

**BOROUGH OF INTERLAKEN  
MINUTES  
MARCH 18, 2015  
7:30 P.M. AT BOROUGH HALL**

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The meeting of the Borough of Interlaken was called to order at 7:32 p.m., by Councilman Handerhan. 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 is posted on the Borough bulletin board and is on file in the Borough Clerk’s office.”

Present: Council members: Franks, Gunn, Handerhan, Horowitz, Miller

Absent: Mayor Nohilly, Council President White

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

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

Blanche Franks, 310 Bendemere Avenue, stated that she learned \$35,000 was going to be put into this year’s budget for the investigation regarding the merger with Loch Arbour and questioned why the Borough is going down this road without polling the people.

Ms. Franks stated that \$35,000 equates to about \$90 per household and believes there are a lot of people who would say no, if a poll was taken. Ms. Franks stated that she feels this is like the debacle of the police building when money was spent on architectural drawings and the town voted no.

Ms. Franks asked why a couple of hundred dollars could not be used on stamps to send a letter to people to ask them if they want to do this and spend the money. Ms. Franks wants to ask residents if they would vote for a merger with Loch Arbour when they go to the voting booth.

Ms. Franks asked Council, “If they are not going to vote for it anyway, why are we wasting your time and our money?”

Robert Napoli, 515 Windermere Avenue, and Councilman Franks had a discussion regarding the protocol for public comment.

Mr. Napoli stated that allowing Ms. Franks comment regarding the budget was allowing a hearing on the introduction of the budget.

Borough Attorney Shaklee stated that the resolution for the study is not on the agenda, so technically Ms. Franks is making a public comment. Even though it is a budget item, it is an item of public comment.

Borough Attorney Shaklee addressed Council saying that the matter of distributing a survey had come up in the past. At the time that was being discussed, Mayor Nohilly stated that without a lot of facts, people would not be able to make an informed response to that survey. Borough Attorney Shaklee also stated that there were varying factors that could affect the responses received. The response rate may be good. It may be poor. You may get a response rate from a certain group that might get outweighed. Borough Attorney Shaklee also made the point that even though residents may care about the issue, they may not get involved.

Councilman Franks and Councilman Handerhan had discussion regarding public comment protocol.

Robert Cancellari, 714 Bridlemere Avenue, stated that a very detailed survey was sent to residents regarding the park and asked if simple survey about the merger could be sent to residents. Mr. Cancellari feels that \$35,000 dollars is a lot to spend on something, if the people don’t want it. Mr. Cancellari asked if the question can go on the November ballot.

Councilman Handerhan agreed that \$35,000 was a lot of money and Council will take all comments under advisement. Nothing has been decided yet.

Mr. Cancellari stated that Mayor Nohilly was on the park committee and the survey received a lot of responses and a lot of feedback.

Jodi Heinz, 512 Bridlemere Avenue, agreed with previous statements that there should be a poll sent out to the Borough to ask if they want to go forward. Ms. Heinz also commented that Loch Arbor is having issues with their beach replenishment and they will be losing revenue. Ms. Heinz feels the liability and the risks keep piling up and she would pull the plug and be done. Ms. Heinz thinks a poll should be taken.

Liz Brown, 718 Bendermere Avenue, asked what Council can do. Ms. Brown feels that no one knew the cost would be \$35,000 and feels it will be closer to \$50,000. Ms. Brown stated that the town runs on a very tight budget and cannot afford that cost. Ms. Brown also stated that there are projects the Borough has not done. Ms. Brown stated that this merger is a distraction from things that need to be done in Interlaken. Ms. Brown does not understand why this study could not have been done with the Borough's professionals.

Councilman Handerhan asked that everyone keep in mind that an RFP is a request for a price. The amount put in the budget is a guess of what Council thinks those prices are going to be. If the RFP came in astronomically high, the Borough could decide not to go forward and that money can be used for something else. When the RFP's come in, it does not mean the money must be spent.

