

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

The meeting of the Borough of Interlaken was called to order at 7:30p.m., by Mayor Nohilly. It was followed by a salute to the flag and a moment of silence dedicated to Interlaken residents Mrs. Lizotte and Mr. Green, two residents who passed away recently. 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 Cohen, Handerhan, Miller, Morley, Napoli

Also Present: Borough Administrator Lori Reibrich, Borough Attorney Richard Shaklee and CFO Stephen Gallagher, Borough Auditor Richard Hellenbrecht

1. RESOLUTION 2014-76: AUTHORIZING THE 2014 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

**AUTHORIZING THE 2014 MUNICIPAL BUDGET
TO BE READ BY TITLE ONLY**

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing the following provisions are met:

1. A complete copy of the budget, as advertised, is posted in a public place where public notices are customarily posted.
2. A complete copy of the budget has been available to each person requesting the same during said week and during the public hearing.

WHEREAS, the Borough of Interlaken has complied with the aforesaid requirements;

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year 2014.

Councilman Miller MOTIONED, seconded by Council President White 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

**2. 2014 MUNICIPAL BUDGET - PUBLIC HEARING
BOROUGH AUDITOR & CFO PRESENT**

"THE 2014 MUNICIPAL BUDGET WAS INTRODUCED ON APRIL 2, 2014, AND ADVERTISED BY SUMMARY, AS REQUIRED BY LAW, ON APRIL 10, 2014, TOGETHER WITH A NOTICE OF THE PUBLIC HEARING FOR THIS TIME. PRINTED COPIES OF THE BUDGET HAVE BEEN MADE AVAILABLE TO THE PUBLIC. IN ADDITION, A FULL COPY OF THE BUDGET HAS BEEN POSTED ON THE BOROUGH WEBSITE."

CFO Gallagher made a presentation to the Council illustrating the effects of decreasing surplus balances.

CFO Gallagher explained how surplus is generated and why a surplus is needed to ensure that there is funding for unexpected expenses. CFO Gallagher explained ways that surplus is generated through unanticipated revenue: delinquent tax payment, excess tax collection over what was anticipated, miscellaneous revenues that are unexpected such as FEMA reimbursements and the cancellation of appropriations that were not spent in that year. Any revenues that exceed what was expected go into surplus. Having a surplus is beneficial to cover unexpected expenses and emergencies. CFO Gallagher used the example of Hurricane Sandy in 2010. Surplus was available to provide for emergency expenses.

CFO Gallagher presented an analysis to show the impact of using the surplus toward this the budget to get a zero budget this year. CFO Gallagher stated that using surplus to fund the budget could result in a large increase to tax payers in 2018 or 2019.

Council had a discussion regarding the effects of the decision to use the surplus to keep the budget at zero increase.

CFO Gallagher stated that, together with the Finance Committee, a budget was put together that was sustainable for the town with minor increases, if any, for the next four years. The budget was put together making sure that the line items were as skinny as possible. When you do that you reduce your ability to produce surplus.

CFO Gallagher believes that a balance of 6% of unexpended appropriations is pretty reasonable. That money allows the Borough to address unforeseen expenses during the year. The Borough saw that with Hurricane Sandy expenses. If the surplus was not there, the Borough would have had a crisis.

Councilman Morley stated that he does not see a need for the \$24,000.00 for Allenhurst Fire and First Aid paid personnel to be budgeted for every year. CFO Gallagher stated that money was moved to General Capital.

Council had a discussion about whether to put the \$24,000.00 back into the surplus.

Borough Attorney Shaklee stated that moving the money would require a recast of the whole bond ordinance and would also require the Borough to renotice.

Councilman Napoli stated that at the work session he requested that the Council go line by line to take 5% from everyone's budget and CFO Gallagher said to take it from surplus.

Councilman Handerhan stated that Councilman Miller also said to review and take it from various places.

Mayor Nohilly stated that CFO Gallagher was not making his presentation to say the Borough is a crisis, but rather to say it will get worse in the future, if surplus is continued to be used.

CFO Gallagher agreed. The presentation was meant to show the effects of the decision to use surplus.

