

**BOROUGH OF INTERLAKEN
MINUTES
DECEMBER 21, 2022
7:30 P.M. AT BOROUGH HALL**

The regular meeting of the Borough of Interlaken was called to order 7:30 p.m., by Mayor Nohilly. The Sunshine Statement was read by Borough Clerk/Administrator Lori Reibrich. It was followed by a salute to the flag and a moment of silence. “The notice of the requirements of the Open Public Meetings Act has been satisfied by forwarding annual notice to the Coaster and Asbury Park Press. A copy of the annual notice was posted on the Borough bulletin board and is on file in the Borough Clerk’s office.”

Present: Mayor Nohilly, Council President Butler, Councilmembers Horowitz, Delia and Franks

Absent: Councilman DeSarno

Also Present: Borough Administrator/Clerk Lori Reibrich, Borough Attorney Richard Shaklee

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

Mayor Nohilly opened the floor for public comment. Mayor Nohilly noted there were no members of the public present and closed the floor.

2. APPROVAL OF THE MINUTES: OCTOBER 19, 2022, WORKSHOP & REGULAR MEETING & NOVEMBER 9, 2022, WORKSHOP & REGULAR MEETING

With no comments, Council President Butler made a motion to introduce the ordinance, seconded by Councilman Delia and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve		X					
Motion to Second				X			
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

3. **ORDINANCE 2022-8: AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING AND SUPPLEMENTING CHAPTER XII (12), ENTITLED BUSINESS REGISTRATION”**

BOROUGH OF INTERLAKEN

ORDINANCE NO. 2022-8

AN ORDINANCE OF THE BOROUGH OF INTERLAKEN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH OF INTERLAKEN, TO ADD THERETO A NEW CHAPTER XII, ENTITLED “BUSINESS INSURANCE REGISTRATION.”

WHEREAS, P.L. 2022, c. 92 recently enacted by the New Jersey Legislature and signed by the Governor into law requires the owners of certain businesses and rental units to maintain certain minimum liability insurance coverages; and

WHEREAS, the aforesaid statute requires such owners to annually file with the municipality in which the business is located certificates of insurance evidencing the required coverages;

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Interlaken, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE. The Code of the Borough of Interlaken be and the same is hereby amended and supplemented by the addition thereto of a new Chapter to read, in full, as follows:

“CHAPTER XII

BUSINESS INSURANCE REGISTRATION

§12-1 Intent.

It is the intention of this Chapter to comply with the requirements imposed upon the Borough by P.L. 2022, c. 92, which provides for the annual registration of certificates of insurance by business owners and the owners of rental units located in the Borough.

§12-2 Insurance Requirements.

A. As required by the aforesaid statute and except as provided in subsection B. of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of not less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

B. The owner of a multifamily home which contains four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in

an amount of not less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§12-3 Registration Requirements.

A. The owner of a business, the owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually file a copy of a certificate of insurance demonstrating compliance with P.L. 2022, c. 92 with the Borough Clerk.

B. The copy of the certificate of insurance shall be filed with the Borough Clerk no later than thirty (30) days after the issuance or renewal of the policy or policies of insurance required to be maintained by said owner.

C. Upon filing of an insurance certificate, the Borough Clerk shall issue a certificate of registration to the owner stating the amount of coverage and the policy period of the insurance policy or policies evidenced by the certificate of insurance.

§12-4 Registration Fee.

The filing fee to be paid for each certificate of insurance filed with the Borough Clerk shall be the sum of \$100.00.”

SECTION TWO. All other sections and subsections 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.

APPROVED:

MICHAEL NOHILLY

Mayor

ATTEST:

LORI REIBRICH, Borough Clerk

ORDINANCE READING	DATE
1 ST READING BY TITLE:	November 9, 2022
2 ND READING BY TITLE:	December 21, 2022

I, Lori Reibrich Clerk of the Borough of Interlaken, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Interlaken at a regular meeting held on December 21, 2022.

Lori Reibrich, RMC

Borough Administrator/Clerk

Mayor Nohilly stated that:

ORDINANCE 2022-8 WAS POSTED IN BOROUGH HALL ON NOVEMBER 9, 2022 AND ADVERTISED IN FULL IN THE COASTER ON NOVEMBER 17, 2022. PUBLIC HEARING WAS SET FOR DECEMBER 21, 2022.

Councilman Delia made a motion to open the public hearing, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve				X			
Motion to Second					X		
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

No members of the public made comment on the ordinance.

