

**BOROUGH OF INTERLAKEN  
MINUTES  
APRIL 17, 2013  
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:31 p.m., by Mayor Nohilly. It was followed by a salute to the flag and a moment of silence in particular for the victims of the Boston Marathon tragedy. The following statement was read by Borough 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 annual notice is posted on the Borough bulletin board and is on file in the Borough Clerk's office."

Present: Mayor Nohilly, Council President Miller, Council members Folta, Morley, Napoli, Parry, White

Also Present: Borough Administrator Reibrich, Borough Attorney Richard Shaklee, Esq., CFO Stephen Gallagher, and Auditor Hulsart

**1. RESOLUTION 2013-69: AUTHORIZING THE 2013 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY**

There were no Council comments.

	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Record of Vote							
Motion to Approve				X			
Motion to Second		X					
Approved		X	X	X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused							

**2. 2013 MUNICIPAL BUDGET - PUBLIC HEARING  
BOROUGH AUDITOR & CFO PRESENT**

***"THE 2013 MUNICIPAL BUDGET WAS INTRODUCED ON MARCH 20, 2013, AND ADVERTISED BY SUMMARY, AS REQUIRED BY LAW, ON APRIL 4, 2013, 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, Stephen O. Gallagher advised the Council that he received critiques from the State of New Jersey, Division of Local Government Services regarding the budget just prior to the meeting. He and Robert Hulsart, Borough Auditor, decided to have public hearing and postpone the vote until next meeting, so that the State could be contacted regarding these requirements and changes could be made accordingly.

Budget overview was presented by CFO, Stephen O. Gallagher. During the presentation, CFO Gallagher pointed out notable changes to this year's budget. CFO Gallagher noted that the Borough's shared services agreements were substantial in reducing costs. The Council discussed the reasons for the lack of budget surplus. CFO Gallagher stated that Special Emergencies and Emergencies relating to Super Storm Sandy, the cost of the revaluation and the purchase of the front end loader contributed to the depletion of the surplus. CFO Gallagher answered Council questions regarding Capital Improvement, Township of Ocean Sewerage Authority costs, and procedures regarding Local Government Services budget review. Borough Auditor Hulsart discussed State procedures regarding Self Examination of Budget. Auditor Hulsart expressed that he and CFO Gallagher would be in contact with the State to address their inquiry.

Mayor Nohilly called for a motion to OPEN PUBLIC HEARING.  
 Council President Miller made motion, seconded by Councilman White.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Motion to Approve		X					
Motion to Second				X			
Approved		X	X	X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused							

There was no public present. No PUBLIC COMMENT.

Councilman White made motion to CLOSE PUBLIC HEARING, seconded by Council President Miller and was unanimously carried.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Motion to Approve				X			
Motion to Second		X					
Approved		X	X	X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused							

**3. PUBLIC COMMENTS: FOR AGENDA SPECIFIC ITEMS ONLY- EXCLUSIVE OF ORDINANCES**

Mayor Nohilly opened the floor for public comment.

CFO Gallagher announced that there was a good response to the BAN Sale and announced that Central Jersey Bank will be awarded the bid with the rate of 1.1%.

With no public present, no additional comments were made. Mayor Nohilly closed the floor.

**4. MAYOR'S PROCLAMATION: ARBOR DAY**

ARBOR DAY CELEBRATION SATURDAY APRIL 27, 2013 IN THE ARBORETUM AT 2 PM

**MAYOR'S PROCLAMATION**

**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**, 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 a 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, I, Michael J. Nohilly, Mayor of the Borough of Interlaken, do hereby proclaim April 27, 2013 as the 141<sup>st</sup> anniversary celebration of Arbour Day in the efforts to protect our trees and woodlands, and

**FURTHER**, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

**5. APPROVAL OF THE MINUTES: APRIL 3, 2013-WORKSHOP & REGULAR**

There were no council comments.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Motion to Approve		X					
Motion to Second							X
Approved		X		X	X	X	X
Opposed							
Abstain/Recuse			X				
Absent/Excused							

**6. RESOLUTION 2013-70: ADOPTION OF THE 2013 MUNICIPAL BUDGET**

Councilman Napoli made MOTION TO TABLE THE VOTE on the 2013 Municipal Budget until the next meeting on May 1, 2013, seconded by Councilman Parry and was unanimously carried.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Motion to Approve						X	
Motion to Second			X				
Approved		X	X	X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused							

**7. RESOLUTION 2013-71: FENCE INVESTIGATION**

Councilman Napoli made a MOTION TO OPEN THE FLOOR FOR DISCUSSION, seconded by Councilman Folta.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Motion to Approve						X	
Motion to Second							X
Approved		X	X	X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused							

Borough Attorney, Richard Shaklee, stated that he reviewed Councilman Parry’s report regarding the zoning determination at 418 Bendermere Avenue. Borough Attorney Shaklee believes that Councilman Parry’s report should serve as a cautionary tale as to what should happen in the future and that these issues were addressed by Councilman Parry’s report. Borough Attorney Shaklee’s opinion is that there are no legal implications to warrant referral to the Prosecutor or the Local Finance Board.

Councilman Parry stated that he may have conducted his inquiry differently looking at it as a professional investigator. A professional could have had a different scope of questioning. Councilman Parry believed that mistakes were made and the examination was done to determine the events of the matter, not to look for nefarious motives.

Councilman White stated that he had no dealings with the real estate agent for the property at the time of the sale or to this day. Councilman White stated that the involvement of the real estate agent in this matter was irrelevant to this matter and that Councilman Napoli was fabricating a false theory regarding the involvement of the agent.

