MINUTES DECEMBER 16, 2020 7:30 P.M. AT BOROUGH HALL ZOOM: DETAILS FOR PUBLIC PARTICIPATION POSTED ON THE WEBSITE

The regular meeting of the Borough of Interlaken was called to order 7:30 p.m., by Mayor Nohilly followed by a salute the flag. The Sunshine Statement was read by Borough Clerk/Administrator Lori Reibrich. "The Notice requirements of the Open Public meetings act has been satisfied by forwarding notice to the Asbury Park Press and the Coaster that the regularly scheduled meeting would be held on December 16, 2020 at 7:30 p.m. 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."

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

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

Absent: Councilwoman Horowitz

1. <u>PUBLIC COMMENTS</u> – FOR AGENDA SPECIFIC ITEMS ONLY – EXCLUSIVE OF ORDINANCES

Mayor Nohilly opened the floor. With no comments made, Mayor Nohilly closed the floor.

2. PROCLAMATION: HONORING COUNCILMAN FAMA

MAYOR'S PROCLAMATION HONORING ARTHUR FAMA

WHEREAS, Arthur Fama served as Councilman for the Borough of Interlaken from January 1, 2019 through December 31, 2020: and

WHEREAS, Councilman Arthur Fama understood the value of public service to the Borough of Interlaken; and

WHEREAS, due to the stewardship and dedication shown by Arthur Fama through his time on the Borough Council; as a member of the Streets and Roads Committee and liaison to the Shade Tree Commission, his decisions and hard work maintained the high governmental standards of Borough of Interlaken for the greater good of the community; and

WHEREAS, his integral role as the liaison to the Shade Tree Commission resulted in the adoption of a new tree ordinance that further protects the beauty of the Interlaken tree canopy and preserves the long standing heritage trees for future generations to enjoy; and

WHEREAS, the efforts of Arthur Fama, who served the Interlaken Borough Council well for his time as Councilman, is deserving of much regard and appreciation for his dedication and service.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Borough Council of the Borough of Interlaken hereby commends Arthur Fama whose commitment to the Borough Council and stellar service to the community will be appreciated for many years to come.

DATED: December 16, 2020

PROCLAMATION BY:

Michael J. Nohilly, Mayor

ATTE\$T:

Lori Reibrich, RMC Borough Administrator/Clerk

The Mayor, Council and Borough Administrator Reibrich thanked Councilman Fama for all his wonderful contributions to the Governing Body during his tenure.

Mayor Nohilly thanked Councilman Fama for being such an important part of the Governing Body and for his dedication to ensuring the Borough has a new, effective tree ordinance in place.

Borough Administrator Reibrich thanked Arthur for all his work and dedication to the Council. She thanked him for his support, kindness and for his commitment to the Council and the Borough. The residents were very lucky to have him represent them even if only for a short time.

All attendees expressed that they would miss Arthur on Council but are happy that he will remain in Interlaken and look forward to seeing him as always.

Councilman Fama thanked the Mayor and Council for the well wishes. He expressed his happiness for being able to serve and that he knows he leaves the Governing Body in good hands. He thanked BA Reibrich for her support while he was on Council and for her devotion to the work she does for the residents of Interlaken.

3. <u>APPROVAL OF MINUTES</u>: NOVEMBER 12, 2020 WORKSHOP & REGULAR MEETING

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

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

4. <u>ORDINANCE 2020-5:</u> AN ORDINANCE REPEALING AND REPLACING CHAPTER 26, ARTICLE VII (26-71 et seq.) "STORMWATER MANAGEMENT" TO ESTABLISH STORMWATER CONTROL STANDARDS CONSISTENT WITH <u>N.J.A.C.</u> § 7:8.

ORDINANCE 2020-5 WAS POSTED IN BOROUGH HALL AND ON THE OFFICIAL BOROUGH WEBSITE ON NOVEMBER 12, 2020 AND ADVERTISED IN FULL IN THE COASTER ON NOVEMBER 19, 2020. PUBLIC HEARING WAS SET FOR DECEMBER 16, 2020.