With no public comment made, Councilman Delia made a motion to close the public hearing, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve				X			
Motion to Second					X		
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

Council President Butler made a motion to adopt the ordinance, seconded by Councilman Delia and unanimously carried by roll call vote.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve		X					
Motion to Second				X			
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused							

4. **RESOLUTION 2022-79: APPROVING THE CANCELLATION OF UNEXPENDED IMPROVEMENT AUTHORIZATIONS**

RESOLUTION 2022-79

RESOLUTION CANCELLING UNEXPENDED IMPROVEMENT AUTHORIZATIONS

WHEREAS, the Chief Financial Officer has recently performed a review of unexpended balance of improvement authorizations; and

WHEREAS, as a result of his review of the various improvement authorizations, it was determined that various inactive, unexpended and unneeded improvement authorization balances exist that should be considered for cancellation; and

WHEREAS, it is essential to sound financial practices in a municipality to review improvement authorizations and other accounts from time to time for cancellation; and

NOW, THEREFORE, BE IT RESOLVED that the following improvement authorizations are hereby cancelled and/or transferred charges as follows:

<u>Description</u>	<u>Ordinance Number</u>	<u>Date(s) Adopted</u>	<u>Authorization Canceled</u>
<u>General Capital Fund:</u>			
Borough Facilities	342	10/26/1999	\$ 204.95
Fernmere Avenue	357	05/11/1998	\$2,945.11
Sewer Pump System	374	10/24/2001	\$1,137.72
Sewer System	375	10/24/2001	\$10,649.11
Sidewalks and Curbs - Windemere	383	03/26/2003	\$31,917.12
Borough Equipment	2005-01	09/21/2005	\$5,127.70
Sanitation Truck	2006-13	04/19/2006	\$5,240.13
Bendermere Avenue – Phase II	2007-07	08/15/2007	\$60,172.39
Various Improvements	2010-06	07/21/2010	\$645.67
Various Improvements	2011-04	05/04/2011	\$790.67
Various Improvements	2015-04	07/29/2015	\$20,332.75
Various Improvements	2016-02	07/20/2016	\$18,150.24
Various Improvements	2017-02	06/21/2017	\$3,024.28
		General Total:	<u>\$160,337.84</u>
Canceled to Fund Balance			\$79,164.01
Deferred Charges to Future Taxation, Unfunded			\$50,353.27
Cancellation of Intergovernmental Account Receivable			\$30,820.56
			<u>\$160,337.84</u>

BE IT FURTHER RESOLVED that:

- 1 Certified copies of this resolution are sent to the Business Administrator, Chief Financial Officer and Borough Auditor.
2. The Chief Financial Officer who is authorized to make the appropriate accounting entries.

I, Lori Reibrich Clerk of the Borough of Interlaken, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Interlaken at a regular meeting held on December 21, 2022.

Lori Reibrich, RMC
Borough Administrator/Clerk

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

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve					X		
Motion to Second				X			
Approved		X			X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

5. **RESOLUTION 2022-80: APPROVING YEAR END TRANSFERS**

**YEAR END TRANSFERS
BOROUGH OF INTERLAKEN
COUNTY OF MONMOUTH
TRANSFER RESOLUTION 2022-80**

WHEREAS, there appears to be insufficient funds in the following accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the Current Year for 2022 Budget Appropriations, viz:

Appropriation	Amount
Current Fund Appropriations	
OE Mayor and Council	2,000.00
OE Borough Clerk	1,000.00
OE Street Lighting	5,000.00
OE Fire Hydrant Service	2,500.00
OE Shade Tree Commission	4,000.00
SW Borough Clerk	500.00
Total Current Insufficiencies	\$15,000.00

WHEREAS, there appears to be a surplus in the following accounts (excepting the

appropriation for Contingent Expenses, Down Payments or Capital Improvement Fund) over and above the demand deemed to be necessary for the balance of the Current Year for 2022 Budget Appropriations, viz:

Appropriation	Amount
Current Fund Appropriations	
OE Employee Group Insurance	10,000.00
OE Electric	5,000.00
Total Current Fund Appropriations	\$15,000.00

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of the full membership thereof affirmatively concurring) that in accordance with the provision of N.J.S.A. 40A:4-59, part of the surplus in the account heretofore mentioned by and the same hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands, and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized and directed to make the transfers:

TO		FROM	
Account	Amount	Account	Amount
Current Fund Appropriations			
OE Mayor and Council	2,000.00	OE Employee Group Insurance	10,000.00
OE Borough Clerk	1,000.00	OE Electric	5,000.00
OE Street Lighting	5,000.00		
OE Fire Hydrant Services	2,500.00		
OE Shade Tree Commission	4,000.00		
SW Borough Clerk	350.00		
Total	\$15,000.00		\$15,000.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution are to be filed with the Director of the Division of Local Government Services and that a copy of the within resolution be forwarded to the following:

1. Chief Financial Officer
2. Borough Auditor

I, Lori Reibrich Clerk of the Borough of Interlaken, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Interlaken at a regular meeting held on December 21, 2022.

