

**BOROUGH OF INTERLAKEN
MINUTES
JULY 20, 2016
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:49 p.m., by Mayor Nohilly. It was followed by a salute to the flag and a moment of silence. Sunshine Statement was read by Borough Clerk Administrator Reibrich. "The notice of the requirements of the Open Public Meetings Act has been satisfied by forwarding annual notice to the Coaster and Asbury Park Press. A copy of the annual notice was posted on the Borough bulletin board and is on file in the Borough Clerk's office."

Present: Mayor Nohilly, Council President White, Council members: Butler, Franks, Gunn, Handerhan, and Horowitz.

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

Absent: None

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

Mayor Nohilly opened the floor for public comment.

Jodi Heinz, 512 Bridlemere Avenue, stated that Council members should come on to the "Next Door" website to discuss things that are going on in town.

Mayor Nohilly stated that "Next Door" is not an appropriate place for any elected or appointed official to be discussing or conducting Borough business. That community is a discussion board. Mayor Nohilly stated that there is a formal process for going about Borough business, which includes agendas, minutes and public meetings. There are also mailings from the Borough to inform residents what is going on.

Mayor Nohilly stated that the problem with using social media is that it becomes a conversation, which is not permitted. Shade Tree should not be doing that. No entity that spends Borough funds should be engaging in this conversation, because there are rules governing these communications.

Councilman Horowitz stated that the Borough website should be the way of choice for Borough communication.

Ms. Heinz stated that information is eventually on the website. Ms. Heinz stated that she wrote a letter to Council and did not receive any answers.

Mayor Nohilly stated that the Borough reads every letter from every resident and is working to address the concerns. Most of the concerns that Ms. Heinz brought up in her letter were regarding the circle, which is a County project. It was a ten year project by the County, in which the Borough did not have much input. The County does not include irrigation systems into their projects.

Ms. Heinz stated that, because she is on two committees in the Borough, people are always asking her questions.

Mayor Nohilly suggested that she direct these people to Borough Hall.

Ms. Heinz asked why there are still barrels on the circle.

Mayor Nohilly stated it was because there is no lighting on the circle. The circle is a County project. Once the County completes the project, they leave. There is a one year warranty on the trees that were planted and hopes that they survive. Mayor Nohilly stated that the Borough will adopt the area, if necessary. The Borough took care of the old circle and will take care of this one.

Ms. Heinz stated that the website is not used a lot to answer questions. Mayor Nohilly asked what information Ms. Heinz feels is missing from the website. A brief discussion was had regarding the proper use of the website. Mayor Nohilly and Administrator Reibrich said that a Fall season newsletter could be created and sent. Council agreed that after the construction project ends a newsletter should be sent.

Ms. Heinz asked to put information about Shade Tree on the website. Borough Clerk/Administrator Reibrich asked Ms. Heinz to forward any information she would like on the website and it will be posted.

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

2. **APPROVAL OF MINUTES: JUNE 22, 2016- WORKSHOP & REGULAR**

With no Council comments, Councilman Butler made a motion to approve minutes, seconded by Councilman Handerhan, carried. Council President White abstained.

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

3. **ORDINANCE 2016-2: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$175,750 BOND AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF INTERLAKEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**BOROUGH OF INTERLAKEN
COUNTY OF MONMOUTH**

Bond Ordinance No. 2016-2

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$175,750 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF INTERLAKEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF INTERLAKEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Interlaken, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$185,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$9,250 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$175,750, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3 (a). The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the projects listed below, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing

body of the Borough, and the estimated cost of each project, estimated maximum amount of bonds or notes, and the period or average period of usefulness of the improvements are as follows:

(i) various road improvements and striping with a total appropriation and estimated cost of \$135,000, estimated maximum amount of bonds or notes therefor of \$128,250, and an average period of usefulness of 10 years; and

ii) street sign and lighting improvements, with a total appropriation and estimated cost of \$50,000, estimated maximum amount of bonds or notes therefore of \$47,500, and an average period of usefulness of 5 years.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$175,750, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$185,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$185,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$9,250 down payment.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 8.64 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$175,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital

program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

With no Council comments, Councilman Handerhan made a motion to open public hearing, seconded by Council President White and unanimously carried.

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

Mayor Nohilly opened the floor for public comment.

With no public comment, Mayor Nohilly closed the floor.

With no Council comments, Councilman Butler made a motion to close public hearing, seconded by Councilwoman Horowitz and unanimously carried.

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

With no Council comments, Council President White made a motion to adopt, seconded by xxxxxxxx and unanimously carried.

