

**MINUTES
OCTOBER 21, 2020
7:30 P.M. AT BOROUGH HALL
ZOOM: DETAILS FOR PUBLIC PARTICIPATION POSTED ON THE WEBSITE**

The regular meeting of the Borough of Interlaken was called to order 7:30 p.m., by Mayor Nohilly followed by a salute the flag. The Sunshine Statement was read by Borough Clerk/Administrator Lori Reibrich. “THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY FORWARDING NOTICE TO THE ASBURY PARK PRESS AND THE COASTER THAT THE REGULARLY SCHEDULED MEETING WOULD BE HELD ON OCTOBER 21, 2020 AT 7:30 PM VIA ZOOM CONFERENCE UNDER THE GOVERNOR’S EXECUTIVE ORDER 107. A COPY OF THE NOTICE IS POSTED ON THE OFFICIAL BOROUGH WEBSITE WITH FULL DIRECTIONS ON HOW THE PUBLIC CAN ATTEND AND MAKE COMMENT AT THE MEETING. ALSO, A COPY WAS PLACED ON THE DOOR AT BOROUGH HALL AND IS ON FILE IN THE BOROUGH CLERK’S OFFICE.”

Present: Mayor Nohilly, Council members: Butler, Horowitz, Watson, Maloney, Fama and Delia

Also Present: Borough Attorney Richard Shaklee and Borough Clerk/Administrator Reibrich

1. PUBLIC COMMENTS – FOR AGENDA SPECIFIC ITEMS ONLY – EXCLUSIVE OF ORDINANCES

Mayor Nohilly opened the floor. With no comments made, Mayor Nohilly closed the floor.

2. APPROVAL OF MINUTES: SEPTEMBER 16, 2020 WORKSHOP & REGULAR MEETING

With no further comments, Council made a motion to approve, seconded by Council and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve							
Motion to Second							
Approved		X		X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused			X				

3. ORDINANCE 2020-4: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER X “BUILDING AND HOUSING”, SECTION 10-1 “STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY”, SUBSECTION 10-1.2 “CONSTRUCTION PERMIT FEE SCHEDULE”, SUB-SUB SECTION B “BASIC CONSTRUCTION FEE” ADDING A SUB-SUB SECTION 5 “MECHANICAL SUBCODE FEE”

ORDINANCE NO. 2020-4

AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING AND SUPPLEMENTING CHAPTER X, "BUILDING AND HOUSING," SECTION 10-1 "STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY", SUBSECTION 10-1.2 "CONSTRUCTION PERMIT FEE SCHEDULE", SUB-SUB SECTION b "BASIC CONSTRUCTION FEE", ADDING A SUB-SUB-SUB SECTION 5 "MECHANICAL SUBCODE FEE"

BE IT ORDAINED by the Borough Council of the Borough of Interlaken, in the County of Monmouth and State of New Jersey, that,

SECTION ONE. Sub-section 1-2 "CONSTRUCTION PERMIT FEE SCHEDULE," sub-sub-section b, of the Code of the Borough of Interlaken is amended and supplemented to add the following:

5. Mechanical Subcode fee:

The fee for a mechanical inspection in a one- and two-family dwelling by a mechanical inspector shall be \$75.00 for the first device and \$20.00 for each additional device. No separate fee shall be charged for gas, fuel oil or water piping connections associated with the mechanical equipment inspection

SECTION TWO. All other sections of the Borough Code will remain unaltered.

SECTION THREE. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby replaced to the extent of such inconsistencies.

SECTION FIVE. This Ordinance shall take effect immediately upon its final passage and publication according to law.

With a roll call vote for introduction, Councilman Watson made a motion to approve, seconded by Councilman Fama and unanimously carried.

Mayor Nohilly set the public hearing for November 12, 2020.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve				X			
Motion to Second						X	
Approved		X		X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused			X				

4. **RESOLUTIONS 2020-74: BEST PRACTICES CHECKLIST**

**RESOLUTION CERTIFYING REVIEW OF THE 2020
BEST PRACTICES CHECK LIST**

WHEREAS, the Borough of Interlaken is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the Check List has been certified by the Chief Financial Officer and a copy thereof has been received by each member of the Governing Body; and

WHEREAS, the members of the Governing Body have personally reviewed the Local Government Best Practices Check List;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Interlaken, hereby certifies that they have reviewed and discussed the checklist at a public meeting held on October 21, 2020.