Lori Reibrich, RMC
Borough Administrator/Clerk

With no comments, Councilman Delia made a motion to approve, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve				X			
Motion to Second					X		
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

6. **RESOLUTION 2022-81: AUTHORIZING EXECUTION OF THE MEMORANDUM OF AGREEMENT BETWEEN BOROUGH OF INTERLAKEN & CWA LOCAL 1075 FOR 2022**

AUTHORIZING EXECUTION OF THE MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF INTERLAKEN & CWA LOCAL 1075 FOR EMPLOYEES OF THE INTERLAKEN PUBLIC WORKS DEPARTMENT FOR 2022

WHEREAS, a multi-year successor agreement has not been reached between the Borough of Interlaken and CWA Local 1075 for the employees of the Interlaken Public Works Department; and

WHEREAS, the Mayor and Council included a salary increase in the 2022 budget for the Department of Public Works in the case that a multi-year successor agreement was not reached; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Interlaken hereby approve the Memorandum of Agreement, as attached, between the employees of the Interlaken Public Works Department and the Borough of Interlaken for the 2022 year only; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk of Interlaken are hereby authorized to execute the Memorandum of Agreement.

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

1. Mr. Tom Fagan, CWA Local 1075
2. Interlaken Public Works Employees
3. Interlaken Chief Financial Officer

Certification of Funds: I, Joseph Zanga, Chief Financial Officer of the Borough of Interlaken, County of Monmouth, State of New Jersey, hereby certify that there are funds available for the purpose of award of a contract as identified herein.

Only amounts for the 2022 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

Joseph Zanga, CFO 12/21/2022

Signature

Date

I, Lori Reibrich, Administrator/Clerk of the Borough of Interlaken, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Interlaken at a regular meeting held on December 21, 2022.

Lori Reibrich, RMC
Borough Administrator/Clerk

With no comments, Councilman Delia made a motion to approve, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve					X		
Motion to Second		X					
Approved		X			X	X	
Opposed							
Abstain/ Recuse							
Absent/ Excused			X	X			

7. **RESOLUTION 2022-82: APPROVING BOROUGH PROPERTY USE- MARDI GRAS**

RESOLUTION APPROVING BOROUGH PROPERTY USE

WHEREAS, Ms. Jennifer Kapp, of 510 Bridlemere Avenue, has submitted an application to utilize the Borough roadways located at Bridlemere Avenue, Buttermere Avenue, Woodmere Road and Rona Street, on February 18, 2023 from 4 p.m. to 6 p.m. for a Mardi Gras style second line parade event; and

WHEREAS, pursuant to the Borough of Interlaken Code, Chapter XIV, Chapter 1.5, all residents, associations, entities and other persons desirous of using and/or enjoying the park areas, recreational areas and Borough facilities and properties for the

purpose of conducting, maintaining and/or operating an organized activity, shall obtain express prior written consent of the Borough Council; and

WHEREAS, Ms. Kapp has submitted the required Certificate of Insurance documents, Hold Harmless Agreement and has complied with all the safety and traffic requirements dictated by the Deal Police Department to hold such an event.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Interlaken, County of Monmouth that it does hereby authorize the Borough Administrator to execute the Borough Property Use Agreement on behalf of the Borough of Interlaken, granting permission to Ms. Jennifer Kapp to utilize the Borough roadways as laid out in the Interlaken Traffic Event Memo provided by the Deal Police Department on dates and times listed on the Borough Property Use application attached.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to:

1. Lori Reibrich, Borough Administrator
2. Chief Ronen Neuman, Deal Police
3. Sgt. Nick Vaccarro, Deal Police
4. Jennifer Kapp, Applicant

I, Lori Reibrich, Clerk of the Borough of Interlaken, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Interlaken at a regular meeting held on December 21, 2022.

Lori Reibrich,
Borough Administrator/Clerk

With no comments made, Councilman Franks made a motion to approve, seconded by Councilman Delia and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve					X		
Motion to Second				X			
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

8. **RESOLUTION 2022-83: BILL LIST**

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

DATE SPAN	TOTAL
11/09/2022-12/20/2022	\$102,745.03

RESOLUTION 2022-83

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 December 21, 2022 is in the amount of One Hundred Two Thousand Seven Hundred and Forty-Five Dollars and Three 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.

I, Lori Reibrich Clerk of the Borough of Interlaken, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Interlaken at a regular meeting held on December 21, 2022.

