

**BOROUGH OF INTERLAKEN  
MINUTES  
MARCH 15, 2017  
7:30 P.M. AT BOROUGH HALL**

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The regular meeting of the Borough of Interlaken was called to order at 8:20 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 annual notice to the Coaster and Asbury Park Press. A copy of the annual notice was posted on the Borough bulletin board and is on file in the Borough Clerk’s office.”

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

Also Present: Borough Attorney Richard Shaklee, Borough CFO/Tax Collector Stephen O. Gallagher and Borough Clerk/Administrator Lori Reibrich

Absent: Councilwoman 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 comment made, Mayor Nohilly closed the floor.

**2. APPROVAL OF MINUTES: MARCH 1, 2017- WORKSHOP & REGULAR**

With no Council comments, Councilman Franks made motion to approve minutes, seconded by Councilman Butler and unanimously carried. Council President White abstained.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve			<b>X</b>				
Motion to Second						<b>X</b>	
Approved			<b>X</b>			<b>X</b>	<b>X</b>
Opposed							
Abstain/ Recuse		<b>X</b>					
Absent/ Excused				<b>X</b>	<b>X</b>		

**3. ORDINANCE 2017-1: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO NJSA 40A:4-45.14**

**CALENDAR YEAR 2017  
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 0.5% 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 2017 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 3.5% increase in the budget for said year, amounting to \$30,822.42 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 2016 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 \$30,822.42, and that the CY 2017 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.

Council President White made a motion to introduce the ordinance, seconded by Councilman Butler and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve		X					
Motion to Second						X	
Approved		X	X	X		X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused					X		

Mayor Nohilly set the public hearing for April 19, 2017.

4. **RESOLUTION 2017-44: INTRODUCTION OF THE 2017 MUNICIPAL BUDGET**

Council President White made a motion to introduce the budget, seconded by Councilman Butler and unanimously carried.

Municipal Clerk Reibrich took a roll call vote.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve		X					
Motion to Second						X	
Approved		X	X	X		X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused					X		

Mayor Nohilly set the public hearing for April 19, 2017.

5. **RESOLUTION 2017-45: SELF EXAMINATION OF THE 2017 MUNICIPAL BUDGET**

**Self-Examination of 2017 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 2016 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. Timothy Cunningham, Director, Division of Local Government Services
2. Stephen Gallagher, Chief Financial Officer
3. Lori Reibrich, Borough Administrator
4. Robert Hulsart, Municipal Auditor

#### **CERTIFICATION OF APPROVED BUDGET**

It is hereby certified that the Approved Budget of the Borough of Interlaken complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

Council President White made a motion to approve the resolution, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve		X					
Motion to Second			X				
Approved		X	X	X		X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused					X		

**6. RESOLUTION 2017-46: FINAL ENGINEER CERTIFICATE NO. 2 TO FERNANDES CONSTRUCTION FOR IMPROVEMENTS TO STAFFA STREET**

**RESOLUTION AUTHORIZING FINAL PAYMENT CERTIFICATE #2 TO FERNANDES CONSTRUCTION, INC. FOR IMPROVEMENTS TO STAFFA STREET**

**WHEREAS**, the Borough previously entered into a contract with Fernandes Construction Inc. for Improvements to Staffa Street; and

**WHEREAS**, the Borough Engineer has recommended approval of Payment Certificate No. 2 to Fernandes Construction Inc., authorizing payment of \$9,127.40 for work completed;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that final Payment Certificate No. 2 to Fernandes Construction Inc. for Improvements to Staffa Street is hereby authorized in the payment of \$9127.40 for work completed.

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

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

Council President White made a motion to approve the resolution, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve		X					
Motion to Second			X				
Approved		X	X	X		X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused					X		

**7. RESOLUTION 2017-47: AUTHORIZING FINAL CHANGE ORDER- IMPROVEMENTS TO STAFFA STREET**

**RESOLUTION AUTHORIZING FINAL CHANGE ORDER & SUPPLEMENTAL AGREEMENT NO. 1**

**WHEREAS**, the Borough previously entered into a contract with Fernandes Construction, Inc. for the Improvements to Staffa Street project; and

**WHEREAS**, the Borough Engineer submitted Final Engineer’s Certificate No. 2, Final Change Order and Supplemental Agreement No.1 which decreases the overall contract by \$2,643.60 due to the final quantities for the work completed to date; and

**WHEREAS**, the following changes have been submitted and approved by Borough Engineer, Leon S. Avakian, Inc.:

Original Contract Amount:	\$125,005.00
Amount of Supplemental Agreement:	(\$2643.60)
Total Adjusted Contract Amount Due:	\$122,361.40

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that Final Change Order and Supplemental Agreement No. 1 is hereby authorized; and

**BE IT FURTHER RESOLVED** that the Borough Administrator/Clerk is hereby authorized to execute the necessary documents for Change Order and Supplemental Agreement No. 1.

