.

The Mayor read the Ordinance by Title and advised of its publication in summary in *The Coaster* on February 23, 2017

AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ESTABLISHING A HISTORIC DISTRICT AND ADOPTING CERTAIN REGULATIONS AND GUIDELINES FOR THE HISTORIC DISTRICT

Section 1. TITLE

This Ordinance shall be known and cited as the "Historic Preservation Ordinance of the Village of Loch Arbour."

Section 2. HISTORIC DISTRICT ESTABLISHED

There is hereby established within the Village of Loch Arbour (hereinafter referred to as the "Village") a "Historic District" (hereinafter referred to as the "District"). The boundaries of the District are coterminous with the boundaries of the Village.

Section 3. PURPOSES AND INTENT

This Ordinance has the following general purposes and intent:

- A. To promote the goals of the Historic Preservation Element of the Village's Master Plan.
- B. To maintain and preserve the historic character of housing units in the District.
- C. To ensure that new buildings and substantial modifications to existing buildings be compatible with the historic character of the architecture in the District.
- D. To promulgate procedures and provide for guidelines for accomplishing the purposes of this Ordinance without imposing undue hardships on residents of the District seeking to renovate existing homes.

Section 4. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESSORY BUILDING shall mean a building, which is customarily associated with and is subordinate and incidental to the principal building, and exceeds a 40 square foot footprint and/or five (5) feet in height at its peak.

ADDITION shall mean any extension or increase in the size, floor area or height of a building.

ALTERATION, MAJOR shall mean the addition, change or modification of major architectural elements to a building, which effects the design, shape, pitch or existence of the roof including, but not limited to, main roofs, dormers, roofs of bay or cantilevered windows, pediments, parapets, towers, porches, cupolas, Porte Cochere and balconies, as well as alterations, including demolition of non-linear (e.g. oval, Palladian, etc.) window frame outlines. Major alterations would additionally include changes by additions or complete conversion or alteration of the traditional predominant substance, texture or finish of a building (e.g. changing from wood to stucco, stucco to brick), and changes by additions or complete conversion or alteration of columns and railings on any exterior elevation.

ALTERATION, MINOR as distinct from alteration, major, shall mean the replacement or renewal of existing work, requiring a building permit, of a building, with the same or architecturally equivalent materials, equipment or parts, that are made in the ordinary course of maintenance and that do not cause a major alteration of the building, nor result in a request for any other relief from the Planning Board.

ARCHITECTURAL DRAWINGS shall mean drawings prepared, signed and sealed by a New Jersey licensed Architect, or drawings prepared so as to clearly and unambiguously indicate proposed new work and the existing building (in the case of an addition or modification). Drawings shall include a site plan, floor plans and elevations in sufficient scale and detail to convey the intended new work. The elevation drawings shall indicate all features (i.e. dormers, windows, roofs, trim, etc.) and surface finishes proposed for the project. Plans shall indicate the intended use of all rooms, terraces, Porches, etc.

ARCHITECTURAL ELEMENT, MAJOR is a distinguishing original feature, and shall mean an architectural component/design/style/object, which clearly expresses the time period in which a building was built. For the purpose of administration of this ordinance the following are considered Architectural Elements, Major: (a) Roof shape/pitch and existence of roofed items, including main roof, dormer roof, roof of roofed windows, pediments/parapets, tower roof, Porte-cochere roof, porch roof, balcony roof; (b) Non-linear (e.g. oval, Palladian, etc.) window frame outlines; (c) Predominant surface/finish of the building; (d) Columns and railings.

BOARD shall mean the Planning Board established pursuant to the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.)

BUILDING shall have the same definition as set forth in the Developmental Ordinance of the Village.

CERTIFICATE OF APPROPRIATENESS shall mean that certificate issued by the Board, that is required prior to undertaking rehabilitation, restoration, renovation, alteration or demolition, undertaken of buildings, accessory buildings or garages in the District.

DEMOLITION shall mean the partial or total razing, dismantling or destruction of any building or of any improvement within the Village.

EMERGENCY REPAIR shall mean an immediate and temporary repair necessary only to allow the continued habitability of a building and/or to protect the health and safety of any occupants and/or the community at large.

GARAGE shall have the same definition as set forth in the Developmental Ordinance of the Village.

IMPROVEMENT shall mean any building or any part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation.

ORDINARY REPAIR shall mean repairing any deterioration, wear or damage to a building, accessory building, garage or part thereof, to return the same as nearly as practicable to its condition prior to such deterioration, wear or damage.