Lori Reibrich, RMC
Borough Administrator/Clerk

With no comments, Council President Butler made a motion to approve, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve		X					
Motion to Second				X			
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

9. **REPORTS/CORRESPONDENCE:**

- **Administration/Finance:** No Report
- **Public Safety:** Councilman Franks discussed that he noticed some of the raised handicap ramps are in wearing down and may need to be replaced. BA Reibrich stated that she would work with the Borough Engineer in the New Year to see what can be done to replace any that may be in disrepair.
- **Streets & Roads:** BA Reibrich reported that Bridlemere Phase 3 Grant award was reported. The Borough received \$161,500. Borough Engineer Avakian stated that this award should cover the entire cost of the project if the bids come back reasonably. The formal award letter would be distributed once received.
- **Shade Tree Commission:** No Report
- **Planning Board:** Council President Butler stated that an application by JCP&L that is being heard by the Planning Board was carried until January.
- **Board of Education:** No Report
- **Borough Administrator:** Holiday garbage collection will take place on Tuesday not Mondays. This information has been posted on the website.

10. **COMMENTS FROM THE PUBLIC:** Mayor Nohilly opened the floor for public comment.

Jennifer Kapp, 513 Bridlemere Avenue, mentioned the guard rail that is included the JCP&L application that was carried to the next Planning Board meeting. She noted that the Council should take a look at the location because it would be placed on the Borough right of way. She stated that the Borough Engineer made comment at the meeting that the Council may be approached about the location of the guard rail they are proposing.

Ed O'Neill, 726 Bendermere Avenue, discussed the construction next door to him and the ongoing noise. He stated that he has contacted the Police multiple times. He discussed the use of a generator that runs all day long. He discussed the contacting of the Police but when they arrive they can't write violations because the noise changed or the noise is within the time frame allowed.

Mr. O'Neill asked the Council to consider adding federal holidays to the noise ordinance. While there should be common sense not to work on a holiday, Mr. O'Neill stated that the construction site next to his home worked on Thanksgiving.

Mr. O'Neill reiterated that he wants the noise ordinance enforced.

Jeff Sauter, 508 Buttermere Avenue, asked about the tax assessment increases. Mayor Nohilly explained the increase and the information that Tax Assessor, Alex Worth, has provided which can be found on the website. Mr. Sauter questioned the availability of the Tax Assessor and was assured should he want to appeal his tax assessment or has any questions that the Tax Assessor would be available.

Frank Tragno, 22 Wickapecko, discussed the construction project that is taking place next to his property. He expressed concerns regarding the generator use on the property and if a town ordinance could be considered to require that people doing construction must get a temporary electric service. He explained that the contractor is utilizing an extension cord for power from a neighboring property as well. He discussed gas powered generator usage. He questioned the rights of the homeowners being infringed upon while also allowing the contractor to complete the work. Borough Attorney Shaklee stated that the state as a code called the UCC (uniformed construction code) that regulates all construction sites in the state under the same guidelines. Some of the items discussed fall under those regulations and cannot be regulated by town ordinances. Mayor Nohilly and Borough Administrator Reibrich said that they would work with the Construction Official and Code Enforcement Officer to ensure that all complaints are reviewed but, the contractor does have his own rights to complete the project if there are no violations under the UCC.

Mr. Tragno requested that the Council consider reviewing the noise ordinance. He explained that even a change from 8 am to 6pm would be a welcomed one. He explained that the quality of life is strained when the landscapers work all day every day with gas powered leaf blowers and lawn mowers. It is very difficult to enjoy ones property outside in the warmer months when there is consistent noise from landscapers. He also asked the Council to consider adding federal holidays to the noise ordinance.

Mayor Nohilly explained that it has always been a very fine line with the time frame within the noise ordinance. The Mayor and Council reviews this topic on a yearly basis. The Council understands the plight of landscaper noise but other residents have come to the Council requesting additional time or even a time frame on Sundays because they are unable to complete their lawn maintenance due to their long work hours. After lengthy discussions that have been had at meetings on the pros and cons of making stricter or less strict hours, the Council has always decided to keep the current ordinance hours in the end.

Mr. Tragno thanked the Borough employees for the meeting he had with them and their responsiveness to his concerns. He stated that everyone has been helpful and that he has seen results for the concerns that could be addressed when he brought them up. His main concern is the safety of the project.

With no further comments from the public, Mayor Nohilly closed the floor.

11. **ADJOURNMENT:** With no further comments, Councilman Franks made a motion to adjourn, seconded by Councilwoman Horowitz and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Delia	Councilman Franks	Councilman DeSarno	Vacancy
Motion to Approve					X		
Motion to Second			X				
Approved		X	X	X	X		
Opposed							
Abstain/ Recuse							
Absent/ Excused						X	

Lori Reibrich, RMC
Borough Administrator/Clerk