

**BOROUGH OF INTERLAKEN
MINUTES
MAY 15, 2013
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:34 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: Mayor Nohilly, Council President Miller, Council members Folta, Morley, Napoli, Parry

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

Absent: Councilman White

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

2. APPROVAL OF THE MINUTES: May 1, 2013-WORKSHOP & REGULAR

Councilman Morley made motion to amend the meeting minutes. Councilman Napoli seconded the motion.

Councilman Morley asked that four paragraphs be stricken from the regular meeting minutes. Councilman Morley felt these paragraphs were based more on opinion than Borough business.

Borough Attorney Shaklee labeled the paragraphs to be the first four paragraphs after item 12.

Councilman Folta requested that the workshop minutes reflect his attendance at the meeting.

Council voted to approve the minutes as amended.

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	X	
Approved		X	X		X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused				X			

3. ORDINANCE 2013-2: BOND ORDINANCE NO. 2013-2 PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$507,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$431,625 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

Ordinance 2013-2 was posted in Borough Hall on May 1, 2013 and advertised in full in the Asbury Park Press on May 5, 2013. Supplemental Debt Statement has been filed with the Division of Local Government Services. Public hearing was set for May 15, 2013.

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 \$507,500, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$75,875 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 \$43,625, 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) Buttermere Avenue Phase III road improvements, with a total appropriation and estimated cost of \$317,500, estimated maximum amount of bonds or notes therefor of \$301,625, and an average period of usefulness of 10 years;

(ii) miscellaneous road improvements, with a total appropriation and estimated cost of \$180,000, estimated maximum amount of bonds or notes thereof of \$130,000 and an average period of usefulness of 10 years; and

(iii) acquisition of new computers/projector, with a total appropriation and estimated cost of \$10,000, 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 \$431,625, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$507,500, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$507,500 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$78,875 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 9.90 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 \$431,625 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$97,500 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.

ORDINANCE READING	DATE
1ST READING BY TITLE:	May 1, 2013
2ND READING BY TITLE:	May 15, 2013

CFO Gallagher explained that this ordinance gives the Borough the authority to borrow and spend the money.

Councilman Napoli questioned the specifics of the appropriations. CFO Gallagher gave additional specifics regarding the appropriations of the ordinance.

Council President Miller and Business Administrator Reibrich stated that the Borough would not be getting the grant money from the state to complete the project on Buttermere Avenue.

CFO Gallagher discussed alternate suggestions for the funds that were earmarked specifically for the Buttermere project.

Councilman Napoli questioned whether the funds regarding Buttermere were specific to Buttermere. CFO Gallagher stated that the funds regarding Buttermere were specific.

Councilman Napoli questioned the appropriation of fund other than the Buttermere funds.

The Council discussed re-appropriating the Buttermere project funds at a later date.

Councilman Napoli made MOTION TO OPEN THE PUBLIC HEARING, Councilman Parry seconded the motion.

	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
Opposed							
Abstain/Recuse							
Absent/Excused				X			

Kate Wolf, 410 Buttermere Avenue, questioned what part of Buttermere is being done. Mayor Nohilly explained the grant for the Buttermere project was turned down. The grant would have supplied the additional funds needed for the project. The funds left would not be enough to complete the project.

Ms. Knight, 214 Buttermere Avenue, asked Council about the status of the funds currently held by the Borough for the Buttermere project. Mayor Nohilly explained that the money is currently allocated to the Buttermere project until it is re-appropriated by Council. The decision of what the funds will be re-appropriated for will be decided at a later date.

Merideth Wong, 401 Buttermere Avenue, asked whether the curbing would be affected during a street paving project should the Buttermere project go on in the future.

Mayor Nohilly explained that before a paving project is started there are evaluations done to access which curbs must be replaced. If curbing needs to be replaced the Borough replaces them as part of the project. Mayor Nohilly stated that sidewalks are not included when paving projects are done.

Linda Reeves, 32 Barra Street, asked what projects are planned for Buttermere Avenue.

Council President Miller outlined Council’s plan for road improvement for 2013. Council President Miller stated that Council would be repairing the entire length of Barra Street, the most serious parts of Scarba Street, the sidewalks and curbs of Interlaken Drive and the milling and paving of the crumbling sections of Bridlemere Avenue. The plan also includes the rental of a crack sealing machine.

Mayor Nohilly closed the floor for Public Comment.

Councilman Napoli questioned the procedure for re-appropriating the funds. CFO Gallagher explained that an Ordinance would be required to change the appropriations.

Councilman Napoli made MOTION TO ADOPT, 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
Opposed							
Abstain/Recuse							
Absent/Excused				X			

4. **RESOLUTION 2013-79: AUTHORIZING PAYMENT OF BILLS**

BOROUGH OF INTERLAKEN

**BILL LIST REPORT FOR
BOROUGH COUNCIL APPROVAL**

DATE SPAN	TOTAL
05/03/13-05/13/13	140,356.21

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 May 15, 2013, is in the amount of One Hundred Forty Thousand, Three Hundred Fifty-Six dollars and Twenty-One Cents;

Councilman Parry made MOTION TO ADOPT, seconded by Councilman Folta.