Mayor Nohilly read a pre-written statement regarding Councilman Napoli. The statement expressed Mayor Nohilly's opinion that Councilman Napoli has a history of accusations and conspiracies that waste taxpayers' money.

Councilman Napoli stated that the initial investigation was done by Councilman Parry and asked that the discussion be focused on the current matter. Councilman Napoli stated that he respected Borough Attorney Shaklee's opinion, but that a different lawyer may have a different opinion.

Councilman Morley questioned the competence of the previous Borough Attorney, Jennifer Krimko. He feels previous Borough Attorney Krimko should have referred the matter to the Planning Board.

Mayor Nohilly stated that this matter should not still be of issue. No one involved had anything to gain. They were just trying to help a woman get a fence for her dog.

There was discussion by the Council about whether the previous Borough Attorney Krimko knew about the initial denial. There was some discussion by the Council about whether the Zoning Official felt intimidated into changing his determination. Borough Attorney Shaklee stated that these sets of facts do not raise implications.

Council President Miller stated that no conclusion was made regarding this matter at the initial meeting because the Mayor, Councilman Napoli and Councilman Morley were not in attendance. The Council at the initial meeting felt the matter should be discussed by the full Council with the Mayor present. Borough Attorney Shaklee explained that the matter that is alleged does not fall into any statute that would be investigated.

Councilman Napoli asked Councilman Parry what influenced his decision to make the report. Councilman Parry explained that he wanted to know what went wrong and make sure that people do what they are supposed to do. Councilman Napoli questioned Councilman Parry about specifics of his report regarding his description of the feeling of the Zoning Officer about whether he felt intimidated. Council President Miller asked Borough Attorney Shaklee that even if it was determined that the Zoning Officer was influenced to change his decision, would there be grounds for action? Borough Attorney Shaklee said that there would not.

Council President Miller asked what recourse the Council had, if it was determined that this intimidation had in fact occurred. Councilman Parry asked, "What if it happened again this week?" Borough Attorney Shaklee stated that there could be a recall or you could not vote for the person again, but there is no legal action that could be taken with these facts.

Napoli asked about making a motion to table the discussion to next meeting. The Council discussed whether the matter should be tabled.

Councilman Napoli made a MOTION TO TABLE RESOLUTION 2013-71, seconded by Councilman Morley. Business Administrator Reibrich took roll call. The RESOLUTION WAS TABLED.

	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
<b>Record of Vote</b>							
Motion to Approve						X	
Motion to Second					X		
Approved		X			X	X	X
Opposed			X	X			
Abstain/Recuse							
Absent/Excused							

8. **RESOLUTION 2013-72: AUTHORIZING PAYMENT OF BILLS**

**BOROUGH OF INTERLAKEN**

**BILL LIST REPORT FOR  
BOROUGH COUNCIL APPROVAL**

DATE SPAN	TOTAL
03/19/13-04/01/13	199,987.18

**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 3, 2013, is in the amount of One Hundred Ninety-Nine Thousand, Nine Hundred Eighty Seven and Eighteen 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.

There were no Council comments.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Motion to Approve				X			
Motion to Second			X				
Approved		X	X	X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused							

9. **DISCUSSION: PROPOSED AMENDMENT/SUPPLEMENT TO ORDINANCE- FELLED TREES**

The Council discussed a proposed ordinance regarding felled trees in the Borough. The Council had some discussion regarding the Shade Tree Commission’s jurisdiction on the matter. There was a discussion by the Council regarding the Zoning Officer’s jurisdiction pertaining to felled trees. Mayor Nohilly stated that Borough Administrator Reibrich had contacted the Shade Tree Commission, but has not received any feedback from them regarding felled trees in the lake. Borough Attorney Shaklee advised that the Shade Tree Commission has the power to pass ordinances. Mayor Nohilly stated that he would ask the Shade Tree Commission to contact the DEP regarding the felled trees. The Council had further discussion regarding the homeowner’s responsibility regarding felled trees and how to include those responsibilities in the ordinance. Councilman Morley questioned the 10 day deadline for action. There was some discussion about whether the Zoning Officer has authority to extend the deadline. Borough Attorney Shaklee said that this provision could be included in the ordinance.

**10. REPORTS/CORRESPONDENCE**

- **ADMINISTRATION/FINANCE** – No Report
- **PUBLIC SAFETY**  
Council President Miller reported that he spoke with Chief Carasia and there was nothing of concern to report.
- **RECREATION ADVISORY COMMITTEE** –  
Councilman Folta stated that the Borough Garage Sale was Saturday, April 20<sup>th</sup> and the event would be held rain or shine.
- **SHADE TREE COMMISSION** – No report
- **PLANNING BOARD** - No report
- **BOARD OF EDUCATION** – Council President Miller stated the board will meet on Monday, April 22<sup>nd</sup>.
- **BOROUGH ADMINISTRATOR**- Borough Administrator Reibrich reported that there were some issues with traffic control on the project on Grassmere Avenue. The contractor, Diamond Construction, was contacted directly by the Deal Police Department and advised that they were responsible to have two flagmen on the job at all times or the project would be shut down. Diamond Construction has basically been complying since the notice.

Councilman Miller asked Borough Administrator Reibrich about adding the goose eggs. Borough Administrator Reibrich said that she already had a call into United States Department of Agriculture, but has not had any response.

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

**12. ADJOURNMENT:** With no further discussion, Councilman Napoli made a MOTION TO ADJOURN at 9:37 p.m., seconded by Council President Miller and unanimously carried.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Folta
Motion to Approve							
Motion to Second		X					
Approved		X	X	X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused							

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