

**BOROUGH OF INTERLAKEN**  
**MINUTES**  
**APRIL 15, 2015**  
**7:30 P.M. AT BOROUGH HALL**

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Council President White announced that it was brought to Council's attention that the attendance of the room exceeded capacity. Council President White stated that while he can't ask anyone to leave there is a risk that the fire marshal could come and shut down the meeting. Council President White asked if anyone would volunteer to leave the meeting so the attendance did not exceed the 49 person capacity. Several attendees moved to the foyer. The double doors were open to allow greater visibility. Attendees in the room were reduced to 49.

The meeting of the Borough of Interlaken was called to order at 7:30 p.m., by Council President White. 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: Mayor Nohilly, Council President White, Council members: Franks, Gunn, Handerhan, Horowitz, Miller

Also Present: Borough Attorney Richard Shaklee, Borough Administrator/Clerk Lori Reibrich, Borough CFO/Tax Collector Stephen O. Gallagher

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

Robert Napoli, 515 Windermere Avenue, questioned Borough Attorney Shakelee regarding Councilman White conducting the meeting, the remote attendance of Mayor Nohilly and the Mayor's eligibility to vote in the event of a tie.

Borough Attorney Shaklee stated that the law is that a member can attend a meeting remotely. Normally if the Mayor is in "attendance" he does preside. There is nothing that says a Mayor cannot convey that duty to someone else and in this situation, it would be necessary.

Council President White stated that it is no different than the last meeting where Councilman Handerhan ran the meeting, but Mr. Miller would have been the first in line to run the meeting. Being Mr. Miller attended remotely, Councilman Handerhan ran the meeting.

Mr. Napoli stated that he recalled the argument when Councilman Miller was in Florida, Mr. Miller could not act as Council President and relinquished his authority to Councilman White.

Borough Attorney Shaklee stated that Mayor Nohilly could vote. He is attending remotely, as permitted by law.

Robert Cancellari, 714 Bridlemere Avenue, asked if it was any different for the Mayor to be voting remotely for this meeting than from Councilman Miller to have voted at the last meeting.

Council President White responded that it was the same.

Council President White closed the floor for public comment.

**2. APPROVAL OF MINUTES: MARCH 18, 2015- WORKSHOP & REGULAR**

Councilman Miller MOTIONED to approve minutes, seconded by Councilman Franks. Council President White 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	X
Opposed							
Abstain/ Recuse		X					
Absent/ Excused							

**3. RESOLUTION 2015-47: AUTHORIZING THE 2015 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY**

**AUTHORIZING THE 2015 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.

**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 2015.

Councilman Miller MOTIONED to approve reading of budget, seconded by Councilman Franks. With no additional Council comment the motion carried.

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

**4. 2015 MUNICIPAL BUDGET - PUBLIC HEARING  
CFO & BOROUGH AUDITOR PRESENT**

***"THE 2015 MUNICIPAL BUDGET WAS INTRODUCED ON MARCH 18, 2015, AND ADVERTISED BY SUMMARY, AS REQUIRED BY LAW, ON MARCH 26, 2015, 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."***

CFO Gallagher presented budget highlights to Council stating that 2014 total appropriations were \$2,274,439.05. This year the Borough is at \$2,319,681.79 which is an increase of \$45,242.00 over 2014's budget. On the revenue side, the Borough had an increase of taxation from \$1,829,972 to \$1,879,440 or roughly an increase of \$49,468.00.

CFO Gallagher stated that the most notable increase in the budget, aside from the \$35,000 item for the study, is the police contract. The police contract increased by about \$25,000.00. The rest of the appropriations offset that. If you exclude the \$35,000, the overall appropriations increased by about \$10,000.

CFO Gallagher gave a schedule of analysis of surplus from 2009 to 2018 that shows how surplus has been running. The Borough had been keeping the surplus balance between \$350,000 to about \$480,000. The only notable exception was during Hurricane Sandy. The Borough had to respond to a lot of emergencies, which reduced the surplus very quickly. The Borough ended up with a deficit position for operations in 2012, which had to be raised in the 2013 budget. The Borough was able to recover from that. The Borough had already budgeted for the loader, which was one of the main drivers behind the reduction of surplus in the capital budget. The Borough was able to refund the surplus from that. The Borough also recouped some, but not a lot, from FEMA. \$40,000 was received from FEMA for storm related expenses and part of the loader and that shows

up in the miscellaneous revenues unanticipated. CFO Gallagher's estimate was \$25,000 for miscellaneous revenues and it jumped up to \$72,000. Going forward, the Borough's budgets are extremely lean. In some cases too lean. CFO Gallagher stated that the Borough is running a surplus balance that is just a little bit over 10% of the operating budget. The Borough really should try to do something to bring that up a little bit. The goal is to match the amount that is generated with the amount that is used to fund the budget, so there is a stable budget and a stable tax rate. CFO Gallagher projects surplus will dwindle down to \$375,000 by 2018. It does not leave a lot of room for emergencies like the Hurricane Sandy. Ideally surplus should be someplace in the 20% to 35% range. The Borough is just about 20% right now. CFO Gallagher stated that it is a testament to the governing body that they are very contentious about how the budget is constructed and what they spend the money on.