BE IT FURTHER RESOLVED that certified copies of this resolution are to be provided to the following:

1. Division of Local Government Services
2. Lori Reibrich, Administrator/Clerk
3. Stephen Gallagher, Chief Financial Officer

CFO Steve Gallagher gave a brief overview of the Best Practices Checklist. He provided information regarding the excellent score received by Interlaken again this year.

With no further discussion, Councilwoman Maloney approved the resolution, seconded by Council President Butler and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve					X		
Motion to Second		X					
Approved		X		X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused			X				

5. **RESOLUTION 2020-75: GRANTING PERMISSION TO THE SYNAGOGUE OF DEAL FOR INSTALLATION OF AN ERUB ON UTILITY POLES ON PROPERTY OWNED BY THE BOROUGH OF INTERLAKEN**

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF INTERLAKEN GRANTING PERMISSION TO THE SYNAGOGUE OF DEAL FOR INSTALLATION OF AN ERUB ON UTILITY POLES ON PROPERTY OWNED BY THE BOROUGH

WHEREAS, there exists in the area and communities bordering Interlaken an Erub installed and maintained by the Synagogue of Deal (The Synagogue); and

WHEREAS, the Synagogue has made a request to the Borough for its permission to extend the Erub through the Borough of Interlaken on utility poles on property owned by the Borough; and

WHEREAS, the Erub is a wire boundary attached to utility poles creating a symbolic enclosure which would allow for certain activities to be performed within said boundaries which otherwise could not be; and

WHEREAS, that extension can be implemented by attaching a piece of thin plastic molding or, in Hebrew, a “Lehi”, to existing utility poles along the perimeter of the defined area; and

WHEREAS, the Synagogue requests the permission of the Borough to so attach Lehi to extend the Erub; and

WHEREAS, the Synagogue has received permission from one of the owners of the utility poles, Jersey Central Power & Light (JCP&L) and has satisfied all requirements from that utility and entered into contract with that utilities regarding same; and

WHEREAS, the Synagogue requires approval from the Borough to enter into a contract with the other owner of the utility poles, Verizon New Jersey, Inc. (Verizon), and will subsequently satisfy all requirements from that utility and enter into a contract with that utility regarding same.

**NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF INTERLAKEN:**

1. That upon the completion of the following conditioning precedent for Borough approval and utility licensing, the Synagogue will be thereafter permitted to extend the boundary of the Erub by attaching pieces of thin plastic molding or Lehi to utility poles, as identified in Maps presented to the Borough, on those utility poles on property owned by the Borough.
2. That, unless and until the written approval of both utilities (Verizon and JCP&L), including pole numbers and locations, is provided to the Synagogue and confirmation of same provided to the Borough, and the Borough Administration specifically directs

in writing she is satisfied with same and that work can begin, no work is to be performed on the expansion of the Erub.

3. The Synagogue will be responsible for maintenance associated with this extension.
4. The Synagogue has agreed to indemnify, defend and hold harmless the Borough in case of any claim in regard to said installation; maintenance or otherwise in regard to the erub. Furnishing of such agreement is also a condition precedent the permission to install the Erub as stated in paragraph one.
5. A certified copy of this Resolution be delivered to:
 - A. Synagogue of Deal
 - B. Jersey Central Power & Light
 - C. Verizon New Jersey

Mayor Nohilly provided a detailed background outlining the Synagogues request for an erub as well as all the contracts and agreements that have been handled and addressed with the Mayor, Borough Attorney and Borough Administrator. He stated that the Borough Attorney has done a legal review and that the Synagogue has met all requirements thus far. The resolution before the Council would be authorizing the Synagogue to place the poles on Borough owned property.

Councilman Fama had questions regarding different legal aspects regarding the approvals.

Councilwoman Maloney stated that she did not feel like there was enough information and she had questions regarding the documents.

Mayor Nohilly explained the due diligence done to ensure all items were in place. Councilman Fama assured the Mayor and Council that due diligence was done but he felt that he wanted more time to review the information and ask additional questions.