Councilman Folta questioned the Verizon Wireless charges.

Councilman Napoli questioned the amount paid to the Borough of Allenhurst.

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							
Absent/Excused				X			

5. **Discussion: Annual Picnic**

Discussion regarding Annual Picnic was tabled to next workshop meeting.

6. REPORTS/CORRESPONDENCE

- **ADMINISTRATION/FINANCE** – No Report.
- **PUBLIC SAFETY** –Mayor Nohilly stated that the Borough attended the Deal Police Awards night and presented them with an award for their exemplary services to Interlaken.
- **STREETS & ROADS** – Mayor Nohilly stated that we have been given the opportunity to purchase a used street sweeper from Asbury Park for \$3,500.00. Mayor Nohilly stated that DPW Supervisor, Norm Cottrell, looked at the machine and feels it would be a benefit to the Borough to purchase the machine rather than continue to borrow a street sweeper from Allenhurst.

Councilman Napoli questioned how this opportunity came about.

Councilman Miller stated that the Asbury Park sweeper purchase has been a subject of review for a while, starting with Councilman Napoli and Bradley Beach. Asbury Park's DPW Superintendent has most recently contacted Interlaken, because they have received their funding for a new sweeper and want to get rid of the old one.

Mayor Nohilly asked that a resolution be put on the agenda for the next meeting.

Council President Miller stated that there is a meeting with the Union and the Interlaken DPW on June 10, 2013.

Council discussed a letter from Borough Engineer, Peter Avakian regarding abatements to residents for the assessments of the sidewalks. The Council decided to add the subject of abatements to the agenda for the next meeting.

Councilman Folta stated that he walked Grasmere Avenue with Borough Engineer Representative, Joe O'Neill and Business Administrator Reibrich. Councilman Folta asked that the resident at 319 Grasmere Avenue be assisted with the repair of steps leading to the sidewalk. Councilman Folta stated that he believes this is a hardship that the Borough caused to the resident by raising the sidewalks.

Mayor Nohilly asked Borough Administrator Reibrich to contact Borough Engineer Avakian for a report pertaining to the stair remediation at 319 Grasmere Avenue.

Business Administrator Reibrich reported that the project being done by Diamond Construction on Grasmere Avenue is almost complete. Business Administrator Reibrich walked the project with Borough Engineer Representative O'Neill. Diamond Construction was at the "punch list" point in the project and the project should be complete by the end of the week.

Councilman Folta advised that the County updated the schedule to repave Grasmere Avenue would be mid-June. Councilman Folta explained some of the delays in scheduling.

Councilman Napoli questioned costs to the taxpayers in relation to the assessment waivers proposed in Borough Engineer Avakian's report.

Council discussed the review of properties exempt from the project prior to the start of the project. The discussion was tabled to the next meeting.

Council President Miller asked for the status of the insurance certificate for the MS Bike Tour. Business Administrator Reibrich stated that the tour organizers had questions regarding insurance limits required and that the certificate was forthcoming.

- **RECREATION ADVISORY COMMITTEE** – No Report.

- **SHADE TREE COMMISSION** – No Report.
- **PLANNING BOARD** – Councilman Folta stated there will be a meeting this month to be held May 20, 2013.
- **BOARD OF EDUCATION** – Council President Miller stated that the Board of Education Meeting would be Monday, May 20, 2013. There was a conference call with the attorneys. There will be a full report at the next meeting.
- **BOROUGH ADMINISTRATOR**- No Report.

7. **COMMENTS FROM THE PUBLIC:** Mayor Nohilly opened the floor for public comment.

Merv Franks, 310 Bendermere Avenue, expressed concern about the integrity of minutes where parts were removed. Mr. Franks stated that he did not think the amended minutes would be reflective of what occurred at the meeting.

Borough Attorney Shaklee defined New Jersey Supreme Court’s legal requirements of minutes and stated that they are not required to be verbatim. Borough Attorney Shaklee was satisfied that the amendments were in accordance with Supreme Court’s requirements.

Mr. Franks stated that he was uncomfortable with the amendments, because there were parts of the meeting that were not documented.

Mayor Nohilly stated that the Council is permitted to amend the minutes. Mayor Nohilly stated that the recording of the meeting is available to the public.

Mayor Nohilly closed the floor for public comment.

8. **RESOLUTION 2013-79: AUTHORIZING EXECUTIVE SESSION** was cancelled.

9. **ADJOURNMENT:** With no further discussion, Council President Miller made a MOTION TO ADJOURN at 8:14p.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
Opposed							
Abstain/Recuse							
Absent/Excused				X			

 Lori Reibrich
 Borough Administrator/Clerk
 Date Approved: _____