Councilman Gunn asked about the surplus and stated that the Council may want to begin thinking about surplus next year and achieving the goal CFO Gallagher suggested.

Borough Administrator Reibrich stated that the Borough Auditor was present as well, if anyone has any questions for him.

Councilman Handerhan wanted to clarify for everyone, that the Borough uses a considerable portion of the surplus each year to support the budget. It is not like that surplus just sitting there not being used. The Borough actually has to use more than 50% to support the budget itself.

Council President White stated that surplus that is accumulated is always used to support the yearly budget. Council President White noted that over a nine year period the surplus is pretty much the same. The Borough has been able to maintain the same range between \$350,000 and \$450,000 without any significant tax increase to the residents. In 2013 there was a vote to have a zero tax increase. The Borough did not have surplus and that was coming out of 2012 where we had diminished the surplus but yet we are right back up to where we were without a significant increase to the residents.

Councilman Handerhan stated that the actual surplus estimated for 2015 is at \$255,000 and dwindling down. That could be hurtful.

Councilman Franks agreed that the surplus is a little too lean.

Councilman Miller MOTIONED to open public comment, seconded by Councilman Gunn. With no additional Council comment the motion carried.

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

Council President White opened the floor for public comment.

Rob Levinsky, 510 Bridlemere Avenue, stated that the main issue is the \$35,000 allocated towards a possible merger with Loch Arbour. Mr. Levinsky commended Council for their work. Mr. Levinsky asked not to put the line item for \$35,000 for the study and say if we don't use it we'll stick it in reserve. If the reserves need to be increased that is fine, do what you think is appropriate, but don't mix apples and oranges. Mr. Levinsky stated that putting \$35,000 into the budget when everyone agrees that it is going to be more than that is disingenuous. Be realistic. Either put in what you really think is going to be spent or don't put in anything at all. Mr. Levinsky stated that some of Council may want the people to see the positives that may be there. That's fine, but you should have some political courage. Stand up and say that is why you are voting for it and supporting it. A merger might indeed be a good idea, but it seems absolutely obvious to most people here that there just isn't a lot of support for it. If there is no chance, than why are we spending not only money but your time, that is valuable, to look at a study that there is never going to be support for down the road.

Robert Napoli, 515 Windermere Avenue asked questions regarding surplus to CFO Gallagher.

CFO Gallagher stated that the budget had been put together. It is good budget. The auditors like it the governing body likes it and it is a fiscally prudent budget.

Mr. Napoli commented on the use of surplus asking why it was okay to utilize unspent reserved funds from a budget that were not spent in the prior year, but it is not okay to take a specific line and do the same.

CFO Gallagher stated appropriations are anticipated and based on what we think might happen. It doesn't always happen. The Borough doesn't always have an excessive amount spent on legal, for example, and we will have some remaining money in the line item which then gets moved over to surplus that can be used in the next year to support the budget. CFO Gallagher stated that surplus is a good thing. It helps not only fund the budget and keeps the taxes relatively stable, but it also acts as cushion for times where you need to do an emergency. A nice amount in surplus helps to keep the town stable.

Mr. Napoli and CFO Gallagher discussed the \$35,000 line item in regards to surplus.

Karen Hahn, 22 Westra Street, stated that \$35,000 is not enough to pay for the proposals and asked what the line item was there for. It cannot be used for what it is intended. Ms. Hahn stated, if you want to put it in surplus, ask for surplus.

Councilman Gunn stated there is a fundamental point. There is a disagreement not only in the audience, but within the council. The amount of money was put into the budget with the idea that the full cost was not known. Councilman Gunn, speaking from his own perspective as a new Council member and new finance committee member, stated that the purpose he had was to be sure that the item was included in the budget, so that it would be public and in front of the residents.

Councilman Gunn stated that it is Council's job to assess the benefits and risks of the proposals that were represented by Loch Arbour. Councilman Gunn stated that he did not expect that Council would do anything other than do the assessments. Councilman Gunn believes that if the \$35,000 remains in the budget, than it gives Council the opportunity, with the benefit of what we have received from the RFPs, to prioritize the most important items in the RFP. This would be taking forward to inform not only the residents, but he believes better inform members of the Council. Council can move through with measured steps over time and put a date in front of us, as to whether we "fish or cut bait." Councilman Gunn feels Council is eminently qualified to take itself and the almost 700 residents to a point where they have a better understanding.

Council President White stated that while he understands what Councilman Gunn is saying, Council went through the Budget and Finance to add that line item specific to that study. Council had the attorney and Borough Administrator put together an RFP and gave full Council opportunity input into that RFP. It was sent out. RFPs were returned, all in a timely manner. This was all done when Council was still working through the budget. When those proposals came back, Council still had the opportunity to say, "Okay this is what we got back and say we can increase that line item to fund that study and get the information that was provided in the RFP." Council decided not to do that. Council President White stated that he is hearing from some Councilmembers they would like to do is take some of that information and redirect and use it to go further and look at other options. Councilman White stated that he is fine with that, if that's what they want to do. Council President White stated that he is not fine with leaving a \$35,000 line item in the budget and basically asking the tax payers to pay for down the road. Council would be asking residents to pre pay for something Council is going to sit here and redesign.

