

**BOROUGH OF INTERLAKEN  
MINUTES  
APRIL 2, 2014  
7:30 P.M. AT BOROUGH HALL**

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The meeting of the Borough of Interlaken was called to order at 7:48p.m., by Mayor Nohilly. It was followed by a salute to the flag and a moment of silence. 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, CFO Stephen Gallagher and Borough Engineer Peter Avakian

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

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

**2. APPROVAL OF MINUTES: MARCH 19, 2014- WORKSHOP & REGULAR**

Council President White made a MOTION to approve the minutes, seconded by Councilman Handerhan.

	Mayor Nohilly	Council President White	Councilman Miller	Councilman Morley	Councilman Napoli	Councilman Cohen	Councilman Handerhan
Motion to Approve		<b>X</b>					
Motion to Second							<b>X</b>
Approved		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Opposed							
Abstain/Recuse							
Absent/Excused							

**3. APPROVAL OF MINUTES: MARCH 19, 2014 EXECUTIVE SESSION**

Councilman Miller MOTIONED, 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			<b>X</b>				
Motion to Second					<b>X</b>		
Approved		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Opposed							
Abstain/Recuse							
Absent/Excused							

**4. ORDINANCE 2014-2: TREE PRESERVATION AND REMOVAL ORDINANCE**

Councilman Morley made a MOTION to table the ordinance and send it back to committee, seconded by Councilman Miller. Borough Administrator Reibrich took roll call, carried.

Council had a discussion regarding the timeline for the review of the ordinance.

Councilman Morley stated that there is a specific paragraph included in the ordinance that did not come up in the Council meeting.

Borough Attorney Shaklee stated that the ordinance was written based on the tree ordinance that Ocean Township enforces.

Councilman Morley was concerned with the amount of authority the ordinance gives to the Shade Tree Commission and feels there is a lot of information that must be reviewed.

Mayor Nohilly stated that the ordinance was reviewed by committee, was discussed by Council and given to the Borough Attorney with specific instructions. Borough Attorney Shaklee went and wrote the ordinance at the direction of Council. Mayor Nohilly was questioning why the ordinance was being tabled to ask questions of the Borough Attorney at this stage of the process. The ordinance has been in review for seven years.

Mayor Nohilly requested a timeframe for the review of the ordinance.

Councilman Morley suggested that the review would be completed by August due to the amount of information that needs review.

Mayor Nohilly stated that the Council has previously reviewed the ordinance and has reviewed it with the Borough Attorney.

Councilman Napoli agreed with the Mayor that the ordinance has been circling for seven years.

Councilman Napoli stated that the committee did meet with the Shade Tree Commission, in addition the Felled Tree ordinance was developed.

Mayor Nohilly stated that the ordinance would be reviewed by the committee.

	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
Opposed		X					
Abstain/Recuse							
Absent/Excused							

**5. RESOLUTION 2014-67: INTRODUCTION OF THE 2014 MUNICIPAL BUDGET**

**AUTHORIZING INTRODUCTION OF 2014 MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Borough Council of the Borough of Interlaken that it hereby introduces the 2014 Municipal Budget with a total general appropriation of \$2,270,439.05 pursuant to the attached 2014 proposed municipal budget; and

**BE IT FURTHER RESOLVED** that a public hearing relative to said budget will be conducted on May 7, 2014, 7:30 p.m., Borough Hall, 100 Grasmere Avenue, Interlaken, NJ 07712. A full complete copy of the proposed 2014 Budget is available for public inspection in the office of the Borough Administrator/Clerk during normal business hours, as well as on the Borough’s website.

**BE IT FURTHER RESOLVED** that the 2014 Municipal Budget Revenue and Appropriation Summaries shall be published in The Coaster prior to the aforementioned public hearing.

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

1. Director of Local Government Services
2. Stephen Gallagher, Chief Financial Officer

3. Lori Reibrich, Borough Administrator/Clerk
4. The Coaster for publication
5. Robert Hulsart, Municipal Auditor

Council President White made a MOTION to approve the introduction of the budget, seconded by Councilman Cohen.