Mr. Napoli stated that there is a procedure to the budget process. There was ample opportunity during the budget process to let the public comment on the additions. The budget cannot be introduced and then an element of the budget be argued. Mr. Napoli stated that merger costs could not be argued at this time. Other items like lowering sewer overage costs by sewer remediation and the reduction of insurance costs by privatizing the Public Works Department should not be brought up either.

Mr. Napoli told Borough Attorney Shaklee that is was very peculiar that there is almost a public hearing about the budget when it has not historically been done and is improper. Mr. Napoli stated that Council takes things out of context. Mr. Napoli stated that he asked a Planning Board question last meeting and was told to ask the Planning Board. Mr. Napoli also stated that he did not appreciate Mr. Franks lecture about public comment protocol when protocol was not enforced for all commentors.

Councilman Handerhan stated that latitude to the discussion was permitted with the understanding that this is a hot button issue. It is an issue that has been discussed and is out there. Even though it is part of the budget, it is being discussed in a general way. It is not just the \$35,000. The discussion is conceptual. Councilman Handerhan stated that latitude was given because people showed up and they wanted to talk about it. That is what public comment is about. Councilman Handerhan stated that the issue is not being talked about as a specific budget item but more of a global town issue and that is why it was permitted.

Mr. Cancellari stated that Councilman Horowitz asked Loch Arbour Mayor Fernicola, if Loch Arbor was willing to pay for the study. Mr. Cancellari asked what the response was.

Councilman Handerhan stated that Mayor Nohilly decided that the Borough should not pursue that avenue, to ensure that the study was done completely independently from any influence from Loch Arbor.

Councilman Handerhan closed the floor for public comment.

**2. APPROVAL OF MINUTES: MARCH 4, 2015 - WORKSHOP & REGULAR**

Councilman Gunn MOTIONED to approve minutes, seconded by Councilwoman Horowitz. Councilman Miller abstained. With no additional Council comment the motion carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz
Motion to Approve						X	
Motion to Second							X
Approved				X	X	X	X
Opposed							
Abstain/ Recuse			X				
Absent/ Excused	X	X					

**3. RESOLUTION 2015-43: AUTHORIZING INTRODUCTION OF THE BUDGET**

**AUTHORIZING INTRODUCTION OF 2015 MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Borough Council of the Borough of Interlaken that it hereby introduces the 2015 Municipal Budget with a total general appropriation of \$2,299,681.79 pursuant to the attached 20145 proposed municipal budget; and

**BE IT FURTHER RESOLVED** that a public hearing relative to said budget will be conducted on April 15, 2015, 7:30 p.m., Borough Hall, 100 Grasmere Avenue, Interlaken, NJ 07712. A full complete copy of the proposed 2015 Budget is available for public inspection in the office of the Borough Administrator/Clerk during normal business hours, as well as on the Borough’s website.

**BE IT FURTHER RESOLVED** that the 2015 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. Lori Reibrich, Borough Administrator/Clerk
4. The Coaster for publication
5. Robert Hulsart, Municipal Auditor

Councilman Handerhan set the pubic hearing date for April 15, 2015.

Councilman Miller MOTIONED to introduce the budget, seconded by Councilman Gunn. With no Council comment the motion carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz
Motion to Approve			X				
Motion to Second						X	
Approved			X	X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused	X	X					

**4. RESOLUTION 2015-44: AUTHORIZING THE DEAL POLICE BENEVOLENT ASSOCIATION TO PRESENT THE INTERLAKEN 5K**

**AUTHORIZING THE DEAL POLICE BENEVOLENT ASSOCIATION TO PRESENT THE INTERLAKEN 5K**

**WHEREAS**, the Borough Council and the Recreation Advisory Committee of the Borough of Interlaken are desirous of having a local charity present and receive benefit from the Interlaken 5K scheduled for October 17, 2015; and

**WHEREAS**, the Deal Police Benevolent Association has submitted the attached letter dated, which delineates responsibilities and sharing in the monetary proceeds of the event.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Interlaken hereby accept the terms of the attached letter dated and agree to have the Deal Police Benevolent Association present the Interlaken 5K scheduled for October 17, 2015.