Don Fields, 408 Buttermere Avenue, stated that \$35,000 would fund a very brief study, however, it does not include infrastructure or environmental issues which will come as a much larger figure. Mr. Fields asked Council to stop kicking the can down the road and end this thing.

Steve Pappalio, 619 Bridlemere Avenue, stated at \$35,000 the cost is \$100 per house. At \$70,000 the cost is \$200 a house. This is out of pocket cost to screw around with a proposal that the majority is not in favor of. Mr. Pappalio stated that there is a good representation at the meeting. If there is so many people who are for this, why aren't they here? They are just not here. Mr. Pappalio stated that it is Council's job to decide to cut it now rather than just kicking the can down the road and letting it go on.

Blanche Franks, 310 Bendermere Avenue, stated she agrees with what Mr. Levinsky about being disingenuous. There has been meeting after meeting. Our CFO told us months ago of a worst case scenario where the Borough could be forced into the Ocean Township School system. Taxes would be raised by 56%. Then one of the RFPs came back with the same information that would be a lynch pin. The issue with Ocean Township School is something you can only find out if you do a merger, because that's when the lawsuits start. Ms. Franks stated she knows the

discussion is about the \$35,000 line item, but people in this town are saying they don't want to spend the money, because they do not want to merge.

Jennifer Wentz, 614 Windermere Avenue, stated that she remembers the presentation done at the firehouse by Loch Arbour and stated that all of their experts essentially admitted that it was speculative. There is really no known result until a merger is done. Ms. Wentz asked why we are going ahead with these RFPs and proposals, if they are going to be speculative as well.

Bill Silvain, 208 Grassmere Avenue, stated that two major risks, the special taxing district and the school issue, will not be addressed, even if the studies are paid for. Mr. Silvain stated that it seems the reason that people are saying they don't want the \$35,000 is because they believe it will kill the merger. If we don't have the study then we don't have the information. We don't do the vote because we don't have the information. It gets to be the chicken and the egg. Mr. Silvain does not want to wear the risk of these unknown things that could happen. No one has the answer for them, so we have to go through it and be subject to the risk of our taxes dramatically increasing. Mr. Silvain moved here because the tax burden is relatively manageable.

Justine Repak, 31 Westra Street, stated that she was not at the last meeting but the Mayor of Loch Arbour attended. He asked Council, at the time, to fish or cut bait. If you take the \$35,000 out of the budget, we send a message to Loch Arbour and we are done.

Hank Heinz, 512 Bridlemere Avenue, stated that this makes no sense whatsoever. We are going to spend a lot of time and money for a line item for \$35,000 which will not pay for the study. Mr. Heinz doesn't think it makes any sense to go forward with this, when we are not going to do this anyway. Council will run it by the residents. Tax them \$200 per family and then the residents are not going to do it.

Joseph Coyne, 211 Buttermere Avenue, noted that he is going to make a political statement. He spent 20 years as mayor at Allenhurst. He never took to relying upon the total amount of census of 900 number of people. He took to how many people came to the meeting. They bothered to attend. Mayor Coyne told Council they had a lot of heartfelt statements and asked them to please listen.

Mr. Napoli stated that it was ironic that there was not one budget question.

Council President White stated comments mentioned the \$35,000 line item.

Mr. Napoli stated that this situation is so reminiscent of the police issue. The public referendum was brought by the people that wanted a difference.

Scott Schaffer, 301 Grassmere Avenue, stated that they moved here from Scotch Plains where they talked about merging for years. They had a committee that went on for years. The committee was disbanded, because it cost the town hundreds of thousands of dollars just to investigate. Mr. Schaffer asked Council to make assessments later, if needed, but remove the line item.

Marcia Hanke, 312 Buttermere Avenue, stated that she sent a letter to Business Administrator Reibrich. Ms. Hanke does not think the \$35,000 should be spent on Loch Arbour. It is Loch Arbour's request to Interlaken. They should be putting the money in a fund for Interlaken to pay for the study. Ms. Hanke also suggested that there be some kind of non-binding referendum.

Council President White asked for a motion to close public comment.

Councilman Handerhan MOTIONED to close public hearing, seconded by Councilman Miller. With no additional Council comment the motion carried.

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

## **5. RESOLUTION 2015-48: INTRODUCTION OF 2015 BUDGET AMENDMENTS**

Councilman Franks MOTIONED to introduce 2015 Budget Amendment to remove \$35,000 line item, seconded by Councilwoman Horowitz.

