

**BOROUGH OF INTERLAKEN  
MINUTES  
MARCH 20, 2013  
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:30 p.m., by Mayor Nohilly. It was followed by a salute to the flag and a moment of silence. 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: Council President Miller, Council members Folta, Morley, Napoli, Parry, White

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

1. **PUBLIC COMMENTS- FOR AGENDA SPECIFIC ITEMS ONLY- EXCLUSIVE OF ORDINANCES** Mayor Nohilly opened the floor for public comment. With no comments made, he closed the floor.

2. **APPROVAL OF THE MINUTES: MARCH 6, 2013-REGULAR**

Councilman Napoli said that because he was absent the previous meeting, he listened to the recording. He said it was very difficult to hear and understand with everyone speaking over each other. There needs to be a better effort to remain quiet while others are speaking.

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
Opposed							
Abstain/Recuse					X	X	
Absent/Excused							

At this time, Mayor Nohilly asked for a motion to add Ordinance 2013-1 to the agenda for introduction.

Councilman Napoli made a motion to add Ordinance 2013-1 to the agenda, seconded by Councilman Parry and 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. **ORDINANCE 2013-1: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO NJSA 40A:45.14**

**CALENDAR YEAR 2013  
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 2.0% 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 2013 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 2% increase in the budget for said year, amounting to \$21,391.38 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 2013 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 \$37,434.92, and that the CY 2013 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.

**I hereby certify the foregoing to be a true copy  
of an Ordinance by the Borough Council of  
the Borough of Interlaken introduced on the  
20th day of March, 2013.**

\_\_\_\_\_  
Michael J. Nohilly, Mayor

\_\_\_\_\_  
Lori Reibrich, Borough Administrator/Clerk

<b>ORDINANCE READING</b>	<b>DATE</b>
<b>1<sup>ST</sup> READING BY TITLE:</b>	March 20, 2013
<b>2<sup>ND</sup> READING BY TITLE:</b>	

Mayor Nohilly read for the first reading by title.

CFO Gallagher explained the annual need and formality of the ordinance to bank any excess funds.

Administrator Reibrich took the roll call vote.

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							

Mayor Nohilly set the public hearing for April 3, 2013.

4. **RESOLUTION 2013-61: INTRODUCTION OF THE 2013 MUNICIPAL BUDGET**

**AUTHORIZING INTRODUCTION OF 2013 MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Borough Council of the Borough of Interlaken that it hereby introduces the 2013 Municipal Budget with a total general appropriation of \$2,336,971.00 pursuant to the attached 2012 proposed municipal budget; and

**BE IT FURTHER RESOLVED** that a public hearing relative to said budget will be conducted on April 17, 2013, 7:30 p.m., Borough Hall, 100 Grasmere Avenue, Interlaken, NJ 07712. A full complete copy of the proposed 2013 Budget is available for public inspection in the office of the Borough Administrator/Clerk during normal business hours, as well as on the Borough's website.

**BE IT FURTHER RESOLVED** that the 2013 Municipal Budget Revenue and Appropriation Summaries shall be published in The Coaster prior to the aforementioned public hearing.

**NOW, THEREFORE, BE IT FUTHER RESOLVED** that a copy of this Resolution be forwarded to the following;

1. Director of Local Government Services
2. Stephen Gallagher, Chief Financial Officer
3. Lori Reibrich, Borough Administrator/Clerk
4. The Coaster for publication
5. Robert Hulsart, Municipal Auditor

Councilman Napoli said he did not feel comfortable voting to introduce a budget he did not have time to review. Councilman White said that this was just the introduction, the public hearing and adoption will be on April 17, 2013. There is plenty of time for him to review and suggest any changes to the budget before then. Councilman Napoli wanted to know when the full Council was going to discuss the budget in full. Mayor Nohilly reminded Councilman Napoli that the budget discussion was set for the next workshop meeting.

Councilman Napoli questioned the Fire and First Aid line item increase. He wanted to know when that would be discussed with full Council. The Finance and Administration may have made a recommendation for the increase in that line but, the Council never discussed approving a contract or moving forward with Allenhurst in this regard.

Councilmen White and Parry discussed their reasoning behind the inclusion of this line item. They feel services from Allenhurst are worth the extra cost rather than going to a fully paid department that would charge large sums of money for any EMT service. They feel that the increase in the budget line item will continue the value of service that is currently provided.