PRINCIPAL BUILDING shall mean any BUILDING, as defined in the Developmental Ordinance of the Borough, which is not an ACCESSORY BUILDING or GARAGE.

PORCH shall have the same definition as set forth in the Developmental Ordinance of the Village.

Section 5. AUTHORITY GRANTED TO PLANNING BOARD

5.1 Statutory Authority

The Village of Loch Arbour Planning Board shall have and exercise, to the same extent and subject to the same restrictions, all of the powers of a historic preservation commission established pursuant to N.J.S.A. 40:55D-107 *et seq.*, and as may be amended from time to time. At least one Board member shall meet

the qualifications of a Class A member as defined by N.J.S.A. 40:55D-107(b) and at least one Board member shall meet the qualifications of a Class B member as defined by N.J.S.A. 40:55D-107(b).

5.2 Historic Preservation Powers of the Planning Board

The Planning Board shall have the following preservation powers:

- A. For any and all applications for development and applications for zoning and/or building permits for proposed improvements to, or demolition of, any and all existing or proposed buildings within the District, to review said application for the purpose of determining whether the application is, and to require that it be, consistent with the Village's goal of maintaining and preserving the historic character of buildings in the District, and to require that any such development or improvement be compatible with, and not detract from, the historic character of the architecture in the District.
- B. For all Major Alterations and Minor Alterations proposed within the District and that do not otherwise require any land use board approval, to review said proposed alterations and require that said alterations, in order to be permitted, be consistent with the Village's goal of maintaining and preserving the historic character of the architecture in the District and be compatible with, and not detract from, that historic character.
 - 1) Minor Alterations, as defined herein, may be reviewed and approved solely by the Board Chairman or such other Board member who has been appointed Chairman of the Board's historic preservation commission functions, acting on behalf of the entire Board.
- D. To grant or deny Certificates of Appropriateness as provided for herein.

Section 6. HISTORIC REVIEW PROCESS

6.1 Requirement and Application for a Certificate of Appropriateness

- A. A Certificate of Appropriateness is required in the District for the following actions:
 - 1. Any change, rehabilitation, restoration, reconstruction, improvement or alteration to the exterior of a building, accessory building or garage, which would constitute a Major Alteration or Minor Alteration, as defined herein.
 - 2. Additions to any building, accessory building or garage as defined herein.
 - 3. Demolition of any building, accessory building or garage as defined herein.
 - 4. New construction of any building, accessory building or garage as defined herein.
- B. The Construction Official shall not issue a building permit for any action requiring a Certificate of Appropriateness absent the Planning Board issuing such a certificate approving that action in its entirety, except in the case of an Ordinary Repair (as defined herein), or an Emergency Repair (as defined herein) or in the event of the Board's failure to act in the time prescribed in N.J.S.A. 40:55D-111. The Construction Official shall refer any applicant for a building permit who has not obtained a Certificate of Appropriateness to the Board for the purpose of obtaining such a certificate.
- C. Application for a Certificate of Appropriateness shall be made to the Board by submission of such application forms made available by the Village for such purpose, together with the required fees, plans, and drawings or renderings, including such additional copies as the Board may require for such applications.

6.2 Hearings on Applications for Certificates of Appropriateness

- A. Within 90 days of receipt of a complete application for a Certificate of Appropriateness and for any other relief that may be sought by the applicant, the Secretary of the Planning Board will schedule a public hearing on the application to take place at a regular meeting of the Board. The presence of the property owner or his legal representative is required.
- B. Hearings will be conducted pursuant to the administrative procedures established in the Developmental Ordinance of the Village of Loch Arbour as amended, as well as other statutory requirements of the State of New Jersey for the conduct of Planning Board Hearings.
- C. Any application for a Certificate of Appropriateness, other than one solely proposing a Minor Alteration, as defined herein, shall require the applicant to advertise and give public notice to owners of property within two hundred (200) feet of the proposed project, in accordance with the procedure for development applications. The applicant shall be responsible for sending out the appropriate notices and shall be responsible for paying the cost of the proceedings. On the date of the hearing, the applicant shall be required to provide the Planning Board with an Affidavit of Mailing and an Affidavit of Publication as proof of fulfilling the notification and advertisement requirements specified herein.