Councilman Miller stated that he felt the large part of the discussion at the last meeting was based on the cost of the RFPs, as opposed to the specifics of RFPs. Councilman Miller noted that one of the RFPs stated that the questions asked could be done in phases. Phase one is the gathering of data. The gathering of data is necessary to determine and properly vet the proposal that had been given by Loch Arbour. Councilman Miller stated that it was within the Council's ability to accept Loch Arbour's proposal at face value, which would allow Interlake to submit it to the state at no cost to the tax payer. It would allow the state to add, subtract, change, revise, rewrite and submit it back to the Council with opinions from the Department of Community Affairs, the Department of Education, etc. When it came back, Council would then vote again on the changes the state had made. If the council voted no, again no cost was involved. If the council looks at it and the state has proposed changes and seems to make sense, then it would be submitted to the voters in a public referendum, where everyone would get to vote. Councilman Miller stated that Council decided not to take Loch Arbour's study at face value that it would be better to get an independent study. There were more questions asked by more residents to make it more comprehensive. Only price was discussed at the last meeting. The \$50,000 RFP stated that all of this could be done in phases. The \$50,000 RFPs last phase was implementation. Well if the first phases don't work, than there is no implementation phase. Councilman Miller stated that it is quite possible that the Administration and Finance Committee, with the person who submitted the RFP, could say Phase one cost \$5,000, Phase two cost \$10,000 and a set implementation cost. Councilman Miller stated that the Borough only has the information Loch Arbour provided. The whole point of putting some number in the budget was to provide Interlaken's own independent study to provide objective information to give the residents. Councilman Miller believes that Administration and Finance did do their job. The \$35,000 should stay in the budget to allow them to do their job and have positive information, which could then be disseminated to everyone. It will go back to the residents, all of the people in attendance. Councilman Miller stated that he respects everyone's opinion.

Council President White stated that the reason specifics of the RFPs were not discussed is because it was a budget meeting. The budget needed to be approved, so the topic was a line item that was in the budget. Council had the opportunity to accept an RFP and increase that line item.

Councilman Miller stated that the RFPs could have been rejected.

Council President White asked why the taxpayers of this Borough should take on the burden of a \$35,000 line item, because Council cannot come to terms on what it is that they want to research and provide to residents. Council President White stated that the issue is the \$35,000 line item. If Council wants to sit at the table and redesign the RFPs, then so be it right now we are looking at a \$35,000 line item that will not benefit anybody in this town and it shouldn't be there.

Councilman Miller disagreed.

Councilman Handerhan stated that he made his opinions known at the last meeting and there was a lot of disagreement. Councilman Handerhan stated that he thought long and hard but was voting yes to remove the line item.

Councilman Franks MOTIONED to introduce the amendments, seconded by Councilwoman Horowitz. With no additional Council comment the motion carried by roll call.

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

Mayor Nohilly commented that everyone's feelings are very difficult to think about. Mayor Nohilly agreed with the way Councilman Handerhan voted and stated that he would have broken

a tie and voted to remove the \$35,000 line item from the budget. \$35,000 makes no sense. Council owes the residents some type of information commissioned by Interlaken. Council will have to regroup and decide on the next step. What Council cares about is protecting Interlaken from risk. Mayor Nohilly stated that he is glad the \$35,000 is out of the budget.

Borough Administrator Reibrich requested a date of adoption.

Council discussed arrangements for a special meeting.

Public meeting for the amendment and budget adoption was set for Wednesday, April 22, 2015 at 7:30.

#### **6. RESOLUTION 2015-49: ADOPTION OF THE MUNICIPAL BUDGET, AS INTRODUCED**

Councilman Miller MOTIONED to table the adoption of the budget as introduced, seconded by Councilman Handerhan. With no additional Council comment the motion carried.

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

#### **7. ORDINANCE 2015-2 – 2<sup>ND</sup> READING /PUBLIC HEARING**

#### **AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING CHAPTER XXVIII DEVELOPMENT FEE SCHEDULE**

***ORDINANCE 2015-2 WAS POSTED IN BOROUGH HALL ON MARCH 18, 2015 AND ADVERTISED IN FULL IN THE COASTER ON MARCH 26, 2015. PUBLIC HEARING WAS SET FOR APRIL 15, 2015.***

#### **AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING CHAPTER XXVIII DEVELOPMENT FEE SCHEDULE**

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

**SECTION 1. PURPOSE.** The purpose of this Ordinance is to provide a revised fee schedule for all development applications before the Planning Board pursuant to Borough Development Regulations.