Councilman Napoli stated that he received the full budget by email the day prior to the Council meeting and would like to review the budget line by line.

Councilman White stated that, with the introduction of the budget at this meeting, there will be three weeks to review the budget before the vote to adopt. Changes could be made right up to adoption.

Councilman White stated that public hearing was scheduled for May 7, 2014.

Borough Administrator Reibrich took roll call.

The MOTION to introduce the budget was 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
Opposed					X		
Abstain/Recuse							
Absent/Excused							

**6. RESOLUTION 2014-67A: AUTHORIZING SELF EXAMINATION OF 2014 MUNICIPAL BUDGET**

Councilman Miller made a MOTION to add Resolution 2014-67A to the agenda, 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							

**SELF EXAMINATION OF 2014 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Interlaken has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough of Interlaken meets the necessary conditions to participate in the program for the 2014 budget year.

**BE IT RESOLVED**, by the Borough Council of the Borough of Interlaken that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer’s certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the “CAP” law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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

6. Thomas H. Neff, Director, Division of Local Government Services
7. Stephen Gallagher, Chief Financial Officer
8. Lori Reibrich, Borough Administrator
9. Robert Hulsart, Municipal Auditor

Council President White made a MOTION to approve Resolution 2014-67, seconded by Councilman Cohen.

Councilman Napoli asked who conducts the self examination.

CFO Gallagher stated the conducts the self examination. CFO Gallagher stated that this resolution is a testament that the budget complies with the state law.

The resolution 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. RESOLUTION 2014-68: ACCEPTING PERFORMANCE BOND FOR 2013 ROAD IMPROVEMENT PROGRAM**

**ACCEPTING PERFORMANCE AND PAYMENT BONDS  
S. BATATA CONSTRUCTION, INC**

**BE IT RESOLVED** by the Borough Council of the Borough of Interlaken that it hereby authorizes the acceptance of a Performance Bond from S. Batata Construction, Inc for a sum not less than one hundred percent (100%) of the amount of the accepted bid (\$176,776.00) pursuant to the award of the project known as “2013 Roadway Improvement Program”.

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

1. S. Batata Construction
2. Peter Avakian, Borough Engineer
3. Lori Reibrich, Borough Administrator
4. Stephen Gallagher, Chief Financial Officer

Council President White made a MOTION to approve the resolution, 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							

**8. RESOLUTION 2014-69: PAYMENT OF BILLS**

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

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DATE SPAN	TOTAL
03/26/2014-03/31/2014	\$66,153.67

**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 April 2, 2014 is in the amount of Sixty Six Thousand One Hundred Fifty Three and Sixty-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.

Councilman Cohen made MOTION to approve the payment of bills, seconded by Councilman Handerhan and unanimously carried with no comment from Council.

	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							

**9. ROAD PROJECT CHANGE ORDER DISCUSSION**

The contractor has requested a change order to saw cut the curb at Interlaken Drive.

Mayor Nohilly stated that once the asphalt was removed at the curb on Interlaken Drive, it was determined that the curb and gutter was formed as one cement piece.

Borough Engineer Avakian stated that the contractor is requesting to approve the cost of cutting the gutter from the curb. There was no evidence prior to the start of the work that there was anything below. There is no joint between the curb and gutter. The contractor gave a price to saw cut the curb and leave the gutter in place.

Borough Engineer Avakian stated that the contractor is concerned that the blade used to cut the curbs is expensive and would like to cut the straight curbing and lift out the whole piece on the areas that curve. The Borough would bear the cost to replace any broken blade.

Borough Engineer Avakian stated that the total cost of the change order is \$4,200.00, but the true cost of the work cannot be determined until the work is done.

Borough Engineer Avakian stated that the contractor could be asked to cut the entire curb and hope the blade does not break.

Councilman Cohen asked which option Borough Engineer Avakian would choose.

Councilman Handerhan asked questions regarding the combination approach to the repair.

Borough Engineer Avakian stated that the contractor can be asked to go as far as he can into the curve, then stop. Borough Engineer Avakian agreed that it would be difficult to cut around the curves.

Council had a brief discussion about curb cutting and the costs.

