

**BOROUGH OF INTERLAKEN
MINUTES
NOVEMBER 12, 2015
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:33 p.m., by Mayor Nohilly. It was followed by a salute to the flag and a moment of silence for resident, Kathy Mitchell, who passed recently. Sunshine Statement was read by Borough Clerk 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 members: Franks, Gunn, Butler

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

Absent: Council President White, Councilman Handerhan and Councilwoman Horowitz

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, Mayor Nohilly closed the floor.

2. APPROVAL OF MINUTES: OCTOBER 21, 2015- WORKSHOP & REGULAR MEETING

After a request for a typographical error correction by Councilman Gunn, Councilman Butler made a motion to approve minutes, seconded by Councilman Franks and unanimously carried.

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

3. RESOLUTION 2015-94: AUTHORIZING THE BOROUGH OF INTERLAKEN TO PARTICIPATE IN THE INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH

RESOLUTION AUTHORIZING THE BOROUGH OF INTERLAKEN TO PARTICIPATE IN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Borough Council of the Borough of Interlaken deem it to be in the best interests of the Borough to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Borough of Interlaken and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the Borough of Interlaken and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Borough Administrator and Chief of Police are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Borough Administrator/Municipal Clerk forward a certified true copy of this resolution to the Monmouth County Sheriff; Office of Emergency Management Coordinator;

With no Council comments, Councilman Franks made a motion to approve participation, seconded by Councilman Gunn and unanimously carried.

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

4. **RESOLUTION 2015-95: AUTHORIZING THE RENEWAL AGREEMENT BETWEEN THE CENTRAL JERSEY HEALTH INSURANCE FUND AND THE BOROUGH OF INTERLAKEN**

**CENTRAL JERSEY HEALTH INSURANCE FUND
RESOLUTION TO RENEW**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the CENTRAL JERSEY HEALTH INSURANCE FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND;

WHEREAS, the governing body of the Borough of Interlaken, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership with the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

With no Council comments, Councilman Gunn made a motion to renew agreement, seconded by Councilman Franks and unanimously carried.

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

5. **RESOLUTION 2015-96: AUTHORIZING THE INDEMNITY AND TRUST AGREEMENTS BETWEEN THE CENTRAL JERSEY HEALTH INSURANCE FUND AND THE BOROUGH OF INTERLAKEN**

**CENTRAL JERSEY HEALTH INSURANCE FUND
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this 12 day of November, 2015, in the County of Monmouth, State of New Jersey, By and Between the CENTRAL JERSEY HEALTH INSURANCE FUND, hereinafter referred to as “The FUND” and the governing body of the The Borough of Interlaken, a duly constituted LOCAL UNIT OF GOVERNMENT, hereinafter referred to as “LOCAL UNIT”.

WITNESSETH:

WHEREAS, the governing bodies of various local units of government, as defined in N.J.A.C. 11:15-3.2, have collectively formed a Joint Health Insurance Fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW THEREFORE, it is agreed as follows:

1. The LOCAL UNIT accepts the FUND’s Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.

2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT’s resolution to join.

3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on **January 1, 2016** and ending on **December 31, 2018 at 12:00 AM** provided, however, that the LOCAL UNIT may withdraw at any time upon **90 day** written notice to the Fund.

4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND’s limit of coverage.

6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney’s fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT’s retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of the FUND claimants all in accordance with N.J.A.C. 11:15-3 et. seq.

8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall

be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:

- a) Employer contributions to group health insurance
- b) Employee contributions to contributory group health insurance
- c) Employer contributions to contingency account
- d) Employee contributions to contingency account
- e) Other trust accounts as required by the Commissioner of Insurance

9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.

10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

With no Council comments, Councilman Butler made a motion to authorize the agreement, seconded by Councilman Gunn and unanimously carried.

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

6. **RESOLUTION 2015- 97: AUTHORIZING CANCELLATION OF TAXES DUE TO STATE TAX APPEALS**

RESOLUTION AUTHORIZING THE CANCELATION OF YEARS 2015 TAXES AND REFUNDING OR CREDITING THE TAX OVERPAYMENTS RESULTING FROM NEW JERSEY STATE TAX COURT JUDGEMENT TO THE TAXPAYER

WHEREAS, the State of New Jersey Tax Court has rendered judgments on appeals made by a tax payer regarding the assessment of their property, and,

WHEREAS, the property had the assessment reduced by the State of New Jersey Tax Court resulting in a reduction in the total taxes to be paid to the Borough of Interlaken for the year 2015,

WHEREAS, proper procedures require that the tax assessments for the years 2015 be adjusted and refunds or credits to unpaid taxes be made for taxes overpaid in those years that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor’s Field Book.

NOW, THEREFORE, BE IT RESOLVED, by the council of the Borough of Interlaken, County of Monmouth and State of New Jersey that it does hereby authorize the Tax Collector to adjust the year 2015 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4th quarter taxes for those years’ taxes below.

| Block/Lot | Property Owner | Property Address | 2015 | Total Refund |
|---------------|---------------------------|-------------------|----------|--------------|
| 13 16 | Cremens, Patrick & Davina | 619 Grassmere Ave | 3,684.16 | 3,684.16 |
| <u>Totals</u> | | | 3,684.16 | 3,684.16 |

BE IT FURTHER RESOLVED That a copy of the within resolution be forwarded to the following:

- 1. Tax Collector
- 2. Township Auditor

Councilman Gunn asked for clarification of the reason for refund.