Council President White stated that the Borough has a CFO that spends a lot of time working the Borough's financials and is experienced. Council President White asked why does the Council have to have a zero budget and go against the expertise of our CFO.

Councilman Napoli stated that the Council takes advice from the CFO. The CFO makes recommendations to the Council. The Council makes the decisions regarding the budget. The Borough was so close to a zero budget. Council could have gone line by line and reduced the budget that way.

Councilman Miller MOTIONED to open the floor for public comment on the 2014 Municipal Budget, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

Mayor Nohilly opened the floor for public comment.

Councilman Miller MOTIONED to close the floor for public comment, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

With no public comment, Mayor Nohilly closed the floor.

3. ORDINANCE 2014-3: BOND ORDINANCE PROVIDING FOR VARIOUS SEWER SYSTEM IMPROVEMENTS AND APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$25,510 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 2014-3 WAS POSTED IN BOROUGH HALL ON APRIL 23, 2014 AND ADVERTISED IN FULL IN THE ASBURY PARK PRESS ON APRIL 27, 2014. SUPPLEMENTAL DEBT STATEMENT HAS BEEN FILED WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES. PUBLIC HEARING WAS SET FOR MAY 7, 2014.

**BOROUGH OF INTERLAKEN
COUNTY OF MONMOUTH**

Bond Ordinance No. 2014-3

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER SYSTEM IMPROVEMENTS APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$25,510 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

BE IT ORDAINED by the MUNICIPAL 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 \$100,000, said sum being inclusive of all appropriations heretofore made therefor, and including the sum of \$74,490 as the down payment for said purposes.

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 \$25,510 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 various sewer system improvements, together with all items 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.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$25,510 as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$100,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$100,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$74,490 down payment for said purposes.

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 20 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 \$25,510 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$15,000 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 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:	April 23, 2014
2ND READING BY TITLE:	May 7, 2014

Mayor Nohilly asked for comment from CFO Gallagher. CFO Gallagher had no comment.

Mayor Nohilly asked for comment from Council. Council had no comment.

Councilman Handerhan MOTIONED to open the floor for public comment, seconded by Councilman Napoli 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

Mayor Nohilly opened the floor for public comment.

No public comment.

Councilman Napoli MOTIONED to close public hearing, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

Mayor Nohilly closed public hearing.

4. 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.

5. APPROVAL OF MINUTES: APRIL 23, 2013- REGULAR & WORKSHOP

Councilman Miller MOTIONED to approve the minutes, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

6. RESOLUTION 2014-77: ADOPTION OF THE 2014 BUDGET AMENDMENTS

BOROUGH OF INTERLAKEN

COUNTY OF MONMOUTH

WHEREAS, the local municipal budget for the year 2014 was approved on the 2nd day of April 2014, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Interlaken, County of Monmouth, that the following amendments to the approved budget of 2014 be made.

Recorded Vote
(Insert Last Names)

(((
Ayes (Nays (Abstain (
(((
((Absent (

	<u>From</u>	<u>To</u>
General Revenues		
Surplus Anticipated	\$ 225,000.00	230,159.54
Subtotal General Revenues	435,307.56	440,467.10
Amount to be Raised by Taxes for Support of Municipal Budget:		
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	1,835,131.49	1,829,971.95
Total Amount to be Raised by Taxes for Support of Municipal Budget	1,835,131.49	1,829,971.95

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

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

1. Thomas Neff, Director of Local Government Services (2) copies
2. Stephen Gallagher, Chief Financial Officer

3. Lori Reibrich, Borough Administrator/Clerk
4. Robert Hulsart, Municipal Auditor

Councilman Napoli questioned the details of the amendment.

CFO Gallagher stated that was to increase the amount in surplus.

