

**BOROUGH OF INTERLAKEN  
MINUTES**

**SEPTEMBER 21, 2016**

**7:00 P.M. AT DEAL BOROUGH HALL 190 NORWOOD AVE, DEAL, NJ**

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The regular meeting of the Borough of Interlaken was called to order at 7:00 p.m., by Mayor Nohilly. 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 notice of a location change to the Coaster and Asbury Park Press on September 21, 2016. A copy of the notice is posted on the Borough bulletin board and is on file in the Borough Clerk's office."

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

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

Absent: Councilmembers Butler, Gunn and Horowitz

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

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

**2. APPROVAL OF MINUTES: AUGUST 17, 2016 WORKSHOP & REGULAR**

Council President White made a motion to approve the minutes, seconded by Councilman Franks and unanimously carried. Councilman Handerhan 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			
Opposed							
Abstain/ Recuse			X				
Absent/ Excused					X	X	X

**3. RESOLUTION 2016-76: AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AMENDMENT TO THE SHARED SERVICE AGREEMENT REGARDING LAW ENFORCEMENT AND MUNICIPAL SERVICES**

**WHEREAS**, the Borough of Interlaken and the Borough of Deal executed a shared 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

**WHEREAS**, this agreement was subject to the approval of the Administrative Office of the Courts and the Assignment Judge of Monmouth County;

**WHEREAS**, the Administrative office of the Courts requested to minor amendments to the agreement.

**NOW, THEREFORE BE IT RESOLVED**, the Borough of Interlaken hereby agrees to the attached amendments to the shared service agreement and all contractual provisions held within.

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are hereby authorized to execute said amendment to the agreement.

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**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 comments made, Council President White made a motion to approve the amendment, 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			
Opposed							
Abstain/ Recuse							
Absent/ Excused					X	X	X

**4. RESOLUTION 2016-76: PAYMENT CERTIFICATE #2 MCCAULEY CONSTRUCTION COMPANY INC.**

**RESOLUTION AUTHORIZING PAYMENT CERTIFICATE #2  
IMPROVEMENTS TO INTERIOR RENOVATION OF EXISTING COUNTER  
AND TOILET ROOMS**

**WHEREAS**, the Borough previously entered into a contract with McCauley Construction Inc. for the Community Development Block Grant project entitled “*Interior Renovation of Existing Counter and Toilet Rooms*”; and

**WHEREAS**, the Borough Engineer has recommended approval of Payment Certificate No. 1 to McCauley Construction Inc. authorizing payment of \$33,255.00 for work completed to date;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that Payment Certificate No. 1 to McCauley Construction Inc is hereby authorized in the payment of \$33,255.00 for work completed to date.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the following:

1. McCauley Construction, Inc, Erick Luton
2. Peter Avakian, Borough Engineer
3. Borough Administrator
4. Chief Financial Officer

With no comments, Council President White made a motion to approve, 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			
Opposed							
Abstain/ Recuse							
Absent/ Excused					X	X	X

## **5. RESOLUTION 2016-77: CIVIL RIGHTS POLICY**

### **A RESOLUTION TO AFFIRM THE BOROUGH OF INTERLAKEN'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Interlaken to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of Borough of Interlaken has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Interlaken that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Interlaken by whatever title known, or any entity that is in any way a part of the shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough’s commitment to the implementation and enforcement of this policy.

With no comments made, Councilman Franks made a motion to approve, 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			
Opposed							
Abstain/ Recuse							
Absent/ Excused					x	x	x

**6. RESOLUTION 2016-78: RENEWAL OF THE EMPLOYEE HANDBOOK AND POLICIES AND PROCEDURES MAUNAL FOR THE BOROUGH OF INTERLAKEN**

**APPROVING RENEWAL OF THE 2016 EMPLOYEE HANDBOOK AND THE POLICIES AND PROCEDURES MANUAL FOR THE BOROUGH OF INTERLAKEN**

**WHEREAS**, it is the policy of the Borough of Interlaken to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meetings Act; and

**WHEREAS**, the Borough Council of the Borough of Interlaken has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations,

**NOW, THEREBY, BE IT RESOLVED** by the Borough Council of the Borough of Interlaken that the Personnel Policies and Procedures Manual and Employee Handbook attached hereto, first adopted in 2004, then later amended in 2006, 2008, 2010, 2012 and 2014 is hereby amended again in 2016 and renewed.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough of Interlaken officials, appointees, employees, volunteers, and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED**, that this manual is intended to provide guidelines covering public service by the Borough of Interlaken employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Interlaken.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Interlaken shall operate under the legal doctrine known as “employment at will”.