6.3 Determination by the Board

Upon completion of review by the Board, the Board may:

- A. Approve, approve with conditions, or deny any application requiring the issuance of a Certificate of Appropriateness.
 - 1. When denying a Certificate of Appropriateness, the Board shall state the reasons for its decision.
 - 2. Upon a favorable decision approving, or approving with conditions any application, the Planning Board shall issue a Certificate of Appropriateness.
- B. A Certificate of Appropriateness granted by the Board shall authorize the Construction Official to issue a building permit if all other conditions and legal requirements for issuing that permit have been satisfied.
 - 1. The Certificate of Appropriateness shall be valid for one (1) year from the date it is issued by the Board. Two (2) extensions of six (6) months each may be granted by the Planning Board, at their discretion, upon written request by the applicant and the applicant's appearance before the Board to substantiate the basis upon which the Board should grant any such extension. Any such request for an extension must be submitted before the expiration of the certificate sought to be extended.
- C. If a Certificate of Appropriateness has been denied, the Construction Official or his agent shall not issue a building permit.
 - a) The Construction Official or his agent may stop work at any site which does not fully comply with an issued Certificate of Appropriateness or this Ordinance.
- D. If, after a Certificate of Appropriateness has been issued, a change in the scope of the approved work becomes necessary or desired by the applicant, the applicant shall immediately halt all ongoing activity and re-apply to the Board for a new or amended Certificate of Appropriateness pursuant to the procedures set forth in this Ordinance.

Section 7. GUIDELINES AND GENERAL CRITERIA FOR CERTIFICATE OF APPROPRIATENESS APPLICATION

7.1 Guidelines

The Planning Board shall establish and, where appropriate, amend and/or supplement, "Design Guidelines for the Historic District," for use in the Planning Board's review of all development applications and applications for Certificates of Appropriateness in the District. Such guidelines shall not constitute "requirements," but rather are intended to provide the Planning Board with flexible guidelines in deciding an application for a Certificate of Appropriateness and effectuating the purposes of this Ordinance.

7.2 Criteria for Issuance of a Certificate of Appropriateness

The following shall be required for the grant of a Certificate of Appropriateness for all proposed work requiring such a certificate:

- (1) All work shall be compatible with the existing structures, landscapes and streetscapes within the District.
- (2) The work shall not adversely affect the ambiance, character, and appearance of the District and the relationships among structures and between structures and public ways in the District.
- (3) The work shall not adversely affect the exterior architectural features and setting of an existing structure and its historical and architectural interest.
- (4) The work shall not result in structural elements that are out of scale with the other structural elements in the surrounding area.
- (5) Every structure shall be and remain visually compatible with the structures and places to which it is visually related.
- (6) The height of a structure shall be visually compatible with adjacent structures.
- (7) The relationship of the width of a structure to the height of the front elevation shall be visually compatible with structures and places to which it is visually related.
- (8) The relationship of the width of windows to the height of windows in a structure shall be visually compatible with the structures and places to which it is visually related.
- (9) The relationship of solids to voids in the front facade of a structure shall be visually compatible with the structures and places to which it is visually related.
- (10) The relationship of a structure to the open space between it and adjoining structures shall be visually compatible with the structures and places to which it is visually related.

(11) The relationship of a structure's entrance and porch projections to the street shall be visually compatible with the structures and places to which it is visually related.

(12) The relationship of materials and texture of the facade and roof of a structure shall be visually compatible with the predominant materials used in the structures to which it is visually related.

(13) The roof shape of a structure shall be visually compatible with structures to which it is visually related.

(14) If proposed, appurtenances such as walls and open-type fencing shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the main structure with the structures and places to which it is visually related.

(15) The size of a structure, the mass of the structure in relation to open spaces, and the windows, door openings, porches and balconies shall be visually compatible with the structures and places to which it is visually related.

(16) A structure shall be visually compatible with structures and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

(17) Work to restore all or part of a structure shall return the structure, or that part covered by the application, to the known or reasonably conceived appearance (including design elements, architectural details, and textures) it had when it was first constructed or when it was remodeled, if the remodeling occurred before 1950. Notwithstanding the foregoing, the Board may permit (a) modifications that are necessary or beneficial to contemporary living and consistent with the architectural design and character of the structure, and (b) modifications that improve structures lacking architectural merit and not in character with the District and which will result in a structure that is in character with the District.

(18) Existing materials, if they are the original materials of the original structure or remodeling which is being restored, should, where reasonably possible, be maintained and repaired rather than replaced.

(19) In the event that replacement of materials is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications

of original features. This is not intended to require that the new material be identical to the material being replaced. Material adequately mimicking the material being replaced is acceptable, and may sometimes be preferable where of greater durability than the material being replaced.

(20) Architectural details of the original construction or remodeling which is being restored or altered should be retained. This includes, but is not limited to, cornices and their brackets, window trims such as molded lintels, porch elements such as posts, balustrades, and spindles, and windows, particularly the number and size of the individual panes.