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

5. Peter Avakian, Borough Engineer
6. Borough Administrator
7. Chief Financial Officer
8. Paul Fernandes, Fernandes Construction,, Inc.

Council President White made a motion to approve the resolution, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve		<b>X</b>					
Motion to Second			<b>X</b>				
Approved		<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>
Opposed							
Abstain/ Recuse							
Absent/ Excused					<b>X</b>		

8. **RESOLUTION 2017-48: PAYMENT OF BILLS**

**BILL LIST REPORT FOR  
BOROUGH COUNCIL APPROVAL**

DATE SPAN	TOTAL
02/28/17-03/13/17	\$420,487.77

**Resolution 2017-48:**

**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 15, 2017 is in the amount of Four Hundred Twenty Thousand Four Hundred and Eight Seven Dollars and Seventy-Seven 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.

Council President White made a motion to approve the bill list, seconded by Councilman Franks and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve		X					
Motion to Second			X				
Approved		X	X	X		X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused					X		

#### 9. **DISCUSSION: SIGN ORDINANCE**

Mayor Nohilly opened the discussion stating that he would like to come to a conclusion on whether or not there is support for any of the sign ordinance changes that Councilman Franks has brought to the table. He would like to end this discussion at this meeting.

Councilman Franks reiterated his stance on changes he would like to be see made to the current sign ordinance. He indicated that he had support at the last meeting to reduce the size of the construction signs.

Mayor Nohilly asked Councilman Franks to discuss the topic in full and then we would have a voice vote as to whether or not there would be changes made to the current ordinance.

Councilman Franks provided information regarding sign ordinances in other towns and what he feels need to be done to maintain the beauty of the town by reducing the signs. He expressed his desire for support in having one uniform sign size.

Councilman Gunn stated that there has been numerous conversations about changing the sign ordinance. He said he felt that those conversations did not support changes to the ordinance since the first time this topic was discussed. He does not support any changes to the ordinance because he does not feel that this is an issue. Council President White concurred.

Councilman Franks believed there was support for, at the very least, changing the construction sign size that is allowed. Councilman Franks asked the Mayor for to allow a voice vote on the topic.

Mayor Nohilly asked the Council members in attendance to voice vote on whether or not they would like to change the sign ordinance with specifics of definitely changing the size allowed of construction signs.

Councilman Butler said that he supported a change to reduce the size of construction signs allowed. Councilman Gunn and Council President White stated they did not see a need to change the ordinance at all because there is not an abuse of this ordinance and there is no issue.

Councilman Watson indicated that he did not have strong feelings one way or the other regarding the sign ordinance. He voted to not make any changes.

With this result, Mayor Nohilly stated that this discussion would come to an end with no changes being made to the current ordinance.

#### 10. **REPORTS/CORRESPONDENCE**

Administration/Finance: No report

Public Safety: No report.

Streets and Roads: Councilman Butler reported that the first of three estimates to complete the street light project has been received. The cost appears to be within or lower than the original numbers provided for the Capital Budget regarding this project.

Shade Tree Commission: No report

Planning Board: The Board approved a variance at the last meeting.

Board of Education: No report

Borough Administrator: Borough Administrator Reibrich reported the dates that the USDA would be in town adding the goose eggs according to the contract. She provided the fliers for the Egg Hunt and Town Wide Garage Sale and informed the Council of the dates which are April 8<sup>th</sup> and April 22, respectively.

11. **COMMENTS FROM THE PUBLIC** Mayor Nohilly opened the floor for public comment. With no comments made, Mayor Nohilly closed the floor.
12. **ADJOURNMENT** With no further discussion, Councilman Franks made a motion to adjourn, seconded by Councilman Gunn and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Franks	Councilman Gunn	Councilwoman Horowitz	Councilman Butler	Councilman Watson
Motion to Approve			X				
Motion to Second				X			
Approved		X	X	X		X	X
Opposed							
Abstain/ Recuse							
Absent/ Excused					X		

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Lori Reibrich, RMC  
Borough Administrator/Clerk