

**MINUTES  
 APRIL 21, 2021  
 7:30 P.M. AT BOROUGH HALL  
 ZOOM: DETAILS FOR PUBLIC PARTICIPATION POSTED ON THE WEBSITE**

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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 April 21, 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, CFO Stephen Gallagher and Borough Clerk/Administrator Reibrich

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**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: MARCH 3, 2021 & MARCH 17, 2021**

With no comments, Council President Butler made a motion to approve the minutes, seconded by Councilman Watson 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							

**3. ORDINANCE 2021-1: 2<sup>ND</sup> READING/PUBLIC HEARING**

**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:**

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**MICHAEL NOHILLY, MAYOR**

**ATTEST:**

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

ORDINANCE READING	DATE
<b>1<sup>ST</sup> READING BY TITLE:</b>	March 17, 2021
<b>2<sup>ND</sup> READING BY TITLE:</b>	April 21, 2021

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			<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							

4. **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"**

**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:

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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>	April 21, 2021

Mayor Nohilly recapped the sign ordinance amendment. This amendment includes the removal of political signs 30 days after the election.

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 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							

Marcie Horowitz, 510 Windermere Avenue, asked that a letter she and residents Arthur Fama and Phil Book sent to the Governing Body be included in the record.

\*Please see attachment 1 at the end of the minutes\*

Ms. Marcie Horowitz said that the proposed change to this ordinance regarding election signs gave the Council time to review the sign ordinance in its entirety. Ms. Horowitz spoke about new laws starting in 2015 that changed municipal regulations throughout the country regarding content neutral signs.

Borough Attorney Shaklee concurred with the summation of the current content neutral sign laws.

Ms. Marcie Horowitz expressed that it would be disturbing to her that a letter would come from the Borough asking someone to remove a political sign especially in the current political climate.

With no further comments, Councilman Delia made a motion to close the public hearing, 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							

Councilwoman Horowitz questioned if the Borough could adopt this ordinance and still review the content neutral ordinance at another time.

Borough Attorney Rich Shaklee discussed that many municipalities have this ordinance in place to regulate the political signage and he does not know of any challenges. He stated he feels that the Council can adopt this ordinance for now and look to revisit the content neutral regulations from recent years. A full review of the sign ordinance in its entirety can be looked into at a later meeting.

With no further comments, Councilman Delia made a motion to adopt, 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
Opposed				X	X		
Abstain/ Recuse							
Absent/ Excused							

Mayor Nohilly said that discussion on the content neutral portion of this ordinance can be brought to an upcoming Workshop Meeting for further discussion.

**5. ORDINANCE 2021-3: AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING CHAPTER XXVI (26), "LAND USE AND DEVELOPMENT", SECTION 26-28, "PROHIBITED USES" RELATING TO CANNABIS**

**ORDINANCE NO. 2021-3**

**AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING CHAPTER 26, "LAND USE AND DEVELOPMENT", SECTION 26-28, "PROHIBITED USES"**

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. Section 26-28 "PROHIBITED USES" of the Code of the Borough of Interlaken is amended to add the following to the existing language:

Without limiting any of the preceding, the Borough of Interlaken expressly prohibits any Class 1 Cannabis Cultivator License, Class 2 Cannabis Manufacture License, Class 3 Cannabis Wholesale License, Class 4 Cannabis Distributor License, and Class 5 Cannabis Retailer License in any zone within the Borough of Interlaken.

SECTION TWO. All other sections and subsections of Chapter 26, "Land Use and Development" 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:

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MICHAEL NOHILLY, Mayor

ATTEST:

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LORI REIBRICH, Borough Clerk



ORDINANCE READING	DATE
1 <sup>ST</sup> READING BY TITLE:	April 21, 2021
2 <sup>ND</sup> READING BY TITLE:	

Mayor Nohilly recapped the details from the prior meeting where it was discussed that if the Governing Body wishes to legislate the Classes/Categories available to Cannabis licensing there is a timeline associated with the prohibiting such acts. While Borough Attorney Shaklee indicated that though the Borough does not have a business district so regulations like this are not strongly needed, it is important to have something in place in case zoning changes in the future or someone wants to go before the Planning Board with a Use Variance.

With no further discussion, 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							

6. **RESOLUTION 2021-43 AUTHORIZING THE 2021 MUNICIPAL BUDGET TO BE READ BY TITLE**

**AUTHORIZING THE 2021 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY**

**WHEREAS**, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing the following provisions are met:

1. A complete copy of the budget, as advertised, is posted in a public place where public notices are customarily posted.
2. A complete copy of the budget has been available to each person requesting the same during said week and during the public hearing.
3. A complete copy of the budget was posted, as advertised, on the official Borough website.

**WHEREAS**, the Borough of Interlaken has complied with the aforesaid requirements.

**NOW, THEREFORE, BE IT RESOLVED**, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year 2021.

With no 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			X				
Motion to Second		X					
Approved		X	X	X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused							

7. **2021 MUNICIPAL BUDGET - PUBLIC HEARING**

***“THE 2021 MUNICIPAL BUDGET WAS INTRODUCED ON MARCH 17, 2021, AND ADVERTISED BY SUMMARY, AS REQUIRED BY LAW, ON APRIL 1, 2021 IN THE COASTER, TOGETHER WITH A NOTICE OF THE PUBLIC HEARING FOR THIS TIME. PRINTED COPIES OF THE BUDGET HAVE BEEN MADE AVAILABLE TO THE PUBLIC. IN ADDITION, A FULL COPY OF THE BUDGET HAS BEEN POSTED ON THE BOROUGH WEBSITE.”***

Mayor Nohilly turned the floor over to CFO, Stephen Gallagher.