**BE IT FURTHER RESOLVED** that this approval is subject to the Deal Police Benevolent Association submitting a certificate of insurance naming the Borough of Interlaken as a Certificate Holder prior to the event.

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

1. Joseph Ammaturo, President of the Deal Police Benevolent Association

2. Lori Reibrich, Borough Administrator
3. Stephen O. Gallagher, Chief Financial Officer

Councilman Miller MOTIONED to make authorize 5K, seconded by Councilman Gunn stated that the race weekend date remained unchanged, motion carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz
Motion to Approve			X				
Motion to Second						X	
Approved			X	X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused	X	X					

**5. RESOLUTION 2015-45: AUTHORIZING MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION TO APPLY MOSQUITO PESTICIDES**

**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

Councilman Gunn MOTIONED to authorize mosquito extermination by Monmouth County Mosquito Extermination Commission, seconded by Councilman Franks. With no Council comment the motion carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz
Motion to Approve						X	
Motion to Second					X		
Approved			X	X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused	X	X					

6. RESOLUTION 2015-46: PAYMENT OF THE BILLS

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

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DATE SPAN	TOTAL
03/10/15-03/16/15	\$ 65,266.66

**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 18, 2015 is in the amount of Sixty Five Thousand, Two Hundred Sixty-Six Dollars and Sixty-Six 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.

Councilman Handerhan MOTIONED to make payment, seconded by Councilman Gunn. With no Council comment the motion carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz
Motion to Approve				X			
Motion to Second						X	
Approved			X	X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused	X	X					

7. REPORTS/CORRESPONDENCE

- ADMINISTRATION/FINANCE – Councilman Gunn stated that he, along with two other members of the Finance Committee, Councilman Franks and Councilwoman Horowitz, met with Borough CFO Gallagher and Business Administrator Reibrich. Councilman Gunn stated that it is his first time on Council and he was impressed with the thoroughness and professionalism of Borough CFO Gallagher. Their meeting was very insightful.

- PUBLIC SAFETY – Councilman Miller stated that the monthly Police report had been distributed to Council.

Councilman Franks stated that a joint emergency management meeting would be held shortly. Deal Police will attend and maybe bring Allenhurst Fire and First Aid to explain what OEM is and what we can expect so everyone is up to speed in case of emergency.

Councilman Franks stated that he discussed the meeting with Councilman Handerhan. They feel notice of the meeting should be sent to residents. Borough Administrator Reibrich stated that a mailing could be done to promote this type of event.

- STREETS & ROADS – No report.
- RECREATION ADVISORY COMMITTEE – Councilman Miller stated that the Egg Hunt will be on March 28, 2015 and that the application for the town-wide yard sale has been posted on the web site.
- SHADE TREE COMMISSION – Borough Administrator Reibrich reported that the Monmouth County engineers held a meeting here at Borough Hall with the other towns affected by the Crawfords Circle project. The project is scheduled for a September 15, 2015 start date with the completion to be right before Memorial Day.

Borough Administrator Reibrich stated that the Shade Tree Commission and the Garden Club expressed interest in the County's offer to allow them to choose and maintain the plantings in the area. An agreement can be signed that these groups would maintain the beautification of the area. Otherwise, the County will do minimal planting and maintenance to the area. Borough Administrator Reibrich stated that once the matter is agreed upon, agreements will be brought to Council.

- PLANNING BOARD – Councilman Miller reported that the two ordinances that were referred back to Planning Board were discussed with the Borough Engineer and Planner, Peter Avakian and found to be compliant with the Master Plan.
- BOARD OF EDUCATION – Councilman Miller reported that there was a normal meeting in the month of February and the March meeting was scheduled for Monday, March 23<sup>rd</sup> at 5:30 p.m.