(21) The original roofing material should be maintained or repaired, and, if replacement is needed, it should be of the same material and size. If the same material is not available, a substitute material should be of the same shape, texture, and size.

(22) Storm windows and doors should be as unobtrusive as is reasonably possible.

(23) Period trim that defines the character of a structure should be retained. It should not be covered by application of aluminum or vinyl.

(24) Synthetic siding (aluminum or vinyl) is acceptable, but the width of the siding shall be appropriate for the period of the building's construction and not detract from the character of the District.

(25) Windows should be divided into the number of lites or panes appropriate to the style of the building. True divided lites are preferred, but snap-in mountings are acceptable.

(26) Shutters should be of a height and width so that they appear capable of being closed. They are not appropriate on double, bay, or picture windows.

(27) Doors should have the number and type of panels suitable to the style of the building.

(28) Demolition of a building, accessory building or garage in this District shall not be permitted unless (a) the structure has been condemned by applicable procedures, (b) the condition of the structure is such that the cost of necessary restoration or repairs make such restoration or repairs unfeasible, or (c) it can be shown that the structure has no significant architectural or historic value.

Section 8. VIOLATIONS AND PENALTIES

Any person, firm or corporation that shall violate the terms of this ordinance shall be subject to the violations and penalties set forth in the Developmental Ordinance.

Section 9. This Ordinance shall become effective twenty days after its final passage and publication as required by law.

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

Joseph Shamie, Euclid Avenue, is opposed to this Ordinance. Mr. Shamie stated this Ordinance will be a financial burden for the Village homeowners, to have to come before the Board to change something in their home.

Joseph Gassaro, Ocean Place, is opposed to this Ordinance.

Louis Parisi, Evergreen Place, stated the criteria is outlined in the Ordinance, and the main goal of this Ordinance is to keep the compatibility and harmony in the homes in the Village.

Joseph Shamie, Euclid Avenue, stated he believes the Ordinance is intrusive to the homeowner trying to maintain the home.

Mayor Fernicola stated the Ordinance is the least restrictive.

Barbara Gnassi, Euclid Avenue, spoke about the advantages of being a small town, and the compatibility of so many styles in the Village. Mrs. Gnassi is in favor of the Ordinance.

Adrienne Shamie, Euclid Avenue, is opposed to the Ordinance,

The Deputy Clerk read to statements into the record.

Dr. and Mrs. Sarkessian, Edgemont Drive, is in favor of the Ordinance

Sam Shamie, Evergreen Avenue, is opposed to this Ordinance.

Ed Lee, Euclid Avenue, stated this will be an extra burden on the homeowner to apply for a Certificate of Appropriateness.

Mrs. Loushine, Euclid Avenue, asked the Mayor and Commissioners to consider tabling this matter for more input from the residents of the Village.

Melanie Nowlin, Edgemont Drive, is in favor of the Ordinance.

John Reng, Euclid Avenue, is in favor of the Ordinance.

There being no additional comments, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the public hearing be closed.

Mayor and Commissioner deliberated.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that said Ordinance 2017-424 be and the same is hereby approved on final reading and the Clerk was directed to post and publish the Ordinance as required by law.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola

Nays: Commissioner Cheswick

Absent: None

NEW BUSINESS

A. Ordinance 2017-426 – Introduction

The Mayor read the Ordinance by Title

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 Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance #2017-426 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.

Recorded Vote:

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

Nays: None

Absent: None

B. Resolution 2017-45: UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried the following resolution be adopted:

BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the attached statements of revenues and appropriations shall constitute the Municipal Budget for the year 2017.

BE IT FURTHER RESOLVED that A Summary of the Budget be published in *The Coaster* in the issue of March 16, 2017.

BE IT FURTHER RESOLVED that a hearing on the Budget and Tax Resolution will be held at the Loch Arbour Municipal Building 550 Main Street, Loch Arbour, New Jersey on April 7, 2017 at 5:30 p.m.

Recorded Vote:

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

Nays: None

Absent: None

C. Resolution 2017-46: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following resolution is hereby adopted:

WHEREAS, the Village of Loch Arbour is in need of a licensed expert to provide appraisal services including but not limited to property inspections, report creation, consulting services and expert testimony, if necessary, to the Village Attorney and Assessor for those properties for which 2016 tax appeals are pending; and,

WHEREAS, the Tax Assessor of the Village of Loch Arbour has requested proposals from licensed professional appraisers who provide these services; and,

WHEREAS, the Chief Financial Services has certified that funds are available in the Reserve for Tax Appeals and Legal Services, Contractual, if necessary, for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that they hereby appoint Donald M. Moliver, Ph.D. to provide all services.