CFO Gallagher presented the budget discussing the main points of surplus, debt service, property tax assessment, shared services and the affects of Covid on the current budget for 2021.

In concluding the discussion, many points were made regarding the assessments and taxation numbers. The average assessed home in Interlaken climbed to \$793,052 from \$731,778 the year before. The tax rate in Interlaken will come down again this year. With all items considered during the discussion such as revenue losses due to covid, debt service, annual increases from purchasing sources out of the Borough control and a new employee step increase the budget contains \$15 a month increase to the average assessed home.

Council President Butler made a motion to open the public hearing, 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							

No public comment was made for the 2021 Municipal Budget

With no comments, Councilwoman Horowitz made a motion to close the public hearing, seconded by Councilman Delia 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							

8. **RESOLUTION 2021-44: ADOPTION OF THE 2021 MUNICIPAL BUDGET**

\*Resolution 2021-44 is found in the State Long Form Budget Documents. Please see the Borough Website for budget documents.

With no comments, Councilman Franks made a motion to adopt the budget, 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							

9. **RESOLUTION 2021-45: APPROVING PARK USE APPLICATION- OCEAN TOWNSHIP**

**RESOLUTION APPROVING PARK USE APPLICATION**

**WHEREAS**, the Ocean Township Little League (O.T.L.L.) has submitted an application to utilize the Borough of Interlaken Ballfield located at 725 Bridlemere Avenue, from March 19, 2021 through June 1, 2021 from 5 pm to 8:30 pm Monday through Friday; 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 for the purpose of conducting, maintaining and/or operating an organized activity, shall obtain express prior written consent of the Borough Council.

**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 Park Use Agreement on behalf of the Borough of Interlaken, granting permission to the O.T.L.L. to utilize the ballfield on dates and times listed on the application attached.

**BE IT FURTHER RESOLVED**, that the applicant must provide the Borough Administrator with a certificate of insurance naming the Borough of Interlaken as additional insured prior to execution of the Park Use Agreement.

**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. Norman Cottrell, DPW Foreman
4. Vincent Volek, O.T.L.L.

With no comments, Councilman Franks made a motion to approve the application, 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							

10. RESOLUTION 2021-46: ARBOR DAY PROCLAMATION

# Arbor Day

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, 2021 is the 149<sup>th</sup> anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Interlaken, do hereby proclaim *April 30, 2021* as the 149<sup>th</sup> anniversary celebration of Arbor Day in the Borough of Interlaken, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**BE IT FURTHER RESOLVED**, the Mayor and Council of the Borough of Interlaken, urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Mayor Nohilly stated that the Shade Tree Commission will be having an Arbor Day Celebration later in the year due to current Covid restrictions.

With no further comments, Councilwoman Horowitz made a motion to approve, seconded by Councilman Watson 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: No Report
- PUBLIC SAFETY: Mayor Nohilly discussed the Fire Department’s letter of request to meet regarding the purchase of a new pumper truck. A meeting will be set up to go over the preliminary details.
- STREETS & ROAD: Council President Butler reported that Iona curbing and concrete has been completed. Mayor Nohilly noted that the Borough Administrator and DPW ensured the slate from Iona was collected and stored by DPW.
- SHADE TREE COMMISSION: Councilwoman Horowitz reported that the Commission presented their planting schedule for the season and they picked the yard of the month.
- PLANNING BOARD: Council President Butler reported that the Board is continuing with their land use continuity review.
- BOARD OF EDUCATION: Councilman Watson supplied the Council with a list of the students enrolled from 2014 through present.
- RECREATION COMMITTEE: No Report
- BOROUGH ADMINISTRATOR: BA Reibrich stated that on the next Workshop there will be a quick discussion regarding the Bond Ordinance and requested additional funding for the Bridlemere Avenue to be added to the Bond Ordinance.

Councilman Franks presented information regarding an air bnb in town and research he did that he believes makes this a home-based business. He stated that there is an ordinance against home-based businesses and believes it should be enforced as one. He believes that an air bnb does not allow for oversight of tenants staying and should be prohibited.

Mayor Nohilly reminded the Council that the Planning Board is currently making recommendations regarding air bnb and rentals in town.

Councilman Franks stated that the home-based business ordinance should regulate air bnb and that the Borough Code Enforcement Officer should be enforcing this ordinance. You should not have an ordinance that you ignore.

Borough Attorney Shaklee stated that the Borough has discretion on the ordinances that it prioritizes.

Borough Attorney Shaklee stated that air bnb has case law surrounding it not being a business but a legal way to use your home. Borough Attorney Shaklee discussed how it can be viewed as someone renting a room in their house which is a legal use of your home.

Councilman Delia questioned if there was a complaint regarding the property and its air bnb. Councilman Franks stated that the fact that people do not complain to Borough Hall does not mean they are not in violation. Councilman Delia reiterated the points made by Borough Attorney Shaklee.

Mayor Nohilly stated that this topic is currently with the Planning Board and the Council may be discussing new ordinances regarding rentals in town soon.

**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, Councilman Delia made a motion to adjourn, 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							

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Lori Reibrich, RMC  
Borough Administrator/Clerk