

**BOROUGH OF INTERLAKEN  
WORKSHOP MINUTES  
FEBRUARY 18, 2015  
7:00 P.M. AT BOROUGH HALL**

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The meeting of the Borough of Interlaken was called to order at 7:00 p.m., by Mayor Nohilly. The following statement was read by Borough Administrator Reibrich. “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 annual notice is posted on the Borough bulletin board and is on file in the Borough Clerk’s office.”

Present: Mayor Nohilly, Council President White, Council members: Franks, Gunn, Handerhan, Horowitz, Miller

Also Present: Borough Attorney Richard Shaklee, Borough Administrator/Clerk Lori Reibrich, Planning Board Planner Professional Allison Coffin, Planning Board Planner Professional James Higgins, Loch Arbour Mayor Paul Fernicola

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**1. PLANNING BOARD PROPOSED ORDINANCES – Escrow Fees & Land Use Ordinance Amendments as presented by the Planning Board; Allison Coffin, Planner, in attendance**

Council discussed the proposed amendments to Ordinance 2015-3. The discussion led by Councilman Gunn.

Councilman Gunn stated that the Planning Board requested that Council allow the Board to work with a planner to address issues with tear downs of homes.

Mayor Nohilly stated that this was something that the Council supported and authorized.

Planning Board Professional Allison Coffin, of James W. Higgins Associates, stated that work was done with the Planning Board to amend the ordinance to address their primary concern regarding height. The current ordinance was analyzed and found to have a very generous height requirement and no limit to the permitted number of stories. It was suggested that limits of 35 feet in height and a maximum of 2 ½ stories. The definition of a half story was added to the ordinance.

Planning Board Professional Allison Coffin stated that amendments were made pertaining to corner lot fences. Several additional changes were proposed to make the current ordinance compliant with State law, for instance allowing family day care homes permitted under State law in all residential zones.

Councilman Gunn stated that the amendments also updated allowances for accessory uses.

Planning Board Professional Allison Coffin stated that early in the process a resident came to the meeting to point out that putting a basketball pole at the end of his driveway would require going before the Planning Board, which seemed excessive. Changes were proposed to include customary uses.

Council discussed proposed Ordinance 2015-2 regarding escrow fees.

Mayor Nohilly stated that escrow fees are collected and are supposed to cover all expenses for a Planning Board application.

Councilman Miller stated that there have been numerous instances where the Planning Board has had to go back to applicants for a second or third escrow payment to cover professional fees associated with an application. Professional fees include services by Peter Avakian, Planning Board Engineer and Sanford Brown, Planning Board Attorney. Councilman Miller stated that it would be easier to collect more up front than to go back and collect additional monies. It is easier to return funds if the amount is not exceeded.

Mayor Nohilly stated that he feels everyone is on the same page regarding the escrow fees.

**2. LOCH ARBOUR PROPOSED CONSOLIDATION – Loch Arbour Mayor Fernicola to address Mayor and Council**

Mayor Nohilly introduced Mr. Paul Fernicola, Mayor of Loch Arbour.

Loch Arbour Mayor Fernicola joined Council table.

Loch Arbour Mayor Fernicola thanked Council for adding this matter to the agenda.

Loch Arbour Mayor Fernicola stated that Loch Arbour first wrote to the Interlaken Council in March 2014.

Loch Arbour Mayor Fernicola stated that dealings with Allenhurst regarding consolidation were frustrating. Loch Arbour Mayor Fernicola feels that Allenhurst was not candid with Loch Arbour and wasted two years of Loch Arbour's time. Loch Arbour Mayor Fernicola feels Allenhurst did not want to simply say no and dragged out the process as long as they could.

Loch Arbour Mayor Fernicola stated that discussions with Allenhurst were not candid but respects Councilman Franks for having the courage of conviction to speak out and express concerns regarding the consolidation.

Loch Arbour Mayor Fernicola stated that after the meeting on November 12 at the firehouse, Loch Arbour followed up with a proposed consolidation plan and specifically requested a meeting with the Interlaken Mayor and Council for December 17, 2015 to make a presentation of the consolidation plan and did not receive a response. Loch Arbour Mayor Fernicola feels that the residents of Loch Arbour deserved a response.