WHEREAS, the services to be provided hereunder are professional services for the Village of Loch Arbour and therefore this appointment is made without competitive bidding because this appointment involves members of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5; and,

BE IT FURTHER RESOLVED that a notice of the award without competitive bidding shall be published within ten (10) days of its approval as required by law.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to:

1. Donald J. Moliver, Ph.D.

2. Erick Aguiar, Tax Assessor
3. William H. Healey, Esq., Village Attorney

Recorded Vote:

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

D. Resolution 2017-47: UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried the following resolution is hereby adopted:

WHEREAS, John P. Bosmans, Jr. 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 John P. Bosmans, Jr. 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. John P. Bosmans, Jr. be and hereby is appointed beach manager effective immediately for the 2017 Summer Season.
2. John P. Bosmans, Jr. 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. John P. Bosmans, Jr.
 - B. Acting CFO for the Village of Loch Arbour.

Recorded Vote:

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

E. Resolution 2017-48: UPON MOTION of Commissioner Cheswick, 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

F. Resolution 2017-49: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following Resolution be and the same is hereby approved as presented:

WHEREAS, the National Multiple Sclerosis Society, New Jersey Metro Chapter has requested permission to use Village streets for the "Coast the Coast" Bike MS Ride on Saturday, May 20, 2017 and Sunday, May 21, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is granted to the Multiple Sclerosis Society, New Jersey Metro Chapter to use Village streets for the

“Coast the Coast” Bike MS Ride to be held on Saturday, May 20, 2017 and Sunday, May 21, 2017 subject to the following conditions:

1. A Certificate of Insurance naming the Village as an additional insured must be supplied to the Village on or before April 15, 2017 along with a copy of the insurance policy;
2. All plans must be coordinated with the Borough of Deal Police Department;
3. Adequate personnel must be supplied to ensure the safety of bikers and pedestrians.
4. Traffic control devices, i.e., cones or barricades, must be supplied by the National Multiple Sclerosis Society, New Jersey Metro Chapter to be set-up and removed as necessary by personnel supplied by the National Multiple Sclerosis Society;
5. Execution of the required Hold Harmless Agreement.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to:

1. National Multiple Sclerosis Society, New Jersey
2. Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

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

Nays: None

Absent: None

REPORTS/DISCUSSION

A. Village Petition approved by New Jersey Commissioner of Education to create a Loch Arbour School District – Mayor Fernicola explained to the public the State of New Jersey, Commissioner of Education denied Ocean Township Board of Education request for an injunction to prevent the Loch Arbour Election on April 4, 2017. The Ocean Township Board of Education applied to the Appellate Division for an injunction to prevent the Election. Mayor Fernicola stated a decision has not been made by the Appellate Division,

B. Rumson Fair Haven High School Surf Team was moved to the beginning of the meeting.

C. Update of Improvements to the Euclid Avenue, Phase II and Phase III. Dan Mason stated the work would begin again no later than April 1st.

D. Local Government Ethics Law Financial Disclosure Statements – All local government officials are required to complete and file the Financial Disclosure Form with the Municipal Clerk annually on or before April 30th of each year. The State is requiring all forms be electronically filed. A password and the website will be 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 the Borough of Interlaken.

PUBLIC HEARING

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

Mary Gosline, Euclid Avenue, questioned the timeline for the work that is being done on Euclid Avenue.

Mrs. Loushine, Euclid Avenue, questioned the Resolution regarding the Mosquito Commissioner.

Margot Fernicola, Euclid Avenue, announced there will be a Clean Ocean Action Clean-up on Saturday, April 22, 2017 between 9:00 a.m. and 12:30p.m. All are welcomed.

Mr. Parisi, Evergreen Avenue, commended the public about the civil manner in which the debate about the Historic Preservation Ordinance was handled at this meeting.

Ed Lee, Euclid Avenue,

Mrs. Loushine, Euclid Avenue, questioned how the School Board is appointed.

There being no other comments, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the public hearing be closed.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo carried the regular meeting of the Board of Commissioners is being cancelled and being rescheduled for Monday April 3, 2017 at 6:30 p.m.

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: Discuss, contract negotiations, litigation and attorney client privileged information regarding school funding and taxation issues. Official action will not 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, carried that the meeting be finally adjourned at 8:45 p.m.

Marilyn Simons, RMC
Village of Loch Arbour