Councilman Napoli said that the thinking is skewed. He explained his thoughts on the way that Fire and First Aid Departments have been operating and how volunteerism is down across the State. He said he understands the issue but wanted to know the reasoning behind including it as a line item and not having discussion at Council level whether or not this contract will be approved. He asked Borough Attorney Shaklee to explain the contracting issues. Borough Attorney Shaklee stated that the contract would call for an addendum if it included adding paid personnel or it can be terminated within the agreement. Councilman Napoli questioned if any of the Council noticed that the addendum to include the paid driver would cost more than the contract itself. Councilman Napoli suggested having a feasibility study done on the department to see areas of improvement and how viable it is to have them continue to run the department without a fully paid staff in the near future. These studies are available through the County free of charge.

Mayor Nohilly said that the Borough of Allenhurst has been paying a driver for years now and is finally coming to Interlaken for help in the payment. It is obviously something that is needed for the department to function.

Councilman White said that the line item is in the budget for payment of the driver. It has not been decided to move forward but, if the Council so desires to make an addendum to the contract and incorporate the payment of a driver, the money needs to be available.

Councilman Napoli questioned if the budget has an increase. CFO Gallagher said it does include an increase of \$8.00 per house.

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							

5. **RESOLUTION 2013-62: SELF EXAMINATION OF THE 2013 MUNICIPAL BUDGET**

**Self Examination of 2013 Municipal Budget**

**WHEREAS**, N.J.S.A. 40A4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Interlaken has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough of Interlaken meets the necessary conditions to participate in the program for the 2011 budget year.

**BE IT RESOLVED**, by the Borough Council of the Borough of Interlaken that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
  6. That all other applicable statutory requirements have been fulfilled.

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

1. Thomas H. Neff, Director, Division of Local Government Services
2. Stephen Gallagher, Chief Financial Officer
3. Lori Reibrich, Borough Administrator
4. Robert Hulsart, Municipal Auditor

There were no comments made by Council.

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							

## 6. RESOLUTION 2013-63: 2013 SALARY RESOLUTION

### 2013 SALARY RESOLUTION

**WHEREAS**, on April 20, 2011, the Borough of Interlaken adopted a Salary Ordinance; and

**WHEREAS**, the Borough Auditor and the Chief Financial Officer have recommended the adoption of a Salary Resolution to confirm the salaries of the designated employees of the Borough of Interlaken.

**NOW, THEREFORE, BE IT RESOLVED** that the following base salaries be approved for the 2013 calendar year:

NAME	POSITION	ANNUAL SALARY
<b><u>Governing Body</u></b>		
Michael J. Nohilly	Mayor	\$0
Keith Miller	Council President	\$0
Lynn A. Parry, Jr.	Councilman	\$0
Robert White	Councilman	\$0
Thomas Morley	Councilman	\$0
Robert Napoli	Councilman	\$0
Corey D. Folta	Councilman	\$0
<b><u>Full-Time Employees</u></b>		
Dawn McDonald	Administrator/Borough Clerk	\$67,725
Lori Reibrich	Administrator/Acting Borough Clerk	\$57,000
Lori Reibrich	Deputy Clerk/Deputy Tax Collector	\$39,006
	Construction Clerk	

Gina Kneser	Deputy Clerk/Deputy Tax Collector Construction Clerk	\$33,500
Bill Coy	Finance Clerk/Administrative Assistant/ Court Assistant	\$41,006
Norman Cottrell	DPW Foreman/Recycling Coordinator	Paid per Union Contract
Anthony Travers	DPW Laborer	Paid per Union Contract
Gene Carafa	DPW Laborer	Paid per Union Contract

**Part-Time Employees**

Stephen Gallagher	Chief Financial Officer/Tax Collector	\$25,866
Ed Mullane	Tax Assessor	\$ 5,331
Alex Worth	Tax Assessor	\$ 4,500
Paul Vitale	Construction Official/Electrical Inspector	\$ 6,961
Thomas Haege	Fire Subcode Official	\$ 1,811
Sal Farruggia	Plumbing Subcode Official	\$ 2,055
Sal Massaro	Building Subcode Official / Zoning & Code Enforcement Officer	\$ 7,098
Vicki Labella	Librarian	\$ 4,824
Lori Reibrich	Planning Board Secretary	\$135 per meeting
Mary Sullivan	Librarian – Part Time	\$12.00 per hour
George Cieri	Magistrate	\$ 9,742
Patricia Weaver	Court Administrator	\$13,631
Lisa Casler	Court Assistant/Violations Clerk	\$100 per session

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

1. Lori Reibrich, Borough Administrator
2. Stephen Gallagher, Chief Financial Officer
3. Robert Hulsart & Co., Borough Auditor

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							

7. **RESOLUTION 2013-59: (TENTATIVE) APPROVING PROFESSIONAL CONTRACT TO BRIAN GRANT, SLX INFRASTRUCTURE, LLC**

Mayor Nohilly tabled this resolution until after the executive session.