Loch Arbour Mayor Fernicola stated that he testified before a subcommittee of the New Jersey State Assembly in favor of the proposed amendments to the consolidation legislation. Loch Arbour Mayor Fernicola testified in favor of changing the law to allow one municipality to pay another municipality which was previously approved by the Senate. Loch Arbour Mayor Fernicola was happy to report that the local government subcommittee of the State Assembly voted to unanimously release the proposed amendments to the consolidation statute. The amendments were endorsed by the New Jersey State League of Municipalities and are being sponsored by an Assemblyman from Somerset County. The amendments will now go to a vote of the full Assembly when it is release by the Speaker of the House.

When the Sparsely Populated Consolidation statute was explored with Allenhurst there was a process for there to be an advanced plan. Loch Arbour Mayor Fernicola stated that Loch Arbour had suggested to Interlaken that we proceed under the Local Option Consolidation statute because there is a specific plan in place for the municipalities to vote on. Now the subcommittee has agreed to make changes to the Sparsely Populated Consolidation statute to allow for there to be an up-front plan.

Loch Arbour Mayor Fernicola reviewed the process of the proposed consolidation plan. The agreed upon plan would require a 2/3 vote from both municipalities to be submitted to the DCA. The DCA does their review and makes recommendations. A vote by both governing bodies would be required to accept DCA recommendations. Three public meeting are then required to review any changes to the plan. One meeting would be held in each municipality and then there would be a joint meeting.

Loch Arbour Mayor Fernicola reviewed the process of Loch Arbour's absorption into Interlaken stating that Interlaken's borders would be expanded to include Loch Arbour. Loch Arbour Mayor Fernicola reviewed details of the proposal in the areas of property, Zoning, Board of Education, shared services and personnel.

Loch Arbour Mayor Fernicola stated that the reason for the email to each of the members of Council requesting a straw poll was that the elected officials of Loch Arbour have a responsibility to pursue other alternatives, if Interlaken Council members do not think it is in Interlaken's best interest to proceed with the consolidation. Loch Arbour Mayor Fernicola would like to hear whether, based on the information that has been provided, that Council thinks it is warranted and would likely go to a town-wide referendum. Loch Arbour Mayor Fernicola understands the difficulty of a public official and that to-date the Borough has not done its own fiscal analysis beyond a review by the CFO. Loch Arbour Mayor Fernicola believes that Loch Arbour has provided a great deal of information and does not feel it is unreasonable to request to ask to hear from Interlaken Council what their opinion is to date.

Mayor Nohilly stated that at the Council meeting tonight there is a fully prepared Request for Proposal (RFP). Interlaken Council unanimously voted to go ahead with the RFP. In addition, the Borough Administrator and Finance Committee just had a meeting where they started preliminary work on the budget. A line item has been included in the budget to fund the RFP.

Mayor Nohilly stated that he wanted to eliminate any concerns that Loch Arbour is going down the same path. The Council has been painfully honest with their questions and concerns and is moving forward with getting its own information. Mayor Nohilly stated that it is not the responsibility of the elected officials to decide whether to consolidate or not, but whether to move forward with the

process and to make sure that the Borough is not put in any type of harm as we progress. Mayor Nohilly understands Loch Arbour's sense of urgency, but Interlaken has to be prudent in its due diligence to collect all of the facts, commissioned and prepared by Interlaken, before moving forward.

Loch Arbour Mayor Fernicola stated that Loch Arbour wants Interlaken to do its due diligence. The RFP is the equivalent of a request for a firm resume and a fee schedule.

Mayor Nohilly stated that Interlaken has prepared a very comprehensive RFP.

Loch Arbor Mayor Fernicola stated that his point was that by sending out the RFP the Borough is not committing to spending any money. Loch Arbour understands that Interlaken needs to do their due diligence. Loch Arbour is trying to encourage Interlaken to commence with that due diligence.

Council and Loch Arbour Mayor Fernicola discussed the matter of a straw poll. Councilman Gunn stated that there is not sufficient information to make a hypothetical decision right now. Mayor Nohilly and Councilwoman Horowitz made comment that showed support and agreement with Councilman Gunn.

Councilman Gunn stated that he understands that Loch Arbour's governing body has a responsibility to their residents to consider alternatives and asked that Loch Arbour advise Interlaken, should they go down that road.

Council, Loch Arbour Mayor Fernicola and Borough Attorney Shaklee discussed the process, benefits and timing of submitting the plan to the DCA.

Councilman Handerhan asked, if additional information may be gained by submitting the current plan for feedback.

