

**BOROUGH OF INTERLAKEN  
MINUTES  
MAY 21, 2014  
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:52 p.m., by Council President White. It was followed by a salute to the flag and a moment of silence dedicated to Interlaken resident Pauline Ryan, 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: Council President White, Council members Cohen, Handerhan, Miller, Morley, Napoli

Also Present: Borough Administrator Lori Reibrich, Borough Attorney Richard Shaklee

Absent: Mayor Nohilly

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

Council President White opened the floor for public comment. With no public comment, he closed the floor.

**2. APPROVAL OF MINUTES: MAY 7, 2014- REGULAR & WORKSHOP**

Councilman Napoli MOTIONED to approve the minutes, seconded by Councilman Miller and unanimously carried. No Council comment.

	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	X						

**3. RESOLUTION 2014-82: 2013 AUDIT**

**ACCEPTING THE 2013 MUNICIPAL AUDIT**

**WHEREAS**, N.J.S.A. 40:A5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and,

**WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

As evidenced by the group affidavit form of the Governing Body, and

**WHEREAS**, such Resolution of Certification shall be adopted by the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52-27BB-52 to wit:

***R.S. 52:27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office”.***

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Interlaken, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

Council President White commented that each Council member was presented a copy of the audit.

Councilman Napoli stated that he reviewed the documentation in detail and questioned what action needed to be taken.

Borough Administrator Reibrich stated that the report was for the annual review. The auditor comes in and reviews the records and actions, then gives recommendations to change or improve the practices. The Borough received no recommendations.

Councilman Napoli stated that normally the auditor gives recommendations and the Borough is proud to say there were none. The audit is a good picture of where the Borough is regarding bonding and debt. Councilman Napoli observed that the Borough debt is in order. The Borough has \$7 million worth of bonding available and is using only \$1.2 million.

Borough Administrator Reibrich stated that each Council member needed to sign the affidavit and it was passed around the table for signatures.

Councilman Miller MOTIONED to approve the minutes, 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	X						

**4. RESOLUTION 2014-83: CHANGE ORDER #1 2013 ROAD IMPROVEMENT PROJECT**

**RESOLUTION AUTHORIZING CHANGE ORDER #1  
2013 ROAD IMPROVEMENT PROJECT**

**WHEREAS**, the Borough previously entered into a contract with S. Batata Construction, Inc. for the 2013 Road Improvement Project; and

**WHEREAS**, S. Batata Construction, Inc. submitted Change Order No. 1 which decreases the overall contract by \$1,772.69 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:	\$176,776.00
Amount of Supplemental Agreement:	(\$1772.69)
Total Adjusted Contract Amount Due:	\$175,003.013

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that Change Order 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:

1. Peter Avakian, Borough Engineer
2. Borough Administrator
3. Chief Financial Officer

Councilman Miller MOTIONED to approve the minutes, seconded by Councilman Handerhan. Councilman Miller noted that the change order was to lower the cost of the change order, so the whole project was right on the mark of the expected cost. The motion was 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	X						

**5. RESOLUTION 2014-84: PAYMENT CERTIFICATION #1 S. BATATA CONSTRUCTION**

**RESOLUTION AUTHORIZING PAYMENT CERTIFICATE #1  
2013 ROAD IMPROVEMENT PROGRAM**

**WHEREAS**, the Borough previously entered into a contract with S. Batata Construction, Inc. for the 2013 Road Improvement Program; and

**WHEREAS**, the Borough Engineer has recommended approval of Payment Certificate No. 1 to S. Batata Construction, Inc., authorizing payment of \$170,523.24 for work completed to date;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that Payment Certificate No. 1 to S. Batata Construction is hereby authorized in the payment of \$170,523.24 for work completed to date.

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

1. S. Batata Construction, Inc.
2. Peter Avakian, Borough Engineer

- 3. Borough Administrator
- 4. Chief Financial Officer

Councilman Miller MOTIONED to approve the minutes, seconded by Councilman Napoli. Councilman Miller noted that the contractor did a great job. The motion was 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 2014-85: PAYMENT OF THE BILLS**

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

---

DATE SPAN	TOTAL
05/12/14-05/19/14	\$182,763.89

**Resolution 2014-85:**

**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 21, 2014 is in the amount of One Hundred Eighty-Two Thousand, Seven Hundred Sixty-Three Dollars and Eighty-Nine 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.