#### **SECTION 2. AMENDMENT.**

SCHEDULE A “APPLICATION FEES”, CHAPTER XXVIII, DEVELOPMENT FEES, as referred to under 28-2a of the Borough of Interlaken Code, shall be amended as follows:

Type of Development Application	Column A (Administrative Fees)	Column B (Prof. Review Escrow Amount)
1. Minor Subdivision	\$ 150.00	\$2,000.00
2. Major Subdivision (A) Preliminary Major Subdivision	\$ 250.00	\$2,000.00 + \$100.00/lot

(B) Final Major Subdivision	\$ 150.00 + \$25.00/lot	\$250.00 +\$25.00/lot
3. Minor Site Plan (A) Less than 5,000 sq.ft. of building	\$350.00	\$2,000.00
(B) Modification of less than 10,000 sq. ft. of previously approved site plan	\$350.00	\$1,000.00
4. Major Site Plan: (A) Preliminary	\$350.00	\$2,000.00 + \$100.00/unit
(B) Final	\$150.00 + \$25.00/unit	\$250.00 + \$25.00/unit
5. Planning Permits (Pursuant to N.J.S.A. 40:55D-34 and N.J.S.A. 40:55D-35)	\$150.00	\$1,000.00
6. Applications for variance as set forth in N.J.S.A. 40:55D-70a, appeal from administrative official or agency	\$150.00	\$1,500.00
7. Conditional Use (all conditions satisfied heard by Planning Board N.J.S.A. 40:55D-67)	\$350.00	\$1,500.00
8. Interpretation (Pursuant to N.J.S.A. 40:55D-70b)	\$150.00	\$1,500.00
9. Informal Concept Review (A) Proposed small scale development (less than 10 acres)	\$150.00	\$2,000.00
10. Bulk Variances	\$150.00	\$1,500.00
11. Use Variances	\$150.00	\$2,500.00

(See Ord. No. 261 § 1; Ord. No. 384 § 2)

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjusted invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjusted and the remainder of the ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon final passage and publication as required by law.

Councilman Miller MOTIONED to open public hearing, seconded by Councilman Gunn. With no additional Council comment the motion carried.

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

Council President White opened the floor for public comment.

With no public comment Council President White asked for a motion to close public comment.

Councilman Gunn MOTIONED to close public hearing, seconded by Councilman Franks. With no public comment the motion carried by roll call.

	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	X
Opposed							
Abstain/ Recuse							
Absent/ Excused							

Councilman Miller MOTIONED to adopt, seconded by Councilman Handerhan. With no public comment the motion carried by roll call.

	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	X
Opposed							
Abstain/ Recuse							
Absent/ Excused							

## **8. ORDINANCE 2015-3 – 2<sup>ND</sup> READING /PUBLIC HEARING**

### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF INTERLAKEN**

***ORDINANCE 2015-3 WAS POSTED IN BOROUGH HALL ON MARCH 18, 2015 AND ADVERTISED IN FULL IN THE COASTER ON MARCH 26, 2015. PUBLIC HEARING WAS SET FOR APRIL 15, 2015.***

### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF INTERLAKEN**

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

#### **SECTION I**

Chapter XXVI, "Land Use and Development" of the Borough of Interlaken is hereby revised as follows for the purposes of addressing the trend towards tear downs of existing homes and construction of oversized houses out of character with neighborhoods within the Borough, limiting the effects of the height of houses on neighbors and open space, clarifying corner lot fence regulations, updating definitions, and clarifying permitted accessory uses:

#### **SECTION II**

2. Section 26-4 "Definitions", shall be amended as follows:

Building height shall mean the vertical distance measured from the street level to the highest point of the roof. For the purposes of this calculation, the street level shall be a horizontal line from the crown of the road the mid-point along the

**frontage facing the architectural front of the building** of the property in question. Chimneys and similar structures shall not be included in the calculation of building height.

Family shall mean one or more persons, limited in number under the applicable housing code provisions, whether related by blood, marriage, or adoption, or unrelated, occupying a premises and living as a single nonprofit bona fide housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or similar group, nor shall it include any group of persons whose use or occupancy of any dwelling is or is intended to be temporary. As utilized herein bona fide housekeeping unit shall mean a relationship between persons for maintaining a common household in a style generically characterized by a stability, permanency and functionality which in all respects, and to all outward appearances, presents a picture very much akin to that of a traditional family.

Fence shall mean an artificially constructed barrier forming an enclosure or separation of an open area and designed to prevent straying from within or intrusion from without such enclosure, or to provide a visual barrier for the purpose of assuring privacy.

Lot frontage shall mean that portion of a lot extending along a street line. In the case of a corner lot, the lot line having the **shorter** distance along the street shall be considered the front lot line.

Story shall mean **that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.** For the purpose of this chapter, the interior of the roof shall be considered a ceiling. A "half story" is the area under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the surface of the floor of such a story.

2. Section 26-33.a. shall be amended to add:

**4. Family Day Care Home**

3. Section 26-33.b. shall be amended as follows add:

1. Private garage or carport for not more than three (3) automobiles;
2. Private swimming pools;
3. Tool shed or similar storage building or domestic animal or pet housing not exceeding one hundred twenty (120) square feet;
4. Outdoor barbecue structure;
5. Fences as regulated by ordinance.
6. Home occupation
7. **Other customary accessory uses and structures which are clearly incidental to the principal structure and use, such as but not limited to flag poles, swing sets, and ground mounted basketball nets.**

4. Section 26-49.a. shall be amended as follows

- a. Fences in a residential type zone (R-A, R-B), may be erected, altered or reconstructed to a height not exceeding five (5) feet above ground level when located to the rear of the front building line. Fences in no event shall be erected, permitted or otherwise located in front of the building line or in the front yard, except for corner lots, in which case fences located in front yards facing the architectural side of the building, fences shall be setback a minimum of 15' from the street right-of-way line. Such fences located within a front yard shall be no higher than 4' and shall be landscaped along the outside in a manner which softens their appearance.

