

**BOROUGH OF INTERLAKEN  
MINUTES  
MARCH 5, 2014  
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:41 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 the annual notice is posted on the Borough bulletin board and is on file in the Borough Clerk’s office.”

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

Absent: Councilman Cohen

Also Present: Borough Administrator Reibrich and Borough Attorney Richard Shaklee

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

Mayor Nohilly opened the floor for public comment. No public was present. Mayor Nohilly closed the floor.

**2. APPROVAL OF MINUTES: FEBRUARY 19, 2014- WORKSHOP & REGULAR**

Council President White made a motion to approve the minutes, seconded by Councilman Handerhan.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Morley	Councilman Napoli	Councilman Cohen	Councilman Handerhan
Motion to Approve		X					
Motion to Second							X
Approved		X	X	X	X		X
Opposed							
Abstain/Recuse							
Absent/Excused						X	

**3. RESOLUTION 2014-47:**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF INTERLAKEN EXCUSING KEITH MILLER FROM ATTENDANCE TO THE EXTENT THAT SUCH EXCUSE IS REQUIRED**

**WHEREAS**, Councilman Keith Miller has been physically absent from Borough Council meetings from January 15, 2014 to the present; and

**WHEREAS**, Councilman Miller has presented good and valid reasons for his physical absence from the meetings while participating via telecommunications and did present those reasons to all member of the governing body before any such absence; and,

**WHEREAS**, despite being physically absent from the meetings, Councilman Miller has participated in all such meetings via Skype, a telecommunications equipment that allows him to hear what transpires as it occurs, and be heard by all present, as well as be seen on a screen, and to see what transpires at the meeting; and

**WHEREAS**, the “Municipal Vacancy Law”, N.J.S.A. 40A:16-1, et. seq. contains a provision stating the office of governing body member shall be deemed vacant upon the failure of a member “to attend and participate in any meetings of the governing body for a period of 8

consecutive weeks without being excused from attendance by a majority of the members of the governing body, at conclusion of such period,” and,

**WHEREAS**, the provision should not apply here because Councilman Miller has participated in all meetings from January 15, 2014 forward and has attended through telecommunications equipment, and participation by telecommunications equipment is recognized in the definition of meeting under the Open Public Meetings Act and case law interpreting same; and,

**WHEREAS**, to the extent it should be decided or interpreted that the above referenced provisions of the Municipal Vacancy Law does apply here, the Council wishes to make clear that such absences are “excused”, again, to extent that same is required under the law.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Interlaken that Councilman Miller is excused from physical attendance from the Borough Council meetings for the period past of January 15, 2014 through the present and further through the month of March 2014.

Councilman Handerhan made a motion to approve the resolution, seconded by Councilman President White.

Councilman Napoli requested clarification about who authored the resolution.

Borough Attorney Shaklee stated that he was the author of the resolution and the genesis of the resolution was strictly from Borough Attorney Shaklee to ensure that all bases are covered regarding the subject of participation and attendance.

Borough Attorney Shaklee provided an overview of the resolution and the Municipal Vacancy Law.

Napoli questioned why the Council would have to grant an excuse, if the subject was vetted and the Mayor, with the advice of Borough Attorney Shaklee, allowed Mr. Miller to attend, participate and also vote though virtual presence. Councilman Miller has been attending through that decision. If he has attended and participated why would there need to be an excuse?

Mayor Nohilly explained that the law is not written with the provision for virtual attendance.

Borough Attorney Shakelee stated that he does not think the court would have such a narrow view regarding this matter, but the resolution was written to cover the issue.

Napoli requested the matter be tabled until there was a letter from Councilman Miller to the Council to document the reasons for his physical absence.

Mayor Nohilly stated that there is a letter from Mr. Miller explaining his reasons for not being physically able to attend the meetings, but attend electronically.

Mayor Nohilly read a letter from Councilman Miller explaining that Councilman Miller’s wife had several medical concerns that required her to remain in Florida for treatment and recovery requiring Councilman Miller to attend Council meetings electronically.

Councilman Morley and Councilman Napoli asked why the ordinance could not be written for all members of Council.

Borough Attorney Shaklee stated that an excuse could not be granted until the absences occurred.

Council President White stated that he agreed that a Council member could attend a meeting electronically. An excuse for absence could not be considered unless absence occurred.