Councilman Handerhan stated the he reviewed the bills and they are in order. Councilman Handerhan MOTIONED to approve the minutes, seconded by Councilman Cohen. Councilman Napoli questioned the threshold for quotes and asked if the procedure was followed. Borough Administrator Reibrich stated that the procedure was followed and the motion was 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. REPORTS/CORRESPONDENCE

- ADMINISTRATION/FINANCE – No report.
- PUBLIC SAFETY – No report.
- STREETS & ROADS – Councilman Miller stated that the Streets and Roads Committee will be meeting shortly. Information was received from Borough Engineer Avakian regarding Buttermere Avenue but there was not enough time before the meeting for the committee to review it and make suggestions.

Councilman Miller stated that a \$200,000 grant was received for the project on Buttermere Avenue to cover Buttermere west and the curve to Woodmere Avenue. The initial estimate including engineering fees was \$317,000.00. The full cost of the project was bonded two years ago.

Councilman Miller stated that due to the grant the balance of the project would be \$117,000 for the project or the Borough could do the whole road.

Councilman White stated that the project was developed in two phases.

- RECREATION ADVISORY COMMITTEE – No report.
- SHADE TREE COMMISSION –

Councilman Miller stated that he had a problem with the way the recent acquisition and arrangements of the planting of trees was handled.

The Shade Tree purchased trees from a wholesaler to save on costs with the expectation that the DPW would plant the purchased trees. This expectation was based on an acceptance, a couple of months prior to the purchase, by DPW Anthony Travers of a casual request to plant a couple of trees.

Councilman Miller stated that he discovered that the DPW was faced with planting 24 trees and would incur equipment fees. Councilman Miller contacted Mayor Nohilly about taking these expenses out of the Shade Tree budget.

Councilman Miller made inquiry of a local nursery to find out whether they would be able to plant the trees and what the cost would be. Councilman Miller stated that the nursery would plant the trees, even though the trees were not purchased from them, at a cost of 50% of the purchase price of the trees. Councilman Miller stated that contracting the planting of the trees would have been better. DPW would not be spending excessive time doing the plantings and the equipment rental fees would be saved. Shade Tree would still see a savings. There would be no guarantee on the plantings, but it would be done.

Councilman Miller stated that he received resistance to the plan. DPW was set up to do the planting. DPW was supposed to take one day and all of the trees would be done at once. Councilman Miller was told that DPW could handle it.

Councilman Miller stated that DPW was not able to dig one hole on the first day of planting.

Borough Administrator Reibrich stated that the machine that was delivered to dig the holes was faulty. The defective machine caused the project to halt, not the willingness or ability of DPW.

Councilman Miller feels that the Borough should go to the nursery and ask that they plant the trees. The cost would be \$1,500.00.

Borough Administrator Reibrich stated that the equipment (a working replacement) has already been rented.

Councilman Napoli stated that it is the worst time to expect DPW to be planting these trees. It is Memorial Day weekend. It is a departure from their normal course of duties. Councilman Napoli stated that he does not object to the DPW planting the trees, but the project could have been better managed.

Councilman Cohen stated that the Shade Tree Commission should not be saving money in their budget by taxing other Borough resources. Councilman Cohen was concerned that there was no

guarantee on the trees and was discouraged that the Commission saved money, but created a headache and expense for the Borough.

Council President White questioned whether Council had the power to stop the project being planted by DPW. Council President White suggested that the equipment be sent back and the Shade Tree Commission make arrangements for the tree planting.

Councilman Napoli stated that it was the wrong execution of the right idea. Councilman Napoli feels that the Commission should have to make the arrangements. DPW has other duties to complete, including work on the manhole covers and the Borough parks.

After Council had further discussion regarding the planting of the trees including: the added responsibilities to DPW, the expense and the poor timing of the project. Council agreed that DPW would not be planting the trees and that the costs already incurred for the rental equipment would come out of Shade Tree's budget.