Borough Administrator/Clerk Reibrich stated that it was a refund due to a successful tax appeal.

With no additional Council comments, Councilman Butler made a motion to authorize cancellation, seconded by Councilman Gunn and unanimously carried.

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

7. RESOLUTION 2015- 98: AUTHORIZING A REFUND TO SHORE SYSTEMS GROUP LLC. IN THE AMOUNT OF \$50.00 FOR CONSTRUCTION PERMIT FEE OVERPAYMENT REGARDING 504 BUTTERMERE AVENUE, BLOCK 23 LOT 5

AUTHORIZING REFUND TO SHORE SYSTEMS GROUP LLC. IN THE AMOUNT OF \$50.00 FOR CONSTRUCTION PERMIT FEE OVERPAYMENT REGARDING 504 BUTTERMERE AVENUE, BLOCK 23, LOT 5

WHEREAS, the Construction office received a permit overpayment due to an error in the filing of the construction sub code paperwork by Shore Systems Group LLC;

BE IT RESOLVED, by the Borough Council of the Borough of Interlaken, County of Monmouth that it does hereby authorize the Chief Financial Officer to refund said payment to Shore Systems Group LLC. in the amount of \$50.00; and

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

1. Lori Reibrich, Borough Administrator/Clerk
2. Stephen Gallagher, Chief Financial Officer
3. Shore Systems Group, LLC.

With no Council comments, Councilman Gunn made a motion to authorize refund, seconded by Councilman Franks and unanimously carried.

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

8. RESOLUTION 2015-99: AUTHORIZING PAYMENT CERTIFICATE #1 IMPROVEMENTS TO BUTTERMERE AVENUE

RESOLUTION AUTHORIZING PAYMENT CERTIFICATE #1 IMPROVEMENTS TO BUTTERMERE AVENUE

WHEREAS, the Borough previously entered into a contract with Earle Asphalt Company for Improvements to Buttermere Avenue; and

WHEREAS, the Borough Engineer has recommended approval of Payment Certificate No. 1 to Earle Asphalt Company, authorizing payment of \$89,043.13 for work completed to date;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that Payment Certificate No. 1 to Earle Asphalt Company is hereby authorized in the payment of \$89,043.13 for work completed to date.

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

1. Earle Asphalt Company
2. Peter Avakian, Borough Engineer
3. Borough Administrator
4. Chief Financial Officer

With no Council comments, Councilman Franks made a motion to authorize payment, seconded by Councilman Gunn and unanimously carried.

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

9. **RESOLUTION 2015-100: PAYMENT OF THE BILLS**

BOROUGH OF INTERLAKEN BILL LIST REPORT FOR BOROUGH COUNCIL APPROVAL

| DATE SPAN | TOTAL |
|-------------------|---------------|
| 10/26/15-11/09/15 | \$ 115,136.97 |

Resolution 2015-100:

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 November 12, 2015 is in the amount of One Hundred Fifteen Thousand, One Hundred Thirty Six Dollars and Ninety-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 Council comments, Councilman Gunn made a motion to authorize payment, seconded by Councilman Franks and unanimously carried.

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

10. **REPORTS/CORRESPONDENCE**

- ADMINISTRATION/FINANCE – None.
- PUBLIC SAFETY – Councilman Gunn commented that the Committee System is working well and stated that the request by Allenhurst Fire and First Aid for the addition of a cot lift in the new ambulance was reviewed by the Committee and then brought to full Council.
- STREETS & ROADS- None.
- RECREATION ADVISORY COMMITTEE - Borough Administrator/Clerk Reibrich stated that the proceeds from the 5K race were shared with the Deal PBA and the Borough received \$1,917.46.

Council discussed that the 5K race should be marketed better next year, so residents are better aware of the event.

- SHADE TREE COMMISSION – None.
- PLANNING BOARD – None.
- BOARD OF EDUCATION – Councilman Franks stated that residents received a notification that a 10 year contract was obtained with Long Branch Schools, but did not address costs or expenses.

Mayor Nohilly stated that BOE procured a 10 year contract. The notice did not mention the costs, but believes that cost of the contract did not see a very big increase.

- BOROUGH ADMINISTRATOR – Borough Administrator/Clerk Reibrich stated that the road project on Butermere Avenue was progressing well. The milling and paving will begin ahead of schedule.

Borough Administrator/Clerk Reibrich also stated that Borough Engineer, Peter Avakian extended an invitation to an event hosted by his firm on November 18, 2015.

Mayor Nohilly stated that the event was being held during the annual League of Municipalities conference in Atlantic City. All Councilman are permitted to attend the conference, if interested in doing so.

11. **COMMENTS FROM THE PUBLIC**

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

12. **ADJOURNMENT**- With no Council comments, Councilman Gunn made a motion to adjourn, seconded by Councilman Franks and unanimously carried.

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

Lori Reibrich, RMC
Borough Administrator/Clerk