## VILLAGE OF LOCH ARBOUR MINUTES - REGULAR MEETING **DECEMBER 6, 2017**

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW JERSEY, DECEMBER 6, 2017, 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 Cheswick, Commissioner D' Angelo and Mayor Fernicola.

Also present were William Healey, Village Attorney, Marilyn Simons, Village Clerk and Dan Mason, Village Deputy 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 Regular Meeting to the Village's two official newspapers on January 11, 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.

RESOLUTION 2017-83: UPON MOTION, Mayor Fernicola, seconded by Commissioner D' Angelo, carried the following Resolution be adopted:

WHEREAS, certain 2017 appropriations require additional funds to cover anticipated expenditures through December 31, 2017; and,

WHEREAS, certain other 2017 appropriations show a surplus of funds available; and,

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits transfers between appropriations during the last two months of the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the following appropriations transfers be and the same are hereby authorized:

#### See Attachment #1

BE IT FURTHER RESOLVED that a copy of this resolution shall be supplied to the Chief Financial Officer for appropriate action.

ACCOUNT	TRANSFER TO APPROPRIATION (Inside CAPS)	AMOUNT	TOTAL
7-01-20-155-027	Legal Services, Contractual	\$1,500.00	
ACCOUNT	TRANSFER FROM APPROPRIATION (Inside CAPS)	AMOUNT	TOTAL
7-01-28-380-030	Village Beach, Other Expenses	\$1500.00	
	TOTAL TRANSFERS FROM APPROPRIATION (inside CAP	'S)	\$1,500.00
ACCOUNT	TRANSFER TO APPROPRIATION (non-budget)	AMOUNT	TOTAL
7-01-55-001-019	Interfund from MM to Animal Trust Account	\$300.00	
TOTAL TRANSFERS TO	O APPROPRIATION (non-budget)		\$300.00
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 Agenda be amended and Resolution 2017-84, under NEW BUSINESS, be heard at this time.

Recorded Vote:

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

Absent: None Nays: None

Resolution 2017-84: UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, 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 May 1, 2017 through June 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 Michael Mariniello, Acting CFO, Village of Loch Arbour

#### Recorded Vote:

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

Nays: None Absent: None

### PAYMENT OF BILLS

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the payment of bills totaling \$19,800.22 for the month of December, 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 D' Angelo, seconded by Mayor Fernicola, carried that the payment to the Loch Arbour Board of Education in the amount of \$57,710.15 for the month of December, 2017 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 Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the minutes of the following meeting be approved:

• The minutes of the Regular Meeting held November 1, 2017.

## Recorded Vote:

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

Nays: None Absent: None

# REPORTS/CORRESPONDENCE

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the following reports for the period ending November 30, 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 Commissioner No. 1, agenda and various reports/correspondence;
- Letter dated November 6, 2017 from the State of New Jersey DOT, thanking the Mayor and Commissioners for their comments regarding the potential closure of Allen Avenue, the letter will be forwarded to the Commissioner of the DOT for his consideration.

# Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo Mayor Fernicola

Nays: None Absent: None

#### **OLD BUSINESS -**

**A.** Ordinance 2017-436 – The Mayor read the Ordinance by Title and advised of its publication in its entirety in *The Coaster* on November 9, 2017.

# ORDINANCE NO. 2017-436 AN ORDINANCE TO INSTALL AND MAINTIAN ALL SIGNS ASSOCIATED WITH THE MUNICIPAL PUBLIC ACCESS PLAN IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH

WHEREAS, the New Jersey Department of Environmental Protection requires all communities that contain tidal waters to provide for public access; and

WHEREAS, existing and future signage for public access is required at all public access locations identified in the Municipal Public Access Plan; and

WHEREAS, installation and maintenance of signage is a requirement of N.J.A.C. 7:7E-8.11(t).

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

- 1. The Village of Loch Arbour is named as the entity for all signage in the Village of Loch Arbour.
  - 2. This Ordinance shall take effect in accordance with applicable law.

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

Erin Dolan, Edgemont Drive, asked what this Ordinance is regarding. The Village Clerk explained the Ordinance.

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

#### Recorded Vote:

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

Nays: None Absent: None

**UPON MOTION** of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that said Ordinance 2017-436 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 - None**

# REPORTS/DISCUSSION

- **A.** Tax Issue/Board of Education: Mayor Fernicola reported Ocean Township Board of Education's Appeal is still pending at the State Level with no court date scheduled at this time. Briefs are being submitted at this time.
- **B. Reorganization Meeting** scheduled for January 3, 2018 at 6:30 p.m.

## **PUBLIC HEARING**

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

Erin Dolan, Edgemont Drive, reported the Deal Lake Commissioner is preparing a Plan for landscaping around the Deal Lake in the Village of Loch Arbour. Mayor Fernicola stated Ms. Dolan should make a presentation to the Planning Board and seek approval from the Mayor and Commissioners.

Mayor Fernicola and Ms. Dolan discussed email received by Don Brockel, Chairperson for the DLC, regarding a potential discharge from a house on Edgemont Drive. No additional information was known at this time.

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, 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 and anticipated or threatened litigation and attorney client privileged information regarding school funding and taxation issues. The Mayor and Commissioners reserve the right to take action after the Executive Session.
  - 3. It is anticipated at this time that the above stated subject matter will be made public within 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 7:25 p.m.