**BE IT FURTHER RESOLVED** that the Borough Administrator and all managerial supervisory personnel are responsible for these employment practices. The Assistant to the Administrator (Personnel Administrator) and the Borough Attorney shall assist the Borough Administrator in the implementation of the policies and procedures of the Borough of Interlaken.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the following:

1. Municipal Excess Liability (MEL) Fund Office
2. Richard Shaklee, Esq., Borough Attorney
3. Lori Reibrich, Borough Administrator
4. William Coy, Personnel Administrator

With no comments made, 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			
Opposed							
Abstain/ Recuse							
Absent/ Excused					X	X	X

7. **RESOLUTION 2016-79: BILL LIST**

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

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DATE SPAN	TOTAL
09/01/16-09/19/16	\$ 200,247.10

**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 September 21, 2016 is in the amount of Two Hundred Thousand Two Hundred Forty Seven Dollars and Ten 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 comments made, Council President White made a motion to approve the bill list, 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			
Opposed							
Abstain/ Recuse							
Absent/					X	X	X

Excused							
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## **8. REPORTS /CORRESPONDENCE**

Administration/Finance- No report

Public Safety- No report.

Streets & Roads- Borough Administrator Reibrich updated the Mayor and Council on the Staffa Street project.

Shade Tree Commission- No report.

Planning Board- Borough Administrator Reibrich read a prepared statement from Councilman Gunn who was unable to attend the Council meeting. In the statement Councilman Gunn provided information given by Borough Engineer, Peter Avakian.

“Historically, the Borough has had difficulty controlling development within areas adjacent to Deal Lake. The Planning Board requested that the Borough Council consider the implementation of an ordinance regulating these activities, similar to the NJDEP regulations. It would be a part of the Land Use and Development Regulations, and would be enforceable by our zoning officer, construction official and Planning Board, on a local level.

NJDEP has implemented Riparian Zone Regulations governing use of lands within 50 feet of any water body in the State of NJ. The Planning Board has raised the issue of having local regulations controlling development or use of lands within 50 feet of the Deal Lake Shoreline.

Councilman Gunn’s comments included “As Peter has pointed out even without a local ordinance, these rules remain in effect under the NJDEP regulations. It becomes a question of how they are enforced and by whom.”

Councilman Gunn asked Ms. Reibrich to explain that this is just an information item at this point and an opportunity to learn how the Council feels about such an ordinance.

After reading the statement, Mayor Nohilly and Council President White discussed the need for such an ordinance when it appears that these issues are regulated by a State agency. Borough Attorney Shaklee agreed that a local ordinance stating the same language of an already existing NJDEP regulation would be repetitive and unnecessary.

At this time, the members of Council present did not see a need for an ordinance but, requested additional information as to why the Planning Board is interested in pursuing a Borough ordinance regarding this DEP regulated topic. The Council said that further discussion could happen at the next meeting.

Board of Education- No Report.

Borough Administrator – Borough Administrator Reibrich discussed the state of the flooding at Crawford Circle. Ms. Reibrich provided information from the County and the steps that are being taken to alleviate the issue.

Borough Administrator Reibrich discussed the meeting that she and Mayor Nohilly had with JCP&L Area Manager, Jim Markey. Mr. Markey brought the Mayor and Council information relating to the project that runs new poles and wiring from Aberdeen through Red Bank.

Council President White explained how he had a meeting with the group that is vehemently opposed to this project. He provided information to the Council regarding why so many people are opposed to this project and how they are aligning themselves with lawmakers to stop this project.

Mayor Nohilly stated that Mr. Markey called the meeting to give information on the project and to see how Interlaken Elected Officials feel about projects of this nature. Mayor Nohilly said that he and Borough Administrator Reibrich remained neutral on the topic and if any member of

Council would like to share their feelings with Mr. Markey, now or at a later time, he welcomes all comments.

9. **COMMENTS FROM THE PUBLIC:** Mayor Nohilly opened the floor for public comment. With no public present to make comment, Mayor Nohilly closed the floor.

10. **ADJOURNMENT:** With no further Council discussion, Council President White 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			
Opposed							
Abstain/ Recuse							
Absent/ Excused					X	X	X

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Lori Reibrich, RMC  
Municipal Clerk/Borough Administrator