Borough Administrator Reibrich confirmed with Council that the Borough would return the rental equipment at the \$750 fee and the funds would come out of the Shade Tree budget.

- PLANNING BOARD – Councilman Miller stated that the Planning Board meeting was cancelled.
- BOARD OF EDUCATION – Councilman Miller reported that the next Board of Education meeting was scheduled for May 29, 2014.
- BOROUGH ADMINISTRATOR – Borough Administrator Reibrich reminded Council that Borough Hall began summer hours. Borough Hall hours are Monday through Thursday 8:00am – 4:30pm and Friday 8:00am to 1:00pm.

## **8. COMMENTS FROM THE PUBLIC**

Council President White opened the floor for public comment.

Robert Wolf, 511 Grassmere Avenue, told Council that he was surprised to come home and find a tree left on his lawn in a location over the irrigation line on his property. Mr. Wolf stated that residents should be noticed before trees were placed.

Mr. Wolf told the Council of the difficulties of his neighbor, Mr. Perry, is having with the Shade Trees that are compromising the visibility of his driveway. Mr. Wolf feels that purchasing trees without a warranty is not a smart practice.

Mr. Wolf feels that the taxpayer is getting cheated, because the Shade Tree has a budget in place for tree planting and maintenance and should not be using DPW to do the planting. DPW should not have to drop everything and plant the trees when they should be attending to the work that they have been budgeted to do.

Mr. Wolf noted that there are additional requirements regarding tree planting including depth, spacing and watering. In the past, Shade Tree would advise the homeowner that it was a Borough tree, but the homeowner was responsible for the tree. Shade Tree would give direction to the homeowner regarding care of the tree. You want the person to want, respect and take care of the tree.

Mr. Wolf asked Council President White if he had executive power, because the Mayor Nohilly is out of town. Council President White confirmed that he did have executive power in the absence of Mayor Nohilly.

Mr. Wolf stated that the tree balls would stay damp for about another week and that saplings need to be stayed, when planted.

No further comment, Council President White closed the floor.

**9. RESOLUTION 2014-86: AUTHORIZING EXECUTIVE SESSION**

**EXECUTIVE SESSION**

**WHEREAS**, the “Open Public Meeting Act” permits a public body to exclude the public from meetings or portions thereof wherein matters are to be discussed which are exempted from the requirements of the Act; and

**WHEREAS**, the said Act requires that prior to the holding of a meeting or portion thereof from which the public shall be excluded, the public body should adopt a Resolution at a public meeting providing for the holding of a private meeting; and

**WHEREAS**, the Borough Council of the Borough of Interlaken has determined that a meeting should be held from which the public should be excluded in order to discuss a subject which is exempted under the said Act;

**NOW, THEREFORE, BE IT RESOLVED** by Borough Council, as follows:

1. That the next portion of this meeting be held in Private Session.
2. That the general nature of the matter(s) to be discussed relates to:  
  
Contract Negotiations/pending litigations
3. That official action may be taken at the meeting but Minutes shall be kept and shall be available to the public after official action on the subject matter has been taken.
4. That after the conclusion of the private portion of this meeting, the meeting will resume in public session.
5. It is anticipated the discussion conducted in closed session can be disclosed to the public as such time the matters are resolved.

Councilman Miller suggested an agenda change. The agenda states that there will be no action taken upon return from Executive Session. Councilman Miller asked that the agenda be changed to state that action may take place upon return to Council.

Borough Attorney Shaklee confirmed that the change could be made.

Councilman Miller MOTIONED that the agenda be changed to say that there may be action taken upon return from Executive Session, 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	X						

Councilman Miller MOTIONED for EXECUTIVE SESSION, 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	X						

**10. RETURN TO OPEN SESSION**

Councilman Miller MOTIONED for return to open session, 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	X						

**11. COMMENTS FROM MEMBERS OF COUNCIL**

There were no comments from Council.

**12. ADJOURNMENT**

Councilman Napoli MOTIONED for adjournment, 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	X						

---

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