5. Section 26-49 shall be amended to add:

- h. A fence shall be at least fifty (50%) percent open between grade level and the top cross member, when observed in a position perpendicular to the fence line.**

6. Exhibit A SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS shall be amended as follows:

R-A Single-Family Residential Zone (Section 26-33)

a. Single-Family Dwellings:

1. Minimum lot area-square feet - 15,000 square feet
2. Minimum lot width - 75 feet
3. Minimum lot depth - 150 feet
4. Minimum front setback - 50 feet except that no building shall be nearer to the street than the average alignment of existing buildings within two hundred (200) feet of each side of the lot and within the same block.
5. Minimum side yard - 15 feet
6. Minimum rear yard - 30 feet
7. Maximum height - 35 feet
8. **Maximum number of stories - 2 1/2**
- 8.9. Minimum usable floor area of principal dwelling -2,000 square feet (1,200 feet on one floor)

b. Accessory Uses.

1. Shall be at least 5 feet from the rear and side property lines
2. Shall not exceed 1 story or 15 feet in height

c. Lot Coverage.

1. Maximum building area coverage - 25 percent of lot area
2. Maximum impervious surface area - 45 percent of lot area (Ord. No. 20073 § 1)

R-B Single-Family Residential Zone (Section 26-34)

a. Single-Family Dwellings:

1. Minimum lot area-square feet - 12,000 square feet
2. Minimum lot width - 75 feet
3. Minimum lot depth - 100 feet
4. Minimum front setback - 35 feet
5. Minimum side yard - 8 feet
6. Minimum rear yard - 20 feet
7. Maximum height - 35 feet
8. **Maximum number of stories - 2 1/2**
9. Minimum usable floor area of principal dwelling -2,000 square feet (1,200 feet on one floor)

b. Accessory Uses.

1. Shall be at least 5 feet from the rear and side property lines
2. Shall not exceed 1 story or 15 feet in height

c. Lot Coverage.

1. Maximum building area coverage- 25 percent of lot area
2. Maximum impervious surface area - 45 percent of lot area (Ord. No. 20073 § 1)

## **SECTION III**

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

## **SECTION IV**

4. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

## **SECTION V**

5. This Ordinance shall take effect upon its final passage and publication as provided by law.

Councilman Handerhan MOTIONED to open public hearing, seconded by Councilwoman Horowitz. With no additional Council comment the motion carried.

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

Mr. Napoli questioned the amendment regarding fences.

Councilman Gunn stated that the ordinance was well reviewed by the Planning Board, the Planners and Council. The ordinance is intended to address fences on corner properties.

Councilman Miller explained that the ordinance was proposed by experienced planners and was reviewed by the Planning Board Attorney. It was also reviewed by the Borough Engineer to confirm its compliance with the Borough's Master Plan.

Councilman Gunn MOTIONED to close public hearing, seconded by Councilman Miller. With no additional public comment the motion carried by roll call.

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

Councilman Miller MOTIONED to adopt, seconded by Councilman Handerhan. With no additional comment the motion carried by roll call.

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

## 9. RESOLUTION 2015-50: RESOLUTION TO PROCLAIM 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**, 2015 is the 143<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 **May 3, 2015** as the 143<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.

Councilwoman Horowitz MOTIONED to adopt, seconded by Councilman Handerhan. With no Council comment the motion carried.

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

## **10. RESOLUTION 2015-51: RECYCLING TONNAGE GRANT**

### **APPROVING 2014 RECYCLING TONNAGE GRANT APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants for calendar year 2012 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of the Borough of Interlaken to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Interlaken that the Borough of Interlaken hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Norman Cottrell, Recycling Coordinator, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Councilwoman Horowitz MOTIONED to adopt, 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
<b>Motion to Approve</b>							<b>X</b>
<b>Motion to Second</b>						<b>X</b>	
<b>Approved</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Opposed</b>							
<b>Abstain/ Recuse</b>							
<b>Absent/ Excused</b>							

**11. RESOLUTION 2015-52: AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF OCEAN FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL**

**RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF INTERLAKEN FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL**

**WHEREAS**, N.J.S.A 40:8A-1 et seq. authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and

**WHEREAS**, the Borough of Interlaken and the Township of Ocean has entered into an Agreement dated February 19, 2008 by where the Borough of Interlaken would purchase gasoline and diesel fuel from the Township of Ocean at a reasonable fee; and

**WHEREAS**, said Agreement will be for a term of one (1) year and shall automatically renew for additional terms of one (1) year maximum of seven (7) years;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Interlaken, Monmouth County that authorization is hereby granted to the Mayor and Municipal Clerk to execute the Interlocal Services Agreement with the Township of Ocean for the provision of fuel dispensing services at the Public Works facility located on Sunset Avenue for the one (1) year and shall automatically renew for additional terms of one (1) year for a maximum of seven (7) years; and

**BE IT FURTHER RESOLVED**, said Agreement will be on file and open for inspection during regular business hours at the Office of the Borough Clerk; and

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

1. Township of Ocean
2. Norman Cottrell, DPW Foreman

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

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz
<b>Motion to Approve</b>						<b>X</b>	
<b>Motion to Second</b>					<b>X</b>		

<b>Approved</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Opposed</b>							
<b>Abstain/ Recuse</b>							
<b>Absent/ Excused</b>							

## **12. RESOLUTION 2015-53: APPROVING PARK USE APPLICATION- OTLL**

### **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 715 Bridlemere Avenue, from April 1, 2014 through June 21, 2014; 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.