Councilman Napoli MOTIONED, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

7. RESOLUTION 2014-78: ADOPTION OF THE 2014 MUNICIPAL BUDGET

With no comment from Council. Councilman Napoli MOTIONED to approve the 2014 Municipal Budget, seconded by Councilman Morley 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

8. RESOLUTION 2014-79: AUTHORIZING CHARITY 5K

AUTHORIZING THE DEAL POLICE BENEVOLENT ASSOCIATION TO PRESENT THE INTERLAKEN 5K

WHEREAS, the Borough Council and the Recreation Advisory Committee of the Borough of Interlaken are desirous of having a local charity present and receive benefit from the Interlaken 5K scheduled for October 18, 2014; and

WHEREAS, the Deal Police Benevolent Association has submitted the attached letter dated April 30, 2014, which delineates responsibilities and sharing in the monetary proceeds of the event.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Interlaken hereby accept the terms of the attached letter dated April 30, 2014 and agree to have the Deal Police Benevolent Association present the Interlaken 5K scheduled for October 18, 2014.

BE IT FURTHER RESOLVED that this approval is subject to the Deal Police Benevolent Association submitting a certificate of insurance naming the Borough of Interlaken as a Certificate Holder prior to the event.

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided to the following:

1. Joseph Ammaturo, President of the Deal Police Benevolent Association
2. Lori Reibrich, Borough Administrator
3. Stephen O. Gallagher, Chief Financial Officer

Councilman Miller stated that letter will be the same as last year. This year the Borough will keep to the terms of the contract, rather than accept the entire amount.

Councilman White questioned, if the application would be online.

Councilman Miller stated that the application would be online.

Councilman Miller MOTIONED to authorize charity 5K race, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

Councilman Miller commented that in the very near future, the Borough will have the application and sponsorship forms available. Councilman Miller asked that, if anyone is going to a big race event, please bring applications for distribution.

9. RESOLUTION 2014-80: CONTRACT AWARD – COUNTERTOP IMPROVEMENTS AT ADMINISTRATIVE OFFICE

Council agreed during the workshop meeting that they would add the ADA countertop improvements to a grant application for ADA compliance of the rest room. The resolution was removed from the agenda.

10. RESOLUTION 2014-81: PAYMENT OF THE BILLS

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

DATE SPAN	TOTAL
04/30/14-05/05/14	\$159,479.37

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 7, 2014 is in the amount of One Hundred Fifty Nine Thousand, Four Hundred Seventy-Nine and Thirty 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.

With no comment from Council, Council President White MOTIONED to approve bill payment, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

11. RESOLUTION 2014-71: RENEWAL OF THE DEAL LAKE COMMISSION CHARTER AGREEMENT (tabled from 4/23/14 meeting)

Councilman Miller stated that he would like to inquire to amending the terms of the contract to be a fixed fee, or a “not to exceed” amount, rather than a percentage.

Councilman Miller stated that he had nothing against the Deal Lake Commission, but it is a 10 year contract and he wanted to be sure the Borough was protected against an unexpected large expense.

Council asked Borough Attorney Shaklee to send a memo to the Deal Lake Commission regarding the terms of the contract.

Council decided to table the contract, until the terms have been decided.

Councilman Miller MOTIONED to table the vote on the Deal Lake Commission Charter Agreement, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

The renewal of the contract was tabled.

12. REPORTS/CORRESPONDENCE

- ADMINISTRATION/FINANCE – No report.
- PUBLIC SAFETY - Councilman Napoli stated that the committee had a meeting on May 5, 2014 and he would forward the minutes. The committee discussed the Allenhurst First Aid and Fire, the use of the sewer camera truck and the sewer issue. There was also a meeting with New Jersey American Water to discuss the sewer overages and whether the company will accept any responsibility for the leak that caused the overages. Councilman Napoli questioned whether some of the information could be shared outside of Executive Session.

Mayor Nohilly questioned the need for Executive Session.

Council had a brief discussion regarding the need for an Executive Session.

Mayor Nohilly read the letter from the Borough of Allenhurst inviting Council to attend a meeting regarding the purchase of the new ambulance. The Village of Loch Arbour was also invited.

Council had a discussion about attending the meeting with Allenhurst.

Councilman Napoli stated that the Borough will not be attending the public meeting. The Borough would like to sit down with Allenhurst's Mayor and the Fire Chief.

Councilman Miller stated that this type of meeting was requested and the response was the letter inviting them to the public meeting.

Mayor Nohilly asked Borough Administrator Reibrich to invite the Allenhurst's Mayor and Fire Chief to a meeting with the Borough's Committee members.

