

**MINUTES**  
**MARCH 17, 2021**  
**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 has been satisfied by forwarding notice to the Asbury Park Press and the Coaster that the regularly scheduled meeting would be held on March 17, 2021 at 7:30 p.m. 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 President Butler, Council members: Horowitz, Watson, Maloney, Delia and Franks

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. **ORDINANCE 2021-1: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO NJSA 40A:4-45.14**

**CALENDAR YEAR 2021**  
**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS**  
**AND TO ESTABLISH A CAP BANK**  
**(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up 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 Borough Council of the Borough of Interlaken in the County of Monmouth finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the

previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$39,362.72 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council 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 Borough Council of the Borough of Interlaken, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Interlaken shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$39,362.72, and that the CY 2021 municipal budget for the Borough of Interlaken be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any 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.

**APPROVED:**

\_\_\_\_\_  
**MICHAEL NOHILLY, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**LORI REIBRICH, RMC**  
**Borough Administrator/Clerk**

<b>ORDINANCE READING</b>	<b>DATE</b>
<b>1<sup>ST</sup> READING BY TITLE:</b>	March 17, 2021
<b>2<sup>ND</sup> READING BY TITLE:</b>	

With no comments, Councilwoman Horowitz made a motion to adopt, seconded by Councilwoman Maloney and unanimously carried via roll call vote.

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

3. **ORDINANCE 2021-2: AN ORDINANCE OF THE BOROUGH OF INTERLAKEN SUPPLEMENTING CAPTER XXVI (26) “LAND USE AND DEVELOPMENT”, ARTICLE V, GENERAL PERFORMANCE STANDARDS,” SECTIONS 26-50 “SIGN REGULATIONS” BOROUGH OF INTERLAKEN**

**ORDINANCE NO. 2021-2**

**AN ORDINANCE OF THE BOROUGH OF INTERLAKEN SUPPLEMENTING CHAPTER XXVI “LAND USE AND DEVELOPMENT”, ARTICLE V, “GENERAL PERFORMANCE STANDARDS,” SECTION 26-50, “SIGN REGULATIONS”**

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 26-50 of the Code of the Borough of Interlaken is amended and supplemented as follows:

- a. Any type of sign not permitted herein as an accessory use is prohibited, in any zone in this Borough.

b. The following types and kinds of signs shall be permitted as accessory uses in all zones.

1. One (1) temporary sign advertising the sale or rental of real property not exceeding five (5) square feet. The signs are temporary and shall be removed within thirty (30) days after sale of the premises;
2. Signs of government entities;
3. Construction signs not exceeding sixteen (16) square feet in area limited to a period of not more than thirty (30) days after the period of construction;
4. Political signs of not more than four square feet in area. These signs must be removed at the latest by thirty (30) days after the election has ended.

c. All signs shall comply with any other ordinances of this Borough that may be applicable, including but not limited to Sections 4-2.6 and 10-8.

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

<b>ORDINANCE READING</b>	<b>DATE</b>
<b>1<sup>ST</sup> READING BY TITLE:</b>	March 17, 2021
<b>2<sup>ND</sup> READING BY TITLE:</b>	

Mayor Nohilly gave a brief overview of the proposed amendment to the ordinance. He stated that construction and relator signs are regulated with a time frame for removal and political signs do not have any length of time associated with them. The proposed change would be made to include political signs associated with an election to be removed 30 days after an election takes place. Research was completed that most municipalities regulate the time frame of this type of sign before and after an election.

Councilwoman Maloney stated that she feels that this ordinance would limit political speech. Mayor Nohilly said that research was done by the Borough Attorney. Borough Attorney Shaklee confirmed that this type of regulation of signs has not been challenged. A municipality can limit the length of times of signage relating elections.

Mayor Nohilly and Councilwoman Maloney discussed the regulation of political speech, the aesthetic of the town and limiting political signage.

Councilwoman Maloney stated she would like to see this amendment tabled.

Borough Clerk Reibrich asked for a second to the motion to table the ordinance. With no second, the motion did not carry.

Borough Clerk Reibrich asked for a motion to introduce the ordinance. Councilman Franks made a motion to introduce, seconded by Councilwoman Horowitz and carried via roll call vote.

