

**BOROUGH OF INTERLAKEN
MINUTES
MARCH 26, 2020
7:30 P.M. AT BOROUGH HALL**

ZOOM CONFERENCE- GOVERNOR'S EXECUTIVE ORDER 107

The regular meeting of the Borough of Interlaken was called to order at xx p.m., by Mayor Nohilly. It was followed by a salute to the flag and a moment of silence. The Sunshine Statement was read by Borough Clerk/Administrator Lori Reibrich. *"THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY FORWARDING NOTICE TO THE ASBURY PARK PRESS AND THE COASTER THAT A SPECIAL MEETING WOULD BE HELD ON MARCH 26, 2020 AT 7 PM VIA ZOOM CONFERENCE UNDER THE GOVERNOR'S EXECUTIVE ORDER 107. A COPY OF THE NOTICE IS POSTED ON THE OFFICIAL BOROUGH WEBSITE WITH FULL DIRECTIONS ON HOW THE PUBLIC CAN ATTEND AND MAKE COMMENT AT THE MEETING. ALSO, A COPY WAS PLACED ON THE DOOR AT BOROUGH HALL AND IS ON FILE IN THE BOROUGH CLERK'S OFFICE."*

ROLL CALL:

Present: Mayor Nohilly, Council President White, Council members: Butler, Watson, Maloney and Fama

Absent: Councilwoman Horowitz

Also Present: Borough Attorney Richard Shaklee and Borough Clerk/Administrator Reibrich

Mayor Nohilly welcomed everyone to the Zoom Meeting and provided updates regarding the coronavirus pandemic.

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

Mayor Nohilly opened the floor for public comment.

With no public present for comment, the floor was closed.

2. ORDINANCE 2020-1: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO NJSA 40A:4-45.14

ORDINANCE 2020-1

**CALENDAR YEAR 2020
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 2020 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 \$38,377.98 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 2020 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 \$38,377.98, and that the CY 2020 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.

With no further comments, Council President White made a motion to approve, seconded by Councilman Butler and unanimously carried.

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

MAYOR SETS THE PUBLIC HEARING FOR APRIL 23, 2020

3. **RESOLUTION 2020-42: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH UNITED STATES EEOC**

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH UNITED STATES EQUAL OPPORTUNITY COMMISSION’S “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964”

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Interlaken, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

With no further comments, Council President White made a motion to approve, seconded by Councilman Butler and unanimously carried.

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

GOVERNING BODY MEMBERS WILL SIGN A GROUP AFFIDAVIT FOR THE DIRECTOR OF LOCAL GOVERNMENT SERVICES FOR CLERK TO SEND WITH APPROVED MUNICIPAL BUDGET

4. **RESOLUTION 2020-43: SELF EXAMINATION OF THE 2020 MUNICIPAL BUDGET**

RESOLUTION 2020-43

Self-Examination of 2020 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 2020 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. Melanie Walters, Director, Division of Local Government Services
2. Stephen Gallagher, Chief Financial Officer
3. Lori Reibrich, Borough Administrator
4. Robert Hulsart, Municipal Auditor

With no further comments, Councilman Watson made a motion to approve, seconded by Councilman Fama and unanimously carried.

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

5. **RESOLUTION 2020-44: INTRODUCTION OF THE 2020 MUNICIPAL BUDGET**

- Please see official budget document for formal resolution

With no further comments, Council President White made a motion to approve, seconded by Councilman Butler and unanimously carried.

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

MAYOR SETS THE PUBLIC HEARING FOR APRIL 23, 2020

6. **RESOLUTIONS 2020-45: AUTHORIZING AWARD OF 2019 ROAD IMPROVEMENT PROJECT BID CONTRACT**

**AUTHORIZING AWARD OF BID CONTRACT
“2019 ROAD IMPROVEMENT PROJECT”**

WHEREAS, bids for the project known as **“2019 ROAD IMPROVEMENT PROJECT”** were duly advertised and publicly opened pursuant to law; and

WHEREAS, nine (9) contractors took out a bid packet and eight (8) complete bids were received ranging from low base bid of \$402,826.97 to high base bid of \$577,170.91; and

WHEREAS, the Improvements to Woodmere Avenue and Rona Street NJDOT Trust Fund Project bid portion was received at \$252,617.30 for which the Borough of Interlaken was awarded a NJDOT grant of \$200,000; and

WHEREAS, the Scarba Street Non-Participating NJDOT Trust Fund Project bid portion was received at \$150,209.67; and

WHEREAS, the totality of the project bid was received as \$402,862.97; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the recommendation of the Borough Engineer, that said bid be awarded to Fernandes Construction Inc. 88 South River, NJ 08882; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute all documents in this regard; and

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

1. Fernandes Construction Inc, Bid winner
2. Lori Reibrich, Borough Administrator/Clerk
3. Stephen Gallagher, Chief Financial Officer
4. Peter Avakian, Borough Engineer
- 5.

With no further comments, Councilman Butler made a motion to approve, seconded by Councilman Watson and unanimously carried.

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

7. **RESOLUTIONS 2020-46: BILL LIST**

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

DATE SPAN	TOTAL
03/09/20-03/23/20	\$19,141.46

Resolution 2020-46:

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 26, 2020 is in the amount of Nineteen Thousand One Hundred Forty-One Dollars and Forty-Six 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.

With no further comments, Council President White made a motion to approve, seconded by Councilman Butler and unanimously carried.

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

4. **NEW BUSINESS:** None

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

Jodi Heinz, 512 Bridlemere Avenue, asked about putting up a plaque on a tree in dedication of a young resident who passed away.

Mayor Nohilly gave his sincere condolences over the death of the young resident. He explained the Borough’s stance on memorial plaques and stated there is no program at this time. Residents are encouraged to donate to plant a tree in honor but the Borough has been telling people that plaques are not something the Borough allows at this time. Mayor Nohilly stated that Councilman Watson made suggestions about memorial or family pavers in the park in the future.

With no additional public comment, the floor was closed.

6. **COMMENTS FROM MAYOR, COUNCIL & ADMINISTRATOR:**

Councilwoman Maloney questioned the status of construction inspections in town. Borough Administrator Reibrich explained the new process allowed by the DCA and how the inspections should be essential work. The DCA guidelines are allowing for video and pictures in some cases.

Mayor Nohilly and Borough Administrator Reibrich discussed the conference calls with State and Federal governments they have been attending as well as the Borough’s handling of any resident concerns during the time of quarantine.

7. **ADJOURNMENT:** With no further comments, Council President White made a motion to adjourn, seconded by Councilman Watson and unanimously carried.

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

Lori Reibrich, RMC
Borough Administrator/Clerk