8. **RESOLUTION 2013-64: AUTHORIZING PAYMENT OF THE BILLS**

## BILL LIST REPORT FOR BOROUGH COUNCIL APPROVAL

DATE SPAN	TOTAL
03/14/2013	17,826.29

**Resolution 2013-64:**

**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 March 20, 2013, is in the amount of Seventeen Thousand Eight Hundred Twenty Six and Twenty Nine 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 Napoli questioned the payment to Ocean Township for the debris removal from Hurricane Sandy. Administrator Reibrich explained the charge and how it related to the removal and expected FEMA reimbursements. She explained that she met with DPW Foreman Cottrell who confirmed the amounts of debris and agreed that pricing was correct and would have been greater if another method was done.

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. REPORTS/CORRESPONDENCE:**

Administration/Finance: No report.

Public Safety: No report.

Streets & Roads: Councilman Napoli discussed the removal of the bad sidewalks on Interlaken Drive. There are some that are practically standing upright. He indicated that a change order for the current project should be researched with Borough Engineer Avakian so that the sidewalks can be completed during the current project. Borough Administrator Reibrich said that she would reach out to the Engineers to determine what the change order cost.

Councilman Napoli said he spoke with DPW Foreman Cottrell and asked him to set an appointment with the Engineers office to walk the streets and get a road project repair list created for the Borough to use to prioritize the road projects and budgeting.

The Council discussed the need for many street repairs and the budget allowances for such improvements.

Recreation Committee: The Easter Egg Hunt will be held on March 23, 2013 at the Railroad Park in Allenhurst.

Shade Tree Committee: No report.

Planning Board: No report.

Board of Education: The next meeting is March 25, 2013. Council President Miller explained that the Board of Education will be introducing the budget and there will be a significant increase this year.

Borough Administrator: The pre-construction meeting for the county road projects is on Friday. Borough Administrator Reibrich said that she would be attending and would report back any pertinent details.

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

11. **RESOLUTION 2013-65: AUTHORIZING EXECUTIVE SESSION**

Mayor Nohilly read the executive session resolution and explained that action may be taken.

**EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council of the Borough of Interlaken wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss this certain matter(s) in private, and in this case for the purpose of the Borough Council to discuss:

***Potential Litigation / Contract Negotiations  
Township of Ocean Sewerage Authority (TOSA)***

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Interlaken that it will go into an Executive Session for the purpose of the Borough Council to discuss the above mentioned subject; and

BE IT FURTHER RESOLVED that formal action may be taken upon return to open public session subsequent to the executive session. Public comment will be allowed after the executive session.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are concluded and/or the new personnel are hired and/or within 30 days of the date of this closed session discussion. Interested parties may contact the Borough Clerk/Administrator anytime during normal business hours for periodic updates as to the availability in this regard.

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							

12. **RETURN TO OPEN SESSION:**

Mayor Nohilly explained the Governing Body’s need to authorize additional funding in the form of a continuing contract with Brian Grant of SLX Infrastructure, Inc. The Council agreed on a contract not to exceed \$3500.00.

**RESOLUTION 2013-59:**

WHEREAS, there exists a need for an engineer to perform professional engineering services in connection with the Borough of Interlaken’s contract with the Township of Ocean Sewerage Authority (TOSA); and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Borough Council of the Borough of Interlaken as follows:

1. SLX Infrastructure, Inc. contract dated March 19, 2012 has expired, this resolution hereby authorizes SLX Infrastructure to perform additional professional engineering services in connection with the Borough's contract with TOSA not to exceed \$3500.00.
2. This contract is awarded without competitive bidding as a professional service contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1) (1) this contract is for services performed by a person authorized by law to practice a recognized profession and it was not possible to obtain competitive bidding.
3. A copy of this resolution shall be published in the official newspaper of the Borough of Interlaken within ten (10) days of its passage.

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							

13. **COMMENTS FROM THE PUBLIC:** Mayor Nohilly opened the floor for public comment. With no comments, Mayor Nohilly closed the floor.
14. **ADJOURNMENT:** With no further discussion, Councilman White made a motion to adjourn at 8:45 p.m., seconded by Councilman Parry and 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							

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