Councilman Handerhan MOTIONED to adopt, seconded by Councilwoman Horowitz. With no Council comment, the motion carried by roll call.

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

## **13. RESOLUTION 2015-54: ADOPTING THE MONMOUTH COUNTY HAZARD MITIGATION PLAN**

### **ADOPTING THE MONMOUTH COUNTY HAZARD MITIGATION PLAN AS THE OFFICIAL PLAN FOR THE BOROUGH OF INTERLAKEN**

WHEREAS the Borough of Interlaken, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Interlaken:

1. The Monmouth County Multi-Jurisdictional *Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on March 16, 2015 by the Monmouth County Office of Emergency Management is hereby adopted as an official plan of the Borough of Interlaken; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Interlaken departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Interlaken, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

Councilman Franks MOTIONED to adopt, seconded by Councilman Handerhan. With no Council comment the motion carried by roll call.

	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	X
Opposed							
Abstain/ Recuse							
Absent/ Excused							

**14. RESOLUTION 2015-55: AUTHORIZING THE GARDEN CLUB OF INTERLAKEN TO PLACE A BLUE STAR HIGHWAY MARKER IN THE BOROUGH OF INTERLAKEN**

**RESOLUTION AUTHORIZING THE GARDEN CLUB OF INTERLAKEN TO INSTALL A BLUE STAR HIGHWAY MARKER**

WHEREAS, The Blue Star Memorial Highway was projected by the National Garden Clubs, Inc. as a living tribute to the men and women of the Nation's Armed Forces and;

WHEREAS, it is fitting and appropriate that further recognition be accorded the services and sacrifices that our citizens so valiantly rendered and;

WHEREAS, The Grow and Show Garden Club of Interlaken wishes to install one (1) Blue Star Memorial Marker in the Arboretum of the Borough of Interlaken along Grasmere Avenue and near the intersections of Bridlemere Avenue and Interlaken Drive and;

**WHEREAS**, the Blue Star Memorial Highway of New Jersey is sponsored by The Grow and Show Garden Club of Interlaken in cooperation with the New Jersey Department of Transportation and;

**WHEREAS**, the Grow and Show Garden Club of Interlaken will furnish and install the marker and;

**NOW, THEREFORE BE IT RESOLVED**, the Governing Body of the Borough of Interlaken hereby authorize the Grow and Show Garden Club of Interlaken to submit the necessary forms and documentation associated with the installation of the Blue Star Highway Marker as a memorial tribute to the veterans of the Nation's Armed Forces.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution will be forwarded to the New Jersey Department of Transportation as tangible evidence of the official petition to them that they designate the above mentioned route as part of the Blue Star Memorial Highway;

**BE IT FURTHER RESOLVED**, a certified copy of this resolution will be forwarded to:

1. Christine Papp, The Grow and Show Garden Club of Interlaken
2. Brenda Wityk, The Grow and Show Garden Club of Interlaken

Councilman Gunn MOTIONED to adopt, 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
<b>Motion to Approve</b>						<b>X</b>	
<b>Motion to Second</b>							<b>X</b>
<b>Approved</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Opposed</b>							
<b>Abstain/ Recuse</b>							
<b>Absent/ Excused</b>							

## **15. RESOLUTION 2015-56: PAYMENT OF THE BILLS**

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

DATE SPAN	TOTAL
03/23/15-04/15/15	\$ 561,738.76

### **Resolution 2015-56:**

**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 April 15, 2015 is in the amount of Five Hundred Sixty One, Seven Hundred Thirty Eight Dollars and Seventy 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 Gunn, MOTIONED to adopt, 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	X
Opposed							
Abstain/ Recuse							
Absent/ Excused							

Councilman Miller asked to add a resolution to the agenda that the Council send a letter to Loch Arbour requesting Loch Arbour to withdrawal their proposal. We do not have the \$35,000 funding.

Borough Attorney Shakelee stated a 2/3rds vote was required to add a resolution, if it is not already on the agenda.

Councilman Miller MOTIONED to add a resolution to the meeting agenda, seconded by Councilman Franks, 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	X
Opposed							
Abstain/ Recuse							
Absent/ Excused							

Councilman Franks stated that it is not fair to leave Loch Arbour hanging, as the \$35,000 has been taken out of the budget.