Council discussed who should attend with regards to the Open Public Meetings Act.

Borough Attorney Shaklee gave guidance regarding attendees.

- STREETS & ROADS – No report.
- RECREATION ADVISORY COMMITTEE – Council discussed changing the name of the committee to the Recreation Committee rather than the Recreation Advisory Committee.
- SHADE TREE COMMISSION – Councilman Morley stated that he would be taking the lead role in reviewing the changes to the tree ordinance.

Councilman Morley stated that the changes to the ordinance would make the Zoning Officer responsible for monitoring the ordinance rather than the Shade Tree Commission. Councilman Morley feels that there are members of the Commission harassing residents. Councilman Morley stated the committee feels that when the ordinance is written, the Shade Tree Commission will have no power. The trees are not on Borough property. The ordinance will be written to accommodate those that want to preserve trees and also those who would like to remove trees from the property.

Councilman Morley stated that the previously considered amount of \$350.00 per tree being removed would be lowered to \$75.00 per tree.

Mayor Nohilly stated that the passing of the ordinance will be a Council decision. Mayor Nohilly thanked Councilman Morley for taking the lead on this matter, but reminded him that the committee is reviewing the ordinance. It would come back to full Council for a final vote.

Councilman Morley stated that a full application should not be required. The Committee decided only a permit should be required. A sketch would be included to let the Borough know which trees, over the four tree allowance, would be coming down.

The Mayor questioned how this was a preservation ordinance. Councilman Morley stated that it is the same ordinance. Four trees are permitted per year. The fee for each tree over the four tree limit would be lowered from \$350.00 to \$100.00. Mayor Nohilly questioned the limits. Councilman Morley stated that would not change. There would be no limit, but you would get \$100 per tree. Mayor Nohilly questioned how the ordinance could get through Council, goes to Committee for recommendations, come back from the Committee and now does not preserve trees.

Councilman Morley stated that there are people in the Borough who do not want a tree preservation ordinance, so the ordinance has to be fair.

Mayor Nohilly agreed with Councilman Morley that the Borough wants the best possible ordinance that can benefit all of the residents, but stated that the Borough has a Master Plan to preserve the tree canopy over Interlaken as a valuable resource. The tree preservation has to be in sync with preventing the clear cut of trees.

Councilman Morley stated that the Committee, Councilman Miller and Councilman Napoli, have sanctioned him to put the ordinance together.

Mayor Nohilly stated that the Committee could work on the ordinance and give it to the Borough Attorney for review, and then ultimately it will come before full Council for vote.

Councilman Napoli questioned what the difference was between letting a resident cut four trees down per year and cutting them all at once.

Mayor Nohilly spoke to Councilman Napoli stating that the Planning Board gave the ordinance to Council. The Shade Tree Committee reviewed it and came back to Council with the new Ocean Township version as the model. The Committee had unanimous support to do that. The Committee met with the Shade Tree Commission and went back and forth between four trees and three trees. Then the Committee made a recommendation to Council of four trees and gave it to the Borough Attorney. Borough Attorney Shaklee made notes on it and the Committee decided to pull it back into Committee. Now the Committee is ready to bring it back to the Borough Attorney and Council and now the Committee is questioning the ordinance that the Committee recommended the Council adopt.

Councilman Napoli stated that Committee was working on the issue that the Shade Tree Commission being the appeal board. There is language in the ordinance that the Committee does not agree with. Councilman Napoli agrees with the Mayor that the number of trees to be removed is going to be the issue.

Mayor Nohilly stated that Councilman Morley will bring the changes to Borough Administrator Reibrich to work on them with Borough Attorney Shaklee. When Borough Attorney Shaklee is ready to get it back to workshop, plenty of notice will be given. It will be put on a workshop agenda, discussed, and then brought to the table for a vote.

Councilman Miller asked about the Felled Tree Ordinance.

Councilman Napoli asked if the two tree ordinances could be merged.

Borough Attorney Shaklee stated that the two ordinances were in two different chapters of the code book, so it may be easier to keep them separate.

Mayor Nohilly stated that both ordinances can be reviewed separately, but in tandem.