For Reference- Please see the full Ordinance located under "Public Works - Stormwater Management"

Mayor Nohilly provided a quick overview of the ordinance.

With no further discussion, Councilman Delia made a motion to open the public hearing, seconded by Councilman Fama.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to Approve							х
Motion to Second						х	
Approved		х		х	х	Х	
Opposed							
Abstain/ Recuse							
Absent/ Excused			x				

No public comment was made.

Councilman Watson made a motion to close the public hearing, seconded by Councilman Delia and unanimously carried.

	Mayor Nohilly	Council President Butler	Councilwoman Horowitz	Councilman Watson	Councilwoman Maloney	Councilman Fama	Councilman Delia
Motion to				х			
Approve				Х			
Motion to							х
Second							~
Approved		х		х	х	х	х
Opposed							
Abstain/							
Recuse							
Absent/			х				
Excused			~				

With no further discussion, Councilman Fama made a motion to adopt the ordinance, seconded by Council President Butler and unanimously carried by a roll call vote.

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

5. <u>RESOLUTION 2020-81:</u> EMERGENCY REMOTE MEETING PROTOCOL, PROCEDURES, AND REQUIREMENTS FOR PUBLIC PARTICIPATION AT REMOTE MEETINGS

WHEREAS, the purpose of <u>N.J.A.C.</u> 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a "Declared Emergency" means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, if during a declared emergency the Borough of Interlaken (the "Borough') holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Borough Committee shall either:

- 1. Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
- 2. Hold the public meeting as both an in-person and a remote public meeting; and

WHEREAS, no in-person meeting shall proceed if the room capacity does not permit any member of the public to attend; and

WHEREAS, a public meeting held in person shall not prohibit members of the public from attending in person; and

WHEREAS, pursuant to <u>N.J.A.C. 5</u>:39-1, if the Borough holds a remote meeting to conduct public business they shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public meeting being held and shall, at minimum, not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting); and

WHEREAS, remote public meetings may be held by the Borough in a format as selected by the Governing Body, by means including but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Borough holds a remote public meeting they shall allow members of the public to make public comment by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video as well as audio and all individuals giving sworn testimony shall appear by video in addition to audio; and

WHEREAS, any presentation or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website of the Borough; and

WHEREAS, in addition to making public comments at any remote public meeting, the Borough Council, in advance of the remote meeting shall allow public comments to be submitted

to the Clerk by electronic mail and in written letter form by a reasonable deadline as shall be established and posted on the website in advance of the remote public meeting; and

WHEREAS, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, a reasonable time limit shall be placed on the reading of written comments, which shall be read from their beginning until the time limit is reached; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Borough to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the OPMA requirements of N.J.S.A. 10: 4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Mayor or Council President, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons it was not adequately provided as set forth in <u>N.J.A.C.</u> 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting the Borough Council shall make a copy of the agenda available to the public for download on the website and shall post same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and respect for an open, fair and informed decision-making process, the Borough Council recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Borough Council decision making, it has been decided that policies and rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with <u>N.J.A.C. 5</u>:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor or Council President, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of

the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting; and .

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public in meeting; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Interlaken that the standards and procedures for emergency remote meeting protocol as set forth in this resolution and as codified in <u>NJ;A.C. 5</u>:39-1 <u>et seq</u>. are hereby established and adopted; and

BE IT FURTHER RESOLVED that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in remote public meetings in the Borough of Interlaken and shall apply to all members of the public in attendance at any public or remote public meeting in the Borough of Interlaken.

With no comments made, Councilman Delia made a motion to approve the resolution, seconded by Council President Butler and unanimously carried.

