

**BOROUGH OF INTERLAKEN
MINUTES
APRIL 23, 2020
7:30 P.M. AT BOROUGH HALL**

The regular meeting of the Borough of Interlaken was called to order 7 p.m., by Mayor Nohilly followed by a salute the flag. The Sunshine Statement was read by Borough Clerk/Administrator Lori Reibrich. "THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY FORWARDING NOTICE TO THE ASBURY PARK PRESS AND THE COASTER OF A MEETING DATE CHANGE THAT WOULD BE HELD ON APRIL 23, 2020 AT 7 PM VIA ZOOM CONFERENCE UNDER THE GOVERNOR'S EXECUTIVE ORDER 107. A COPY OF THE NOTICE IS POSTED ON THE OFFICIAL BOROUGH WEBSITE WITH FULL DIRECTIONS ON HOW THE PUBLIC CAN ATTEND AND MAKE COMMENT AT THE MEETING. ALSO, A COPY WAS PLACED ON THE DOOR AT BOROUGH HALL AND IS ON FILE IN THE BOROUGH CLERK'S OFFICE."

Note the meeting was held with all members attending remotely due to the COVID-19 Pandemic restrictions.

Present: Mayor Nohilly, Council President White, Council members: Horowitz, Butler, Watson, Maloney and Fama

Also Present: Borough Attorney Richard Shaklee and Borough Clerk/Administrator Reibrich

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

Mayor Nohilly opened the floor for public comment.

With no public present for comment, the floor was closed.

2. **PROCLAMATION – HONORING COUNCIL PRESIDENT ROBERT WHITE**

**MAYOR'S PROCLAMATION
HONORING ROBERT WHITE**

WHEREAS, Robert White served as Councilman for the Borough of Interlaken from January 1, 2010 through May 1, 2020; and

WHEREAS, Robert White served as an exemplary Borough Council President from January 1, 2014 through May 1, 2020; and

WHEREAS, Council President Robert White understood the value of public service to the Borough of Interlaken; and

WHEREAS, due to the stewardship and dedication shown by Robert White through his time on the Borough Council as a Chairman of the Finance and Administration Committee and Chairman of the Public Safety Committee, his decisions and hard work maintained the high governmental standards of Borough of Interlaken for the greater good of the community; Council President Robert White has shown from the very start of his tenure that his ideals were to represent all of the residents of our Borough, equally in a fair and transparent manner.

WHEREAS, the efforts of Robert White, who served the Interlaken Borough Council well for over ten years, is deserving of much regard and appreciation for his dedication and service.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Borough Council of the Borough of Interlaken hereby commends Robert White whose commitment to the Borough Council and stellar service to the community will be appreciated for many years to come.

3. **APPROVAL OF MINUTES – MARCH 4, 2020 WORKSHOP & REGULAR MEETINGS AND MARCH 26, 2020 REGULAR MEETING**

With no further comments, Council President White made a motion to approve, seconded by Councilman Watson and unanimously carried.

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

4. **ORDINANCE 2019-1 – 2ND READING /PUBLIC HEARING**

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

ORDINANCE 2020-1 WAS POSTED IN BOROUGH HALL AND THE BOROUGH WEBSITE ON MARCH 26, 2020 AND ADVERTISED IN FULL IN THE ASBURY PARK PRESS ON APRIL 4, 2020 AND THE COASTER ON APRIL 9, 2020. PUBLIC HEARING WAS SET FOR APRIL 23, 2020.

**CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Interlaken in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$38,377.98 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Interlaken, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Interlaken shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be

increased by 3.5%, amounting to \$38,377.98, and that the CY 2020 municipal budget for the Borough of Interlaken be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

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

RESOLUTION 2020-47: AUTHORIZING THE 2020 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

AUTHORIZING THE 2020 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year 2020.

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

	Mayor Nohilly	Council President White	Councilwoman Horowitz	Councilman Butler	Councilman Watson	Councilwoman Maloney	Councilman Fama
Motion to Approve		X					
Motion to Second				X			
Approved		X	X	X	X	X	X
Opposed							

Abstain/ Recuse							
Absent/ Excused							

5. **2020 MUNICIPAL BUDGET - PUBLIC HEARING**

“THE 2020 MUNICIPAL BUDGET WAS INTRODUCED ON MARCH 26, 2020, AND ADVERTISED BY SUMMARY, AS REQUIRED BY LAW, ON APRIL 4, 2020 IN THE ASBURY PARK PRESS AND APRIL 9, 2020 IN THE COASTER, TOGETHER WITH A NOTICE OF THE PUBLIC HEARING FOR THIS TIME. PRINTED COPIES OF THE BUDGET HAVE BEEN MADE AVAILABLE TO THE PUBLIC. IN ADDITION, A FULL COPY OF THE BUDGET HAS BEEN POSTED ON THE BOROUGH WEBSITE.”

PRESENTATION OF BUDGET

Borough Administrator Reibrich reviewed the revenues and appropriations for the 2020 Budget. She explained the decrease in the tax rate again this year.

Council President White stated that this year’s budget is one that all members of Council should be proud. The Borough has always provided visible beautification of the town while keeping the taxes low and reasonable. He stated this is his last budget as he is moving and resigned. Thought he is sad to leave he knows that the members of Council will continue to provide a low tax rate while doing projects and events to make all the residents happy. Council President White thanked Borough Administrator for always spending and saving wisely. He enjoyed working with Steve Gallagher who always has the Borough’s fiscal responsibility at heart.

With no further comments, Council President White made a motion to open the public hearing, seconded by Councilwoman Horowitz and unanimously carried.

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

With no further comments, Councilwoman Maloney made a motion to close hearing, seconded by Councilman Butler and unanimously carried.