Councilman Gunn stated that he is going to vote for the resolution, but was not doing it because there was a large crowd at the meeting. Councilman Gunn stated that he feels Council has simply communicated very clearly that it does not want to do a job. A number of people referred to how much time and effort the matter would have taken. If we maintained the \$35,000 line item and if there was support amongst the Council to do their job, it would be people like Chairman Gunn and others that would have put in the time. Councilman Gunn was very willing to do the work on behalf of the community at large.

Councilman Miller agreed with Mr. Gunn and stated that he was reluctantly adding the resolution. Having the sentiment, but not the funds, it makes no sense to continue.

Councilwoman Horowitz stated that she and Councilman Gunn spent a lot of time discussing this and she understands his position. The large crowd made no difference to her. Councilwoman Horowitz personally feels that we can go down this road spend the money uncover every stone there is and are going to come to the same conclusion. We are never going to have enough information to provide to the town for them to make any more of an educated decision than they can right now. Councilwoman Horowitz feels there are at least two issues that are so compelling right now and you can see 50,000 professionals and you are never going to get the answer you want. So why spend the money? Why spend my time? Councilwoman Horowitz would gladly spend the time, if she thought it would be for a purpose.

Councilman Miller discussed an editorial he read in the Asbury Park Press regarding the school regionalization. If regionalization is brought back to the forefront, could Interlaken have benefited from a merger with Loch Arbour?

Councilwoman Horowitz stated we can only deal with what we know. It was her understanding that that is why the Board of Education was proactive in looking for an alternative.

Councilman Miller stated that he was at the Board of Education meeting where the board was told to find an alternative to Asbury Park. It is a failed school district.

## **16. RESOLUTION 2015-57 ENDING LOCH ARBOUR CONSOLIDATION DISCUSSIONS**

Upon a motion to add a resolution by Councilman Miller, seconded by Councilman Franks Resolution 2015-57 was added during the April 15, 2015 meeting.

**WHEREAS**, on November 12<sup>th</sup>, 2014 the Governing Body of the Borough of Interlaken held an open joint meeting with the Village of Loch Arbour; and

**WHEREAS**, at the joint meeting Loch Arbour made a presentation regarding a potential municipal consolidation of the Village of Loch Arbour into the Borough of Interlaken; and

**WHEREAS**, after numerous discussions the Borough Council created, advertised for and received request for proposals regarding a consolidation feasibility study; and

**WHEREAS**, the lowest proposal cost greatly exceeded the funding provided in the budget for the feasibility study; and

**WHEREAS**, the Borough Council removed all funding from the municipal budget dedicated to the line item “Study for potential consolidation” and decided not to move forward with the consolidation feasibility studies.

**NOW, THEREFORE, BE IT RESOLVED**, the Borough Council of the Borough of Interlaken authorizes the Mayor and Borough Administrator to compose a letter that advises the Mayor and Trustees of the Village of Loch Arbour that the Borough of Interlaken no longer desires to pursue exploring potential consolidation.

Councilman Miller MOTIONED to add a resolution to the meeting agenda, seconded by Councilman Franks, carried by roll call.

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

## **17. REPORTS/CORRESPONDENCE**

- ADMINISTRATION/FINANCE – CFO Gallagher stated that the Borough received an interest rate of 75 basis points or  $\frac{3}{4}$  of a point on the bond of \$862,944. There were six bidders.
- PUBLIC SAFETY - No report.
- STREETS & ROADS- Councilman Handerhan reported that the bid for the project on Crawford’s Circle has been postponed.

Councilman Miller stated that the Pump Station upgrade plans have been delayed.

Councilman Miller spoke about the sewer contract with TOSA stating Interlaken had a tremendous issue with overflow. Deal’s contract is almost finalized which puts Interlaken in a pretty good positon to renegotiate our overflow contract with TOSA. Mr. Napoli has been working on this for years and something may be finally happening.

- RECREATION ADVISORY COMMITTEE – No Report.
- SHADE TREE COMMISSION – The Arbour Day celebration is May 3<sup>rd</sup> in the Arboretum.
- PLANNING BOARD- No report.
- BOARD OF EDUCATION- Councilman Franks asked if there was a contract yet. Councilman Miller stated that there was elections and budget work being done.

- **BOROUGH ADMINISTRATOR** – Borough Administrator Reibrich reminded everyone that there is a noise ordinance. No motorized equipment is permitted on Sunday.

## **18. COMMENTS FROM THE PUBLIC**

Council President White opened the floor for public comment.

Richard Knight, 214 Buttermere Avenue, stated that a lot of work went into the Loch Arbour proposal, but he truly believes it would not pass a vote in Interlaken.

Jodi Heinz, 512 Bridlemere Avenue, thanked Council and stated that the public should be informed of the decision.

Molly Warar, 711 Raymere Avenue asked, if anything can be done about dangerous sidewalks.

Councilman White explained that the borough ordinance holds the homeowner responsible for the sidewalk.

## **19. ADJOURNMENT**

Council President White asked for a motion to adjourn.

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

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

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Lori Reibrich  
Borough Administrator/Clerk