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

6. RESOLUTIONS 2020-82: YEAR END TRANSFERS

BOROUGH OF INTERLAKEN

COUNTY OF MONMOUTH

TRANSFER RESOLUTION 2020-82

WHEREAS, there appears to be insufficient funds in the following accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the Current Year for 2020 Budget Appropriations, viz:

Appropriation	Amount
Current Fund Appropriations	
SW Borough Clerks Office	350.00
OE Engineering	1,000.00
OE Fire Hydrant Services	50.00
OE Dumping Fees	2,500.00
Total Current Insufficiencies	\$3,900.00

WHEREAS, there appears to be a surplus in the following accounts (excepting the appropriation for Contingent Expenses, Down Payments or Capital Improvement Fund) over and above the demand deemed to be necessary for the balance of the Current Year for 2020 Budget Appropriations, viz:

Appropriation	Amount
Current Fund Appropriations	
SW Streets & Roads	1,000.00
OE Borough Clerk	350.00
OE Legal Services	1,000.00
OE Streets & Roads	550.00
OE Recycling	1,000.00
Total Current Fund Appropriations	\$3,900.00

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of the full membership thereof affirmatively concurring) that in accordance with the provision of N.J.S.A. 40A:4-59, part of the surplus in

the account heretofore mentioned by and the same hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands, and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized and directed to make the transfers:

ТО		FROM			
Account	Amount	Account	Amount		
	Current Fund	Appropriations			
SW Borough Clerks Office	350.00	SW Streets & Roads	1,000.00		
OE Engineering	1,000.00	OE Borough Clerk	350.00		
OE Fire Hydrant Services	50.00	OE Legal Services	1,000.00		
OE Dumping Fees	2,500.00	OE Streets & Roads	550.00		
		OE Recycling	1,000.00		
Total	3,900.00		3,900.00		

BE IT FURTHER RESOLVED, that two certified copies of this resolution are to be filed with the Director of the Division of Local Government Services and that a copy of the within resolution be forwarded to the following

- 1. Chief Financial Officer
- 2. Borough Auditor

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

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

7. **<u>RESOLUTION 2020-83</u>**

AUTHORIZING ADJUSTMENTS TO 4th QUARTER 2019 AND 1ST AND 2ND QUARTER 2020 TAX LEVY AND REFUNDS OR CREDITS FOR TAX OVERPAYMENTS RESULTING FROM MONMOUTH COUNTY TAX APPEAL JUDGMENTS

WHEREAS, the County of Monmouth has rendered judgments on appeals made by tax payers regarding the property assessment of various properties and,

WHEREAS, there are properties which had an added tax assessment applied to their property for the year 2019 and the 1st half of 2020 property assessments and,

WHEREAS, the added assessment was appealed to the Monmouth County Board of Taxation and a judgment rendered by the County of Monmouth resulting in a reduction in the total taxes to be paid to the Borough of Interlaken for the year 2019, and,

WHEREAS, proper procedures require that an adjustment to the tax levy be made to the fourth quarter taxes and the preliminary 1st and 2nd quarter 2020 taxes, and tax refunds and or credits applied to future taxation if tax levy reductions result in an overpayment of total taxes due for the year

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Interlaken, County of Monmouth that it does hereby authorize the Tax Collector and the Chief Financial Officer to apply said tax reductions to the 4th quarter 2019 and the 1st and 2nd quarter 2020 taxes and refunds/credits applied of tax overpayments as per the following.

Block	Lot	Name	Property Address	Adjust 4th Qtr 2019 Taxes	Adjust 1 st Qtr 2020 Taxes	Adjust 2 nd Qtr 2020 Taxes
18 Totals	10	Smith, Jacob L.	115 Grasmere Ave	479.62 479.62	119.91 119.91	119.90 119.90

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

- 1. Tax Collector
- 2. Director of Finance
- 3. Township Auditor

With no comments, Councilman Delia made a motion to approve, seconded by Councilwoman Maloney and unanimously carried.