Councilman Napoli stated that the depth of the concrete has not been determined.

Borough Engineer Avakian stated that it is his opinion to let the contractor cut the straight areas as far as he can and then lift the curved areas.

Councilman Napoli questioned whether the Engineer is responsible for the change order.

Borough Engineer Avakian stated that Engineer, Joe O’Neil did not see evidence regarding the curb. Borough Engineer Avakian inspected the site and did not see any evidence of reflection cracks. Borough Engineer Avakian stated that, if the gutter was in the bid they would not have gotten the cost that they did for the project. Borough Engineer Avakian stated that they may do some elementary core testing going forward for road projects in the Borough.

Mayor Nohilly stated that the change order is not adding to Borough costs. The price of the project would have been more initially. The project cost is more because there is no joint in the curbing, not because it was not discovered earlier.

Borough Engineer Avakian stated that, if the change order is authorized, his office will be on-site to ensure the work is done expeditiously and is done most cost effectively.

Council discussed Change Order Number 3 regarding sump pump lines on the 600 block of Grassmere Avenue.

Borough Engineer Avakian stated that his office is looking into the location of the sump pump lines and whether the homeowner with the water issue can be tied into the existing line. Borough Engineer Avakian stated that the sump pump line is in the bid.

Councilman Napoli stated that change order #3 would be a field change.

Mayor Nohilly stated that the issue will be resolved by either putting in a new line or creating a tie in to the existing one.

Mayor Nohilly stated that Change Order #2 was to have the contractor get an estimate to remove trees on residential private property and would not recommend it be approved. Mayor Nohilly feels that there are dozens of residents that have the same condition. Mayor Nohilly feels that Council should not be talking any further about removing trees on private property.

Councilman Napoli question what evidence the Mayor had that the trees are on private property.

Mayor Nohilly stated that it has always been assumed that the trees on the other side of the sidewalk are the homeowners' responsibility and property.

Councilman White requested that Council determine who owns the trees before continuing the discussion.

Councilman Napoli stated that there is no evidence that the trees are on private property. Councilman Napoli stated that he and Councilman Handerhan spoke with the resident and there is a question about who owns the trees.

Mayor Nohilly asked that the property owner bring in their survey for the Borough Attorney and Borough Engineer to review.

Borough Engineer Avakian has experience as a land surveyor and said taking into consideration the characteristics of Barra Street (40 foot right of way, travel way to curb is 26ft, typically curb to property line is 7ft on each side and symmetrically also has 4ft sidewalk and 2 ½ grass plot and a 6 inch curb base on each side) he property line is the edge of the sidewalk. Borough Engineer noted that most of the shade trees are between the curb and the sidewalk.

Borough Engineer Avakian stated that he is aware the tree meanders into the sidewalk. Borough Engineer Avakian feels it grew into the sidewalk, but was planted on the grass or resident side.

Mayor Nohilly and Councilman White asked that the property owner's survey be brought in for review.

Borough Engineer Avakian feels a Borough tree would not be planted in the sidewalk.

Councilman Napoli noted that there was no sidewalk across the street.

Mayor Nohilly stated that the Council had no evidence to review and asked that the meeting continue.

## **10. REPORTS /CORRESPONDENCE**

- **ADMINISTRATION/FINANCE**- No report.
- **PUBLIC SAFETY** – No report.
- **STREETS & ROADS** – No report.
- **RECREATION ADVISORY COMMITTEE** – Councilman Miller stated that Bark in the Park may have to be postponed until the fall.
- **SHADE TREE COMMISSION** – No report.
- **PLANNING BOARD** – Councilman Miller stated that Planner is scheduled to meet with the Board at the April 21<sup>st</sup> meeting. The report by Allison Coffin will be discussed. Councilman Miller feels that there may have been some misunderstanding about the tasks the Planner was asked to work on and what the Planning Chairman at the time asked the Planner do.
- **BOARD OF EDUCATION** – Councilman Morley stated that the next meeting is April 28<sup>th</sup> and the Board was still waiting for the final decision from the Commissioner.

- **BOROUGH ADMINISTