VILLAGE OF LOCH ARBOUR MINUTES – rescheduled REGULAR MEETING JULY 12, 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 JULY 12, 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 and Marilyn Simons, 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 June 26, 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.

PAYMENT OF BILLS

UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the payment of bills totaling \$171,625.34 for the month of July, 2017 be and the same is hereby approved as presented.

Recorded Vote:

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

REPORTS/CORRESPONDENCE

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following reports for the period ending June 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 Commission No. 1, agenda and various reports/correspondence;
- Department of Environmental Protection, letter dated May 9, 2017 regarding the Compliance Evaluation Inspection of the Loch Arbour Sanitary Collection System;
- Monmouth County Municipal Joint Insurance Fund Loss Control Report dated June 14, 2017;
- Department of Transportation advising the NJDOT is unable to provide Municipal Aid Grant for Euclid Avenue, Phase IV for fiscal year 2017 Municipal Aid Program.

Recorded Vote:

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

OLD BUSINESS

A. Ordinance 2017-430 – The Mayor read the Ordinance by Title and advised of its publication in its entirety in *The Coaster* on June 26, 2017.

BOND ORDINANCE NO. 2017-430

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO EUCLID AVENUE - PHASE II, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$90,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the VILLAGE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Village of Loch Arbour, in the County of Monmouth, New Jersey (the "Village"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$250,000, said sum being inclusive of all appropriations heretofore made therefor, including \$160,000 grant funds received or expected to be received from the New Jersey Department of Transportation (NJDOT). No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law.

- Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$90,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.
- Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of improvements to Euclid Avenue Phase II, including but not limited to, five hundred (500) linear feet of 6"x8"x18"concrete curbing; fifty (50) square yards of 6" thick reinforced concrete driveway; two hundred fifty (250) square yards of 4" thick concrete sidewalk; six (6) reset manhole castings; removal of two thousand four hundred fifty (2,450) square yards of concrete road; five (5) type "N" Eco curb pieces; five (5) bicycle safe Eco grates; five hundred (500) square yards of milling (3" or less); four hundred (400) cubic yards of dense graded aggregate; three hundred fifty (350) tons of hot-mix asphalt (9.5M64 surface course); seven hundred (700) tons of hot-mix asphalt (19M64 base course); five hundred (500) gallons of tack coat; one thousand (1,000) gallons of prime coat; sixteen (16) square yards of detectable warning surfaces; two thousand (2,000) linear feet of traffic striping; and traffic maintenance and control, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Village Clerk, as finally approved by the governing body of the Village.
- (b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$90,000, as stated in Section 2 hereof.
- (c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$250,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$250,000 over the estimated maximum amount of bonds or notes to be issued therefor being the \$160,000 grant funds received or expected to be received from the NJDOT.
- Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Acting Chief Financial Officer of the Village, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Acting Chief Financial Officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the Acting Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Acting Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Acting Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.
- Section 5. The following additional matters are hereby determined, declared, recited and stated:
- (a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Village may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Village Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the
- (d) An aggregate amount not exceeding \$50,000 for interest expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.
- (e) To the extent that moneys of the Village are used to finance, on an interim basis, costs of said improvements or purposes, the Village reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.
- Section 6. The capital budget of the Village is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Village Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Village for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Village are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Village, and, unless paid from other sources, the Village shall be obligated to levy ad valorem taxes upon all the taxable property within the Village for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law

UPON MOTION of Mayor Fernicola, 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 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 said Ordinance 2017-430 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

B. Ordinance 2017-431 – The Mayor read the Ordinance by Title and advised of its publication in its entirety in *The Coaster* on June 26, 2017.

VILLAGE OF LOCH ARBOUR ORDINANCE 2017-431 AN ORDINANCE TO AMEND ORDINANCE NO. 2017-424, ENTITLED "HISTORIC PRESERVATION ORDINANCE"

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

Section 6. New subsection 6.4, entitled Fees, is hereby added as follows:

6.4 Fees

- A. Application fee for a Certificate of Appropriateness: \$50.00
- B. All applications for a Certificate of Appropriateness shall be accompanied by a \$300.00 deposit for professional fees to be held in escrow and disbursed as necessary. Any balance remaining upon completion and final approval shall be returned to the applicant, Should any additional amount be required for professional services, the applicant shall replenish the escrow amount

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.