Councilman Watson questioned the private property owner who agreed to the erub being placed on their property easement. Mayor Nohilly and Borough Attorney Shaklee stated that the private resident's agreement with the synagogue and utility companies are not Borough concerns. The resolution is specifically for allowing access to Borough property for the installation of the erub on Borough owned property.

Councilwoman Maloney and Councilman Fama discussed needing additional information so that they can speak to resident questions regarding things such as the Establishment Clause and other legal questions being posed to them.

Jennifer Krimko, Esq, called a point of order and stated that any questions regarding the installation can be directed to her as she is not only a resident but also representing the Deal Synagogue. She explained what an erub is and discussed her experiences as a Land Use Attorney when it comes to Jewish faith requests in municipalities. She expressed that a symbolic religious should not be denied and explained her reasoning as to why she believed it could not be.

Further Council discussion continued regarding additional legal questions, placing items on the utility poles under different circumstances, hold harmless agreements, the private property agreement and due diligence of the Council in reviewing the presented materials.

As discussion started to become repetitive, Councilman Watson made a motion to table the resolution, seconded by Councilwoman Maloney and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve				X			
Motion to Second					X		
Approved		X		X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused			X				

**6. RESOLUTIONS 2020-76: AUTHORIZING AWARD OF BID OF CONTRACT
“IMPROVEMENTS TO IONA STREET”**

**AUTHORIZING AWARD OF BID CONTRACT
“IMPROVEMENTS TO IONA STREET”**

WHEREAS, bids for the project known as **“IMPROVEMENTS TO IONA STREET”** were duly advertised and publicly opened pursuant to law; and

WHEREAS, two (2) contractors took out a bid packet and two (2) complete bids were received ranging from low base bid of \$160,179.86 to high base bid of \$173,013.13; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the recommendation of the Borough Engineer, that said bid be awarded to Fernandes Construction Inc. 88 South River, NJ 08882; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute all documents in this regard; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. Fernandes Construction Inc, Bid winner
2. Lori Reibrich, Borough Administrator/Clerk
3. Stephen Gallagher, Chief Financial Officer
4. Peter Avakian, Borough Engineer

With no comments made, Council President Butler approved the resolution, seconded by Councilman Watson and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve		X					
Motion to Second				X			
Approved		X		X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused			X				

7. RESOLUTION 2020-77: ESTABLISHING HALLOWEEN CURFEW

ESTABLISHING HALLOWEEN CURFEW HOURS

WHEREAS, the Borough Council of the Borough of Interlaken is of the opinion that it is necessary for the protection of property and citizens of the Borough of Interlaken that regulations and restrictions be imposed during the Halloween period in order to prevent vandalism and to preserve law and order in the Borough of Interlaken during said period of time;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Interlaken as follows:

1. No person under the age of 18 years shall be permitted in any public place, public street or public property between the hours of 8:00 p.m. and 6:00 a.m. prevailing time, on each and every day during the period from October 29th through November 1st inclusive, unless such person during said hours is accompanied by his or her legal guardian or parent over the age of 18 years.
2. During said hours and days, no person shall wear any item for the purpose of covering any portion of his or her face, or partial mask in any public place, public street or public property in the Borough of Interlaken unless, the mask is for Covid-19 protections. However, all trick-or-treaters must be in costume.
3. That all persons, regardless of age, excepting those who are attending minor children who shall participate in the traditional Halloween activity of trick-or-treating within the Borough of

Interlaken on October 31, 2019, shall be in costume and shall curtail all trick-or-treating activities by 8:00 p.m. on this date.

4. No resident or non-resident minor shall be entitled to be on the streets, thoroughfares and property in the Borough of Interlaken, other than the property and dwelling wherein said minor resides or is a bona-fide guest of the owner or lessee thereof unless said minor is in the company of an adult over the age of 18, or traveling to or from a civic, church or school function, or employment.
5. Any person over the age of 18 years, who permits, consents or allows any person under the age of 18 years to violate the provisions of this Resolution or any part thereof, shall likewise be guilty of a violation of this Resolution.

Penalty: Violation of this Resolution shall be a fine not to exceed \$100.00 and will be determined by the Municipal Court.

Enforcement: This Resolution will be enforced by the Borough of Deal Police Department.