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

4. **RESOLUTION 2016-67: AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A SHARED SERVICE AGREEMENT REGARDING LAW ENFORCEMENT AND MUNICIPAL COURT SERVICES**

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A SHARED SERVICE AGREEMENT REGARDING LAW ENFORCEMENT AND MUNICIPAL COURT SERVICES

WHEREAS, N.J.S.A. 49:8A-1 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 Borough of Deal have negotiated to amend the current Shared Service Agreement for police services to include the municipal court services; and

WHEREAS, the Borough of Interlaken and the Borough of Deal wish to enter into an agreement whereby the Borough of Deal will provide municipal court services to the Borough of Interlaken with an effective date upon the approval of the Administrative Office of the Courts and the Assignment Judge of Monmouth County through December 31, 2030; and

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Interlaken hereby agrees to the attached shared service agreement and all contractual provisions held within.
2. The agreement will be subject to the approval of the Administrative Office of the Courts and the Assignment Judge of Monmouth County.
3. The Mayor and Municipal Clerk are hereby authorized execute said agreement.

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

1. The Honorable Lisa P. Thornton
2. Municipal Division Manager, Monmouth County Courts
3. The Honorable George Cieri, Borough of Interlaken
4. The Honorable Scott J. Basen, Borough of Deal
5. Stephen Carasia, Administrator/Clerk, Borough of Deal
6. Division of Local Government Services

With no Council comments, Council President White made a motion to authorize, seconded by Councilman Handerhan and unanimously carried.

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

5. **RESOLUTION 2016-68: APPROVAL OF CONTRACT RENEWAL WITH HORIZON HEALTHCARE DENTAL/ PUBLIC EMPLOYER TRUST THROUGH JUNE 30, 2018**

APPROVAL OF CONTRACT RENEWAL WITH HORIZON HEALTHCARE DENTAL/ PUBLIC EMPLOYER TRUST THROUGH JUNE 30, 2018

WHEREAS, the Borough of Interlaken holds an agreement with Horizon Healthcare Dental/Public Employer Trust for the purpose of providing dental benefits to the full-time employees of the Borough of Interlaken; and

WHEREAS, said agreement is scheduled to expire on July 1, 2016; and

WHEREAS, the Borough Council of the Borough of Interlaken desires to renew said contract through June 30, 2018;

NOW, THEREFORE, be it resolved as follows:

4. The Borough of Interlaken agrees to renew its contract with Horizon Healthcare Dental/Public Employer Trust for the purpose of providing dental benefits to the full-time employees of the Borough of Interlaken; and
5. The Borough of Interlaken agrees to the attached rate schedule for the next two years (July 1, 2016 – June 30, 2018).
6. The Borough Administrator is hereby authorized to execute the renewal of said agreement.

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

- 1) Ted Wardell, Senior Vice President, Brown & Brown Benefit Advisors
- 2) Lori Reibrich, Borough Administrator
- 3) Bill Coy, Finance/Personnel Clerk
- 4) Stephen Gallagher, CFO

With no Council comments, Councilman Handerhan made a motion to open public hearing, seconded by Council President White and unanimously carried.

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

6. **RESOLUTION 2016-69: BILL LIST**

BOROUGH OF INTERLAKEN BILL LIST REPORT FOR BOROUGH COUNCIL APPROVAL

DATE SPAN	TOTAL
07/18/16-07/18/16	\$120,425.48

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 July 20, 2016 is in the amount of; One Hundred Twenty Four Hundred Twenty Five Dollars and Forty Eight 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 Council comments, Council President White made a motion to approve, seconded by Councilman Handerhan and unanimously carried.

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

7. **DISCUSSION ITEM: ANNUAL PICNIC** - The discussion regarding the picnic was added to the workshop agenda and discussed earlier.

8. **REPORTS/CORRESPONDENCE**

- ADMINISTRATION/FINANCE – No report.
- PUBLIC SAFETY – No report.
- STREETS & ROADS – Councilman Butler stated that there were various meetings with Jim Markey from JCP&L regarding street light reimbursement for the billing error. JCP&L has come up with a figure that the Borough should be comfortable with. The Borough was being billed for 138 street lights. The Borough actually has 118 lights. The credit was based on those numbers. JCP&L and Borough Attorney Shaklee are in agreement that there is a six year statute of limitations regarding billing error recovery.

Borough Clerk/Administrator Reibrich stated that the credit will be \$10,769.00. The figures were based on our current monthly charge and did not make any variation in the figures for the different type of lights.

Council had a brief discussion regarding the details of the reimbursement and were satisfied with the settlement amount.

Borough Attorney Shakelee asked, if JCP&L would be requiring the Borough to sign some sort of agreement.

Councilman Butler presented Council with the options for the stand alone streetlights that are to be replaced along Grassmere Avenue.

Council had a brief discussion regarding the look of each option and agreed on the colonial style for the replacement fixtures.