PLANNING BOARD – Councilman Miller stated that the Planning Board meeting was cancelled.

BOARD OF EDUCATION – Councilman Miller reported that the Board Attorney read an announcement from the Commissioner’s office that the period for public comment was extended for 20 days from April 28, 2014. There is very specific language in the areas where comment can be made and very specific rules regarding how comments can be presented to the Commissioner. After the 20 day comment period, if there are any comments the deadline would be extended another 20 days for the comments to be responded to.

BOROUGH ADMINISTRATOR – Borough Administrator Reibrich reported that the process for filing Financial Disclosure Statements has been solidified. Statements will be due June 13, 2014. Statement instructions will be released by the Borough the week of May 12, 2014. Borough Administrator Reibrich will distribute the instructions.

13. COMMENTS FROM THE PUBLIC

Mayor Nohilly opened the floor for public comment.

Sarah Handerhan, 21 Barra Street, read a letter addressed to the Council representing the Interlaken Children’s Society regarding the ice cream truck ordinance in the Borough. Ms. Handerhan feels the Borough ordinance barring ice cream trucks from the Borough deprives the members of the Interlaken Children’s Society of fond childhood memories and enjoyment of delicious melty treats. Ms. Handerhan asked Council to reconsider the ordinance to allow ice cream trucks and presented Council with a petition signed by Interlaken children. Ms. Handerhan thanked Council for their time and consideration.

Councilman Cohen said that Ms. Handerhan made a wonderful presentation, stating that Ms. Handerhan may have a future career persuading people. He proposed that maybe the truck could come at predetermined times and be at a stationary place in town.

Councilman White asked Ms. Handerhan how she knew there was a no ice cream truck ordinance.

Mayor Nohilly stated that the ordinance was not specific to ice cream trucks and the Council will take a look at it.

Catherine Wolf, 410 Buttermere Avenue, stated that she feels Councilman Cohen had a good idea. Maybe the truck could come to the park. It was something to consider.

Vicki LaBella, 216 Grassmere Avenue, stated that she is a tree lover. Ms. LaBella addressed Councilman Morley and stated that she found it very curious that he is the one handling the Tree Preservation Ordinance and he does not even care about trees. Ms. LaBella stated that the trees are very much a part of the character of the town. It is devastating to see what is happening with losing so many trees. Ms. LaBella stated that she understands that after Hurricane Sandy people are afraid that the old trees will fall on their house. Ms. LaBella stated that if we can save one tree she is all for the ordinance. Ms. LaBella believes the whole point of the tree ordinance is to make people be more mindful about the trees.

Ms. LaBella addressed Councilman Napoli and stated that she was part of the Planning Board that put together the ordinance. It was a very challenging thing. At the time they modeled after Ocean Township's ordinance, because it was the closest thing to what they were trying to do. It was delayed, because they wanted to see how it worked for Ocean Township.

Ms. Labella stated that she loves the trees and the sound of the birds. You can replant trees but they will not be these big beautiful trees that we have now in our lifetime. Ms. Labella wanted to speak on behalf of the trees.

Ms. Labella also questioned whether the trees on Grassmere were going to be replaced after the roadwork project has been complete? Mayor Nohilly stated that the County would be replacing the trees and Marguerite Dalton of the Shade Tree Committee is working diligently for their replacement.

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

14. COMMENTS FROM MEMBERS OF COUNCIL

Mayor opened the floor for Council comments.

Councilman Miller stated that the new Borough website is 80% completed and the calendar has been updated. Councilman Miller added that it was easier to edit and less subject to crashes. Mr. Miller believes the residents will enjoy using it.

Mayor Nohilly thanked Councilman Miller for his work on the website.

Councilman Cohen said that he noticed that contact phone numbers seemed to be hidden on the site, but said that may be a positive thing to encourage residents to get the information they need through the website. Councilman Cohen added that the site looks great.

15. ADJOURNMENT

Councilman Morley MOTIONED for adjournment, 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	X
Opposed							
Abstain/Recuse							
Absent/Excused							

 Lori Reibrich
 Borough Administrator/Clerk
 Date Approved:_____