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

6. **RESOLUTION 2020-48: ADOPTION OF THE 2020 MUNICIPAL BUDGET**

With no further comments, Council President White made a motion to approve, seconded by Councilman Fama and unanimously carried.

- Please note a full copy of the 2020 Municipal Budget can be found on the Borough Website www.interlakenboro.com, under Finance then budgets.

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

7. **RESOLUTIONS 2020-49: AFFIRMING ORDER RESTRICTING SEASONAL RENTALS**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF INTERLAKEN
AFFIRMING ORDER RESTRICTING SEASONAL RENTALS IN THE BOROUGH OF
INTERLAKEN**

WHEREAS, Executive Order No. 107 (2020), issued by the Governor on March 21, 2020, established enhanced social mitigation strategies for combatting COVID-19; and

WHEREAS, Executive Order No. 108 recognized that there were circumstances where it would be beneficial for localities to be able to impose additional restrictions when such municipalities had legitimate concerns about the influx of new visitors, which may cause public health concerns as to social distancing and endeavoring to avoid unnecessary increases in density of individuals; and

WHEREAS, the State Director of Emergency Management, on April 4, 2020, issued Administrative Order 2020-8 which recognized that substantial influxes of new visitors in a community might over use healthcare facilities and public safety and emergency services as COVID-19 spreads through an increased population; and

WHEREAS, Executive Order No. 108 specifically provided that municipalities may impose additional restrictions in response to COVID-19 on online market places for arranging or offering lodging; and

WHEREAS, Administrative Order No. 2020-8 authorized municipalities to impose additional restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences, or parts thereof, to accept new transient guests or seasonal tenants after the effective date of that Order which was April 5, 2020 at 8:00 p.m.; and

WHEREAS, N.J.S.A. App. A:9-40.5 gives power for Emergency Management Coordinators to issue and enforce orders necessary to implement and carry out emergency management operations and to protect the health, safety and resources of the residents of a municipality; and,

WHEREAS, those powers have been implicated by the issuing of Executive Orders 107, 108 and Administrative Order 2020-8, and by the fact that there is a Governor declared public health emergency and a state of emergency throughout the State of New Jersey due to a public health hazard; and,

WHEREAS, an order by the Mayor, OEM Coordinator and Borough Administrator has issued prohibiting rentals of homes for either transient guests or seasonal rentals until that order is revoked and that no landlord registrations would be allowed, or Certificate of Occupancy issued for that time period for any seasonal or transient rentals.

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF INTERLAKEN:

1. The Order restricting seasonal rentals in the Borough of Interlaken issued by the OEM Coordinator, Mayor and Borough Administrator is in force and effect until revoked.

Mayor Nohilly gave a brief overview of the restriction on summer rentals due to Covid-19. Council President White questioned there being no date of the restriction until revoked. The Council discussed having no date because they would like to look to the Governor and State for guidance as to when to revoke the order.

With no further comments, Councilwoman Maloney made a motion to approve, seconded by Councilman Butler and unanimously carried.

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

8. RESOLUTIONS 2020-50: AUTHORIZING 2021-2023 AGREEMENT FOR PARTICIPATION IN COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO INTERLOCAL SERVICES ACT

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2021-2023 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Interlaken to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Interlaken , that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this resolution shall take effect immediately upon its enactment.

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

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

9. RESOLUTIONS 2020-51: BILL LIST

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

DATE SPAN	TOTAL
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04/20/20-04/20/20	\$80,908.05
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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 23, 2020 is in the amount of Eighty Thousand Nine Hundred Eight Dollars and Five Cents and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council, of the Borough of Interlaken, that the CFO is hereby authorized to pay said bill list.

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

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

10. COMMENTS FROM THE PUBLIC

Mayor Nohilly opened the floor to the public. With no public present, the Mayor closed the floor.

11. REPORTS AND CORRESPONDENCE

- ADMINISTRATION/FINANCE- No report
- PUBLIC SAFETY- No report
- STREETS & ROADS- Borough Administrator Reibrich updated the status of the Rona/Woodmere/Staffa construction project. Council had a brief discussion re-grading the utilities during a road project as well as their responsibility to pave correctly after opening the road. Council discussed presenting an ordinance in the future regarding the requirements to pave half the road instead of a trench.
- SHADE TREE COMMISSION- Councilman Fama provided details from the last Shade Tree Commission Meeting. The Commission has decided to hold off on annual plantings of trees until Fall this year due to the Covid19 pandemic.
- PLANNING BOARD- Councilman Butler reported that the Board heard an application at their last meeting.
- BOARD OF EDUCATION- Councilwoman Maloney reported that the tentative budget was presented at their last meeting. It was noted that there is a larger than normal Kindergarten class for the upcoming year and that will be reflected in the budget.
- RECREATION COMMITTEE- No report.
- BOROUGH ADMINISTRATOR- Borough Administrator Reibrich gave a brief overview of the construction inspection status in the Borough under the Covid-19 guidelines.

Borough Administrator Reibrich thanked Council President White for all his years on Council and that she has enjoyed working with him professionally and knowing him personally for many years. The Mayor and Council concurred. All members thanking Robert for his hard work, dedication, and time he put in for the betterment of the community. Well wishes and thanks were extended all around.

Council President White thanked everyone and that he knows the town will be in good hands with Mayor and Council running the show and the Borough employees continuing their dedicated work. He said that he will not be far and will still be in touch with everyone.

12. **ADJOURNMENT:** With no further comments, Council President White made a motion to adjourn, seconded by Councilman Watson and unanimously carried.

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

Lori Reibrich, RMC
Borough Administrator/Clerk