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

4. **RESOLUTION 2021-36: A RESOLUTION TO UTILIZE THE THREE-YEAR AVERAGE METHOD IN COMPUTING REVENUES IN THE 2021 MUNICIPAL BUDGET**

**WHEREAS**, The Director of the Division of Local Government Services has authorized the budgeting of revenues affected by the COVID-19 pandemic utilizing a three year average in a similar manor to that authorized under NJSA 40A:4-41 c. for the computation of the reserve for uncollected taxes, and

**WHEREAS**, The Director of the Division of Local Government Services requires municipalities utilizing the three year average method for the calculation of budget revenues affected by the COVID-19 pandemic as authorized under NJSA 40A:4-26 as amended by P.L. 2020, c. 74, adopt a resolution of the governing body authorizing such action, an

**WHEREAS**, the Chief Financial Officer has determined that it is necessary that certain revenues be calculated using the three year average method by the Borough of Interlaken, County of Monmouth for the 2021 budget year;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Interlaken, County of Monmouth that in accordance to the guidance provided by the Director of the Division of Local Government Services and based upon the Chief Financial Officers certification, authorize that the following anticipated revenues affected by the COVID-19 pandemic in 2020 utilize the three year average method for anticipation in the 2021 budget:

Anticipated Revenue	Prior Years Revenues			Three Year Average
	2018	2019	2020	
Municipal Court Fines	36,730.58	28,374.00	12,907.31	26,004.00
Interest on Investments	18,418.22	13,056.74	5,539.69	12,338.00

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

Borough Administrator Reibrich reiterated that this resolution is to allow for the CFO to take a three-year average on items affected by Covid revenue reductions as discussed at the last meeting.

With no comments, Councilwoman Horowitz made a motion to approve the resolution, seconded by Councilman Franks and unanimously carried.

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

**5. RESOLUTION 2021-37: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH UNITED STATES EEOC**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH UNITED STATES EQUAL OPPORTUNITY COMMISSION’S “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964”**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the Borough Council of the Borough of Interlaken, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017,

c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

With no comments, Councilwoman Horowitz made a motion to approve the resolution, seconded by Council President Butler and unanimously carried.

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

**6. RESOLUTON 2021-38 INTRODUCTION OF THE 2021 MUNICIPAL BUDGET**

**AUTHORIZING INTRODUCTION OF 2021 MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Borough Council of the Borough of Interlaken that it hereby introduces the 2021 Municipal Budget pursuant to the attached 2021 proposed municipal budget; and

**BE IT FURTHER RESOLVED** that a public hearing relative to said budget will be conducted on April 21, 2021, 7:30 p.m., via Zoom Teleconference with full details on the Borough Website on how the public can attend and participate in the public hearing. A full complete copy of the proposed 2021 Budget is available for public inspection in the office of the Borough Administrator/Clerk by appointment, as well as on the Borough’s website.

**BE IT FURTHER RESOLVED** that the 2021 Municipal Budget Revenue and Appropriation Summaries shall be published in The Coaster prior to the aforementioned public hearing.

**NOW, THEREFORE, BE IT FUTHER RESOLVED** that a copy of this Resolution be forwarded to the following;

1. Director of Local Government Services
2. Stephen Gallagher, Chief Financial Officer
3. The Coaster for publication
4. Robert Hulsart, Municipal Auditor



Mayor Nohilly set the public hearing for the budget for April 21, 2021.

With no further comments, Councilman Franks made a motion to introduce, seconded by Councilwoman Horowitz and unanimously carried.

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

7. **RESOLUTION 2021-39: AUTHORIZING CHANGE ORDER & SUPPLEMENT AGREEMENT NO. 2 AND FINAL PAYMENT CERTIFICATE #2**

**RESOLUTION AUTHORIZING FINAL CHANGE ORDER & SUPPLEMENT AGREEMENT NO. 2 AND FINAL PAYMENT CERTIFICATE #2**

**WHEREAS**, the Borough previously entered into a contract with Fernandes Construction, Inc. for the 2019 Road Improvement Program project; and

**WHEREAS**, the Borough Engineer, Leon S. Avakian Inc., has recommended approval of Payment Certificate #2 to Fernandes Construction, Inc., authorizing payment of \$31,371.24 for final work completed for the 2019 Road Improvement Program Project; and