Council President White believes that information gathered from both municipalities be included in the submittal.

Councilman Franks stated that the process should be fair to both Loch Arbour and Interlaken.

Loch Arbour Mayor Fernicola stated that Loch Arbour understands and wants Council to do their due diligence, but wanted Interlaken to have done it in December. Loch Arbour Mayor Fernicola expressed concerns that it is two months later for something that could have been done already to gather information.

Council President White and Mayor Nohilly stated that Council waited until the new members were sworn and that there has been progress made at every meeting this year.

Mayor Nohilly stated that it is Council's job to do what is best for the residents. Ultimately it is not something that should be decided by six people. It should be decided by all the residents.

Councilman Gunn stated that Interlaken cannot and must not be driven in the process by what the residents of Loch Arbour can afford in terms of cost and time. Councilman Gunn stated that Council's total focus needs to be on the best interest of the people of Interlaken. Council needs their trust going forward in a timetable that Interlaken thinks is appropriate. Council also needs Loch Arbour's support as well.

Loch Arbour Mayor Fernicola agreed with Councilman Gunn. Loch Arbour Mayor Fernicola stated that his concern was with the lack of response, not the pace.

Mayor Nohilly stated that since the new year, Interlaken is moving forward and moving forward in unison.

Loch Arbour Mayor Fernicola thanked Council for their time and energies.

Mayor Nohilly thanked Loch Arbour Mayor Fernicola for attending.

At this time, Loch Arbour Mayor Fernicola left the table.

### **3. REVIEW AND DISCUSSION OF REQUEST FOR PROPOSALS - *For Interlaken commissioned RFP on benefits& risks of proposed consolidation with Loch Arbour***

Council and Mayor Nohilly reviewed and discussed the Request for Proposal (RFP) to be made available for anyone who is qualified and wants to submit a proposal to do the study of the benefits and risks of the proposed consolidation with Loch Arbour.

Mayor Nohilly reviewed the Introduction and the Purpose sections of the proposal with Council stating that it is fairly comprehensible RFP.

Councilman Miller questioned the six month deadline for proposal returns.

Borough Attorney Shaklee stated that the timeline and listed items were taken from an RFP that was used in Princeton’s RFP for their consolidation. The intent was to put as much time in there as possible and be as inclusive as possible.

Council discussed the six month completion timeline and the intent of the RFP.

Councilman Horowitz asked questions regarding the distribution of the RFP.

Borough Administrator Reibrich stated that the RFP would be advertised and would like for it to be posted on the League of Municipalities website. Borough Administrator Reibrich stated that she and Borough Attorney Shaklee are aware of companies that do this type of work and also companies that work closely with consultants that could be made aware of the RFP.

Borough Attorney Shaklee stated that regular proposal deadlines are 10 days. The RFP deadline should be extended to accommodate a pre-submission meeting, in case there are questions from bidders.

Council set deadline for the return of proposals to be 30 days.

**4. COMMENTS FROM THE PUBLIC**

Mayor Nohilly opened the floor for public discussion.

Mr. Robert Napoli, 515 Windermere Avenue, stated that he witnessed Loch Arbour Mayor Fernicola’s testimony before the State Legislature subcommittee. Mr. Napoli stated that with the Borough Police disbandment issue the Borough felt alone. In this case, the legislature is watching and responded to what Loch Arbour Mayor Fernicola had to say about liabilities and the special tax district. There were many amendments. The League of Municipalities gave their full blessing and that was significant. The legislature wants to do something good for the State of New Jersey when it comes to shared services and consolidation. If this bill gets adopted, there is no need to worry about that issue that was raised from another municipality suing. That is off the table. Secondly, the issue of a one lump sum payment by Loch Arbour to Interlaken would be permitted. It would be legal. . It is in the language of the bill. It is going to go before the floor and be voted on.

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

**5. NEW BUSINESS – No new business.**

**6. ADJOURNMENT – With no further discussion, Council President White made a motion to adjourn, seconded by Councilman Miller and unanimously carried.**

Council President White MOTIONED to approve resolution, seconded by Councilwoman Horowitz. With no Council comment the motion carried.

|                   | Mayor Nohilly | Council President White | Councilman Miller | Councilman Handerhan | Councilman Franks | Councilman Gunn | Councilwoman Horowitz |
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| 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  
 Borough Administrator/Municipal Clerk  
 Date Approved: \_\_\_\_\_