Borough Administrator Reibrich took roll call.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Morley	Councilman Napoli	Councilman Cohen	Councilman Handerhan
Motion to Approve							X
Motion to Second		X					
Approved		X			X		X
Opposed				X			
Abstain/Recuse			X				
Absent/Excused						X	

**4. RESOLUTION 2014-48:**

**AUTHORIZING REFUND OF TAX PAYMENT TO CONSTANCE DAUST IN THE AMOUNT OF \$1,758.87**

**WHEREAS**, the Borough of Interlaken has a notification of cancellation policy in place for residents who pay property taxes via direct debit withdrawal; and

**WHEREAS**, the Borough of Interlaken Tax Collector was not notified by the resident to cease the direct debit withdrawal for taxes on a property that was sold; and

**WHEREAS**, a tax payment was received by the Borough of Interlaken via the direct debit withdrawal program from Constance Daust, 211 Buttermere Avenue in the amount of \$1758.87; and

**BE IT RESOLVED**, by the Borough Council of the Borough of Interlaken, County of Monmouth that it does hereby authorize the Chief Financial Officer to refund said payment to Constance Daust in the amount of \$1,758.87

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

1. Lori Reibrich, Borough Administrator/Clerk
2. Stephen Gallagher, Chief Financial Officer
3. Ms. Constance Daust/Ms. Elizabeth Brown, POA

With no comments, Council President White made a motion to approve the resolution, seconded by Councilman Miller and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Morley	Councilman Napoli	Councilman Cohen	Councilman Handerhan
Motion to Approve					X		
Motion to Second		X					
Approved		X	X	X	X		X
Opposed							
Abstain/Recuse							
Absent/Excused						X	

**5. RESOLUTION 2014-49: PAYMENT OF THE BILLS**

**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 February 19, 2014 is in the amount of One Hundred Thirty Eight Thousand, One Hundred Eight dollars and 15 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.

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

DATE SPAN	TOTAL
01/14/2014-02/14/2014	\$95,872.77

**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 February 19, 2014 is in the amount of Ninety-Five Thousand, Eight Hundred Seventy-Two Dollars and seventy-seven 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.

Council President White noted that the invoice for the Deal Police was for January, February and March. Council President White made a motion to approve the bill list, seconded by Councilman Handerhan and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Morley	Councilman Napoli	Councilman Cohen	Councilman Handerhan
Motion to Approve		X					
Motion to Second					X		
Approved		X	X	X	X		X
Opposed							
Abstain/Recuse							
Absent/Excused						X	

### 6. REPORTS/CORRESPONDENCE

- ADMINISTRATION/FINANCE- Council President White stated that there will be a committee meeting on March 10<sup>th</sup> @ 5:30pm. Council President White said that the March 19<sup>th</sup> workshop will be reserved for budget review. Council President White asked that he be advised of any request for capital project funding.

Councilman Napoli questioned balances regarding capital improvements. Council President White stated that he would advise balances for the “Various Roads” projects.

- PUBLIC SAFETY – Councilman Napoli stated that everyone received a copy of the Police report from Deal.
- STREETS & ROADS – No report.
- RECREATION ADVISORY COMMITTEE –Councilman Miller stated that the Easter Egg Hunt will be held jointly with Allenhurst and Loch Arbour and will be held on April 12<sup>th</sup>. Borough Hall is putting together the Easter Baskets for the event.
- SHADE TREE COMMISSION – No report.
- PLANNING BOARD – Councilman Miller stated that the Planning Board will hold their meeting on Monday, March 17<sup>th</sup>.

Councilman Napoli questioned Councilman Miller about why a Planner was hired by the Planning Board to review ordinances.

Mayor Nohilly stated that the Planning Board came before Council to change some older ordinances and noted that there were some specific ordinances that the Planning Board would like to change. Mayor Nohilly stated that there was a specific task the Planner was hired for.

Councilman Miller stated that there was a list of items that were listed for the Planner to examine.

Mayor Nohilly stated that the Planning Board would have to ultimately come to the Council for approval.

- BOARD OF EDUCATION – Councilman Morley stated that there was a meeting last week. The Board is awaiting the court decision.
- BOROUGH ADMINISTRATOR – Borough Administrator Reibrich discussed the elected official’s online training for the MEL. Borough Administrator Reibrich stated that the Borough would receive \$250.00 credit for each official who completes the course. Administrator Reibrich stated that she would look into whether there was a limit to how many credits would be issued.

**7. COMMENTS FROM THE PUBLIC**

Mayor Nohilly opened the floor for public comment.

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

**8. COMMENTS FROM MEMBERS OF COUNCIL:** Mayor Nohilly asked the Council for any comments.

With no comment from Council, Mayor Nohilly closed the floor to public comment.

**9. ADJOURNMENT**

Councilman Napoli motioned to ADJOURN, seconded by Councilman Handerhan and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Morley	Councilman Napoli	Councilman Cohen	Councilman Handerhan
Motion to Approve					X		
Motion to Second							X
Approved		X	X	X	X		X
Opposed							
Abstain/Recuse							
Absent/Excused						X	

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