With no comments made, Councilwoman Maloney approved the resolution, seconded by Councilman Fama and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve					X		
Motion to Second						X	
Approved		X		X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused			X				

8. **RESOLUTION 2020-78: BILL LIST**

**BOROUGH OF INTERLAKEN
BILL LIST REPORT FOR
BOROUGH COUNCIL APPROVAL**

DATE SPAN	TOTAL
09/09/2020-10/19/2020	\$182,610.24

Resolution 2020-78:

WHEREAS, law requires listing of all bills approved for payment; and

WHEREAS, certification of available funds from the Chief Municipal Finance Officer has been made; and

WHEREAS, the total bill list for the regular meeting dated October 21, 2020 is in the amount of One Hundred Two Thousand, Six Hundred Ten Dollars and Twenty Four Cents.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council, of the Borough of Interlaken, that the CFO is hereby authorized to pay said bill list.

9. REPORTS/CORRESPONDENCE

- ADMINISTRATION/FINANCE No Report
- PUBLIC SAFETY: No Report
- STREETS & ROADS: No Report
- SHADE TREE COMMISSION: Councilman Fama reported that the Borough of Interlaken has declared a Tree City USA for the 32nd year which is a great accomplishment. There were 13 new trees planted. Councilman Fama and the Shade Tree Commission thanked DPW for their hard work with pruning, trimming and removals of shade trees this season.
- PLANNING BOARD: Council President Butler reported that the Planning Board has continued with work on the proposed Land Use amendments as well as the upcoming reexamination of the Master Plan.
- BOARD OF EDUCATION: No Report
- RECREATION COMMITTEE: No Report.
- BOROUGH ADMINISTRATOR: BA/Clerk Reibrich provided a County update regarding the General Election and the mail in ballots. The Allenhurst Fire Department will be coming through town at 3 pm on Halloween to distribute candy to any children who are socially distanced on sidewalk as they drive through. Halloween safety guidelines will be posted on the website.

10. COMMENTS FROM THE PUBLIC

Mayor Nohilly opened the floor for public comment.

Jennifer Krimko, 502 Buttermere Ave, speaking as a resident she shared that she is aggravated that the resolution was not passed. She stated that she was upset by the social media post that seemed to incite the town to attend the meeting with the one agenda item in mind. She said that the erub is a symbolic to the Jewish religion. She states she was very upset and disheartened by the closedmindedness due to a religious request. She invited anyone who would like to have any questions regarding the need for or use of an erub to come to her and ask any questions. This is a legal freedom and people should not be prevented from celebrating their faith.

Al Falak, 748 Corlies Avenue, requested some legal clarity into the matter. He felt that the matter of the eruv was presented in a concise way and that the Mayor and Borough Attorney both stated that all the legal parameters were

met by the Synagogue. He expressed that many people would benefit from this and he found it interesting that it would be tabled this evening.

Janet Casini-Pepe, 731 Raymere Avenue, asked a procedural question about the posting and availability of the agendas. Borough Administrator/Clerk explained that the agendas are available and posted on the Borough website at least 48 hours before the meetings. Any resolutions for the meeting can be requested to the office and will be provided. Any ordinances are published, posted and provided by law. They are also posted on the Borough website during this time of Covid-19 pandemic. Ms. Casini-Pepe expressed thanks and well wishes for everyone to stay safe during this time.

Jenni Hoffman, 614 Windermere Avenue, took issue that her private social media group post was mentioned as anything but informative.

Jodi Heinz, 512 Bridlemere Avenue, said that when she moved to this community she felt so welcomed. She was saddened to see that the resolution regarding the erub was tabled. She said it doesn't seem to follow the feeling of inclusivity that she has loved since she has moved in.

Michael DeSarno, 729 Raymere Avenue, questioned the look of a Lehi and if it was a permanent structure.

Mayor Nohilly shared a picture with the participants of the meeting.

With no further public comment, Mayor Nohilly closed the floor.

11. ADJOURNMENT

With no further comments, Councilman Delia made a motion to adjourn, seconded by Council President Butler and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve							X
Motion to Second		X					
Approved		X		X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused			X				

Lori Reibrich, RMC
Borough Administrator/Clerk