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that said Ordinance 2017-431 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 2017-432 – Introduction
The Mayor read the Ordinance by Title

ORDINANCE #2017-432 AMEND DUMSPTER ORDINANCE

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that Ordinance 2017-432 is tabled until the next regular scheduled Board of Commissioners meeting.

Recorded Vote:

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

Nays: None Absent: None

 $\textbf{B. Resolution 2017-63:} \ \ \text{UPON MOTION of Mayor Fernicola, seconded by Commissioner D'Angelo, carried that the following resolution be adopted:}$

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit report entitled:

GENERAL COMMENTS RECOMMENDATIONS;

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than 45 days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition, shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Village of Loch Arbour hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Recorded Vote:

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

C. Resolution 2017-64: UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following resolution be adopted:

WHEREAS, certain Bond Anticipation Notes have been issued pursuant to Village Ordinances 286, 302, 340 and 2013-389 on June 21, 2017; and

WHEREAS, the issuance of the said Bond Anticipation Notes in the face amount of \$410,290; and

WHEREAS, the Board of Commissioners of the Village of Loch Arbour are in receipt of the executed Certificate of Determination and Award; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Village of Loch Arbour be and the same memorializes the action that the Chief Financial Officer, in consultation with Bond Counsel has taken with respect to the issuance of the said Bond Anticipation Notes in the face amount of \$410,290 for the period of one year to May 2, 2018 at the interest rate of 1.75% to Kearny Bank, Fairfield, New Jersey pursuant to the Local Bond Law, N.J.S.A. 40A:2-28.

Recorded Vote:

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

REPORTS/DISCUSSION

- **A.** Tax Issue/Board of Education: Mayor Fernicola reported The Township of Ocean is accepting Tuition Students. Mayor Fernicola stated a lawsuit was filed against the Loch Arbour Board of Education by the Ocean Township School District. The court date is scheduled for July 28, 2017.
- **B.** Discussion regarding Certificate of Occupancy Ordinance Mayor Fernicola stated an Ordinance for an increase in the fees to obtain a Certificate of Occupancy and Smoke Detector Certification will be considered at the next Commissioners Meeting. He instructed the Clerk to send pertinent information to the Commissioners for their review and instructed the Village Attorney to draft a proposed Ordinance.
- C. Discussion regarding Resolution received from the Village of Loch Arbour Planning Board Mayor Fernicola stated an Ordinance for off-street parking and mandated garages will be considered at the next Commissioners Meeting. He instructed the Village Attorney to draft a proposed Ordinance.
- **D. Annual Village-Wide Yard Sale** Saturday, July 15 and Sunday, July 16 between the hours of 9:00 a.m. 4:00 p.m.
- **E. UPON MOTION** of Mayor Fernicola, seconded by Commissioner D' Angelo carried the regular meeting of the Board of Commissioners is being cancelled for August 2, 2017 and being rescheduled for Wednesday, August 9, 2017 at 6:30 p.m.

Recorded Vote:

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

PUBLIC HEARING

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

Marlaine Loushine, Euclid Avenue, inquired about the proposed off-street parking Ordinance. and if the homes that do not have a driveway will be grandfathered in.

Paul Williams, Euclid Avenue, is opposed to the off-street parking Ordinance.

Mr. Gassaro, Ocean Place, commented about the Dumpster Ordinance.

Mrs. O'Callaghan, Euclid Avenue, inquired about the details of the Historic Preservation Ordinance. Mayor Fernicola also discussed with Mrs. O'Callaghan the claims against the Loch Arbour Board of Education.

Paul Williams, Euclid Avenue, asked the Commissioners to consider purchasing storage lockers to rent to Village Beach Members during the summer. The Mayor instructed the Clerk to look into this matter and report back at the next Commissioners Meeting.

There being no other 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 6:55 p.m.

Marilyn Simons, RMC
Village of Loch Arbour