Councilman Horowitz advised Councilman Miller that she would attend the Board of Education meeting on March 23, 2015.

- BOROUGH ADMINISTRATOR - Borough Administrator Reibrich stated that the proposed ordinances 2015-2 and 2015-3 were reviewed by the Planning Board were approved and found to be in compliance with the Master Plan. They will be advertised for adoption on April 15, 2015.

Borough Administrator Reibrich stated that a reexamination of the Master Plan must be completed in the next two years. Borough Engineer and Planner Peter Avakian will be attending the May Planning Board meeting to begin the process.

Borough Administrator Reibrich stated that last year the Borough was granted a Community Block Development Grant of \$110,000 to construct ADA compliant bathrooms, counter and curb cuts at the street. Funding is usually disbursed in June. Last year monies were issued in August. The Borough cannot proceed with any architectural or design work until grant money is received. Borough Administrator Reibrich stated the project should be scheduled for the end of the year.

## **8. COMMENTS FROM THE PUBLIC**

Ms. Heinz stated that she was co chair of the Shade Tree Commission and looked forward to working with the Planning Board on the work at Crawfords Circle.

Ms. Heinz also asked Council, if there was anything that could be humanely done to curb the geese population in the Borough.

Councilman Handerhan stated that oiling has previously been done by residents, but it is difficult and dangerous. There are a lot of steps involved.

Borough Administrator Reibrich stated that the Borough has contracted the U.S. Department of Agriculture (USDA) for the last five years to addle the eggs. The USDA is only permitted on Borough property. If the USDA finds a nest on private property, they do not approach. The USDA addles nests along the river banks. Numerous nests are addled, but they cannot get them all. Borough

Administrator Reibrich stated that she receives reports each year. Last year about 9 nests were reached and 49 eggs were added.

Councilman Handerhan stated that, if anyone sees a nest on private property they could contact Borough Administrator Reibrich.

Council discussed the issue of the increasing geese population in the Borough.

Ms. Franks stated that she was concerned about the geese as well. Ms. Franks has previously been involved with oiling eggs of nests in the Borough, but noticed the population has increased once the government took over. Most of the nests are on private property. When Ms. Franks was oiling eggs, they spoke to homeowners about going on their property. Ms. Franks stated that most homeowners were happy to have the nests oiled. Ms. Franks also stated that it was a tough job. Some of the geese could get a little nasty.

Council had additional discussion regarding geese population control including gaining access to private property and the liability of doing so. Borough Administrator Reibrich stated that she would reach out to the USDA contact to discuss a remedy about the nests on private property.

Ms. Heinz stated that the Shade Tree Commission will have an Arbor Day celebration at Borough Hall on May 3, 2015 from 1pm-2pm. Ms. Heinz stated that she would be in contact with Borough Administrator Reibrich to get a flyer out to residents.

Robert Napoli, 515 Windermere Avenue, stated that he was glad Council was moving forward with the Buttermere Avenue project that started four years ago. Mr. Napoli stated that Council could not consider spending \$25,000 on the sump pump issue discussed earlier, when there are alternatives and the frequency of use is unknown.

Mr. Napoli also stated that he was troubled by an outburst of a member of Council and that it violates the rules of order. The public has a God given right to voice their opinion and not be interrupted, talked down to or lectured. Mr. Napoli stated that in Councilman Franks' campaign literature it was stated that he would not bring his personal agendas to the table. Mr. Napoli feels there is no justification for Councilman Franks's actions.

With no additional public comment, Councilman Handerhan closed the floor for public comment.

**9. ADJOURNMENT**

Councilman Gunn MOTIONED to adjourn, seconded by Councilman Franks. With no Council comment the motion carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz
Motion to Approve						X	
Motion to Second					X		
Approved			X	X	X	X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused	X	X					

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 Lori Reibrich  
 Borough Administrator/Clerk  
 Date Approved: \_\_\_\_\_