- SHADE TREE COMMISSION – Ms. Heinz, Shade Tree Vice Chairperson stated that the Borough was waiting on the decision of the grant that was applied for. The County still has not made any decisions regarding the awards.
- PLANNING BOARD – Councilman Gunn reported that the Planning Board had a brief meeting at which approval was granted for a small addition. There was also some discussion about completing work on the Master Plan. There will be no meeting in August, but the focus will return to the Master Plan in September. Councilman Gunn also stated that during the meeting there was some discussion about having the Zoning Officer attend the September meeting.

Councilman Gunn stated that the reason behind the request was that there was some concern that the Zoning ordinance was not being properly met.

Mayor Nohilly stated that if the Planning Board has a problem with the Zoning Official, that matter must be brought to Council. Council does not want to put the Zoning officer in that situation. The Planning Board can address their concerns to Council, in writing.

Mayor Nohilly stated that the Planning Board also asked to engage the Borough Engineer to investigate a project and that is also something they are not permitted to do.

Councilman Franks asked, if the current project on Bendermere Avenue went before the Planning Board.

Mayor Nohilly stated that Council would not discuss specific resident projects.

- BOARD OF EDUCATION – No report. Council President White asked to be provided with a copy of the Board of Education budget. Borough Clerk/Administrator stated that she could provide that information.
- BOROUGH ADMINISTRATOR – Borough Administrator Reibrich stated that the construction project at Borough Hall will begin on July 21, 2016. The counter will be removed to make way for DPW to move all of the desks and everything from the offices into the meeting room where they will remain for the duration of the project. The computers will be moved on Friday. The phone lines will be moved on Monday. The official hard start for the demolition will be on Monday, July 25, 2016 with the completion scheduled for the second week of October.

Borough Administrator Reibrich stated that alternate venues will be considered for both the August and September Council meetings.

Borough Administrator Reibrich told the Council that the Construction crew has been very professional. It is very exciting that the project is moving forward. Borough Administrator Reibrich advised that a letter was sent out with the tax bill advising residents that Borough Hall will have limited accessibility and there may be intermittent service issues. The letter asked residents to limit their visits to Borough Hall during construction and advised them that office staff is here and they will get things done.

Borough Administrator Reibrich stated that the specifications were written for the Staffa Street road project. The bid will go out and it is being advertised July 21, 2016. The bids opening is set for August 2, 2016 and can be awarded at the August 17, 2016 meeting. It will be a fall project.

Councilman Gunn asked about the utilization room occupied by the Court, should the court be moved.

Mayor Nohilly stated that the decision to move the court was not made prior to the start of construction. The Borough Hall project will proceed as planned and the use will be decided in the future. It may be a second conference are or used for storage.

Councilman Handerhan asked about the status of the road striping project.

Borough Clerk/Administrator Reibrich stated that Dave Howarth is the engineer from Borough Engineer, Peter Avakian's office assigned to our Borough. Mr. Howarth was working on the bid for the Staffa Street project and will now continue with putting the bid together for the striping project.

9. COMMENTS FROM THE PUBLIC

Mayor Nohilly opened the floor for public comment.

Ms. Heinz stated that she was a Planning Board member and she cannot get answers regarding the project on Bendermere Avenue.

Mayor Nohilly stated that the Council would not talk about a specific resident.

Ms. Heinz stated that there seems to be some residents that do not have to follow the laws and at the Planning Board meeting was told that there is not enough time for the Zoning Officer to look at things.

Mayor Nohilly stated that once a project receives Zoning approval, it is approved. If someone wants to make a complaint about this hypothetical project approved by the Zoning Officer, it must come from a resident. I cannot come from the Planning Board, because then the Planning Board will be acting as the complainant, the judge and the jury. That scenario is not good for any resident. Until there is a complaint about this hypothetical situation, the Planning Board is not within their jurisdiction.

Councilman Franks asked, if there is oversight to be sure that something is not being done later on that the residents would be upset with, so that there is some place for residents to go when they have a complaint.

Mayor Nohilly stated that the Borough does not react to residents being upset about something especially if a hypothetical resident receives Zoning approval. It is not up to anyone to question it and certainly not our own Planning Board. There are codes that the Zoning Officer adheres to.

Borough Attorney Shaklee stated that basically the code is the ordinances of the Borough, as informed by the Municipal Land Use Law. There are remedies for people who feel aggrieved under the Municipal Land Use Law.

Mayor Nohilly asked, if that applied to the Planning Board.

Borough Attorney Shaklee stated that the Planning Board is a quasi-judicial body. They act as judge, not as an enforcement agency.

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

10. **ADJOURNMENT**- With no Council comments, Councilman Handerhan made a motion to adjourn, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Handerhan	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler
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