**WHEREAS**, the Borough Engineer, Leon S. Avakian Inc., submitted Final Engineer’s Certificate No. 2, Final Change Order and Supplemental Agreement No.2 which decreases the overall contract by \$54,203.41 due to the final quantities for the work completed; and

**WHEREAS**, the following changes have been submitted and approved by Borough Engineer, Leon S. Avakian, Inc.:

Original Contract Amount:	\$402,826.97
Previously Adjusted Amount:	\$410,376.97
Amount of Supplemental Agreement:	(\$54,203.21)
Total Adjusted Contract Amount Due:	\$356,173.76

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that Payment Certificate No. 2, Final Change Order and Supplemental Agreement No. 2 is hereby authorized; and

**BE IT FURTHER RESOLVED** that the Borough Administrator/Clerk is hereby authorized to execute the Final Engineer’s Certificate No. 2 documents; and

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

1. Peter Avakian, Borough Engineer
2. Fernandes Construction, Inc
3. Borough Administrator
4. Chief Financial Officer

Mayor Nohilly commented that this is a change order with a decrease of the total project cost.

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

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

**8. RESOLUTION 2021-40**

**AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEES**

**WHEREAS**, resident Patti Englert of 30 Rona Street cancelled a construction permit after the construction company, For-Tech Construction located at 500 James Street Unit 11 Lakewood NJ 08701 made payment to the Borough; and

**WHEREAS**, For-Tech Construction has requested a refund for said fees; and

**WHEREAS**, Borough Construction Official Tom Haege recommends the refund of minus the UCC Code State Fee and 20% total construction fees as allowed under the law totaling \$240.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Interlaken hereby authorize refunds as stated below.

For-Tech Construction	500 James Street, Unit 11 Lakewood NJ 08701	Refund of Construction Permit Fees	\$150 Mechanical Fee \$150 Electrical Fee \$7.00 DCA Fee  Minus: \$60 Permit Deduction at 20%, \$7.00 DCA Fee  Total Refund: \$240.00
-----------------------	--	------------------------------------	--

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be provided to the following:

1. Stephen O. Gallagher, CFO
- 2.

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

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

**9. RESOLUTION 2021-41**

**AUTHORIZING MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION TO APPLY MOSQUITO PESTICIDES**

**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 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 operations 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 Borough of Interlaken 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**, by the Governing Body of the Borough of Interlaken, County of Monmouth, State of New Jersey, 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 of mosquitoes constituting either a nuisance, a health hazard or both 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 operations 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.

**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. Victoria Thompson, Superintendent

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

Motion to Approve							<b>X</b>
Motion to Second		<b>X</b>					
Approved		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Opposed							
Abstain/ Recuse							
Absent/ Excused							

10. **RESOLUTION 2021-35: BILL LIST**

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

---

DATE SPAN	TOTAL
03/15/21-03/15/21	\$54,065.73

**RESOLUTION 2021-42:**

**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 March 17, 2021 is in the amount of Fifty-Four Thousand, Sixty-Five Dollars and Seventy-Three Cents; and

**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.

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

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

**11. REPORTS/CORRESPONDENCE**

- ADMINISTRATION/FINANCE: Councilwoman Horowitz reported that the budget public hearing will be held at the next Meeting.
- PUBLIC SAFETY: No Report
- STREETS & ROAD: Council President Butler reported that the Committee will be meeting after regular meeting Council Meeting to go over some items that are being looked at and discussed amongst the members.
- SHADE TREE COMMISSION: No Report

- **PLANNING BOARD:** Council President Butler reported that an application was memorialized. Also, that the Planning Board is almost ready to present the land use continuity ideas to the Council for review and possible adoption.
- **BOARD OF EDUCATION:** No Report
- **RECREATION COMMITTEE:** No Report
- **BOROUGH ADMINISTRATOR:** No Report

12. **COMMENTS FROM THE PUBLIC**

Mayor Nohilly opened the floor for public comment. With no comments, Mayor Nohilly closed the floor.

13. **ADJOURNMENT**

With no further comments, Councilwoman Horowitz made a motion to adjourn, seconded by Councilwoman Maloney and unanimously carried.

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

---

Lori Reibrich, RMC  
Borough Administrator/Clerk