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

8. <u>RESOLUTION 2020-84:</u> GRANTING PERMISSION FOR A STREET OPENING FOR 22 RONA STREET WITHIN A ROAD SURFACE WHICH WAS PAVED OR IMPROVED LESS THAN FIVE YEARS AGO CONTINGENT ON PAYMENT OF FEES BEFORE SUCH OPENING

WHEREAS, the Borough of Interlaken Code provides in Section 18-1.5, "Excavation Barred in New Street Improvements", that any excavation or opening of a street surface which was paved or improved less than five (5) years before such application requires special action of the Borough Council as well as payment of a penalty charge or fee based upon a formula found in that Ordinan**ce;** and

WHEREAS, the homeowners at 22 Rona Street have requested connection for a gas line to that

address from New Jersey Natural Gas (NJNG); and

WHEREAS, NJNG has approached the Borough with a street opening request in regard to same;

and

WHEREAS, within the past year, Rona Street was part of a project of paving by the Borough, and,

hence, is within the five (5) year moratorium as stipulated in the above-referenced code provision; and

WHEREAS, it is, therefore, required that such street opening permit requires special action from the Borough Council, as well as payment of the penalty fee, and any other requirement found in Ordinance; and **WHEREAS**, the Borough wishes to allow for the street opening and the conversion from oil to gas of this property, as requested.

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF INTERLAKEN:

Permission for the road opening permit insofar as Borough Council special action is granted

contingent upon payment of penalty assessment and fees as specifically established in Section

18-1.5, which, in this case, results in a penalty fee payment of \$2,152.70.

Payment of this fee and submission of all required applications and approvals of such

applications are necessary before any opening permit is granted.

This Resolution and any road opening permit is also subject to any other requirements found

in the Ordinances of the Borough of Interlaken and imposed by law.

Mayor Nohilly and the Council had a brief discussion of the events leading up to this request. They discussed the Borough's control over openings by utility companies.

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

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

9. <u>RESOLUTION 202-85</u>: AUTHORIZING AWARD OF BID CONTRACT-*"IMPROVEMENTS TO IONA STREET"*

WHEREAS, bids for the project known as "*IMPROVEMENTS TO IONA STREET*" were duly advertised and publicly opened pursuant to law; and

WHEREAS, two (2) contractors took out a bid packet and two (2) complete bids were received ranging from low base bid of \$160,194.86 to high base bid of \$173,013.13; 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

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

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

10. RESOLUTION 2020-86: BILL LIST

BOROUGH OF INTERLAKEN BILL LIST REPORT FOR BOROUGH COUNCIL APPROVAL

DATE SPAN	TOTAL		
12/03/2020-12/14/2020	\$73,581.37		

RESOLUTION 2020-86:

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 December 16, 2020 is in the amount of Seventy-Three Thousand, Five Hundred Eighty One Dollars 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 comments made, Councilman Delia made a motion to approve, seconded by Council President Butler and unanimously carried.

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

11. REPORTS/CORRESPONDENCE

- ADMINISTRATION/FINANCE No Report
- PUBLIC SAFETY: No Report
- STREETS & ROADS: No Report
- SHADE TREE COMMISSION: Councilman Fama discussed that the STC composed letters regarding the Tree Ordinance that they were requesting be sent to the local tree companies.
- PLANNING BOARD: Council President Butler discussed the Master Plan Reexamination that was completed and passed by the Planning Board. He stated that this reexamination allows for the Council to consider changes to land use ordinances as presented by the Planning Board and as the Council sees fit.
- BOARD OF EDUCATION: No Report
- RECREATION COMMITTEE: No Report.
- BOROUGH ADMINISTRATOR: BA Reibrich thanked the Mayor and Council for their support throughout the past year especially under the current pandemic conditions.

12. COMMENTS FROM THE PUBLIC

Mayor Nohilly opened the floor for public comment.

Jodi Heinz, 512 Bridlemere Avenue, wanted to thank Councilman Fama for being such an important part of the Shade Tree Commission while he was the liaison. He will be missed, and the Commission is very thankful for all his contributions.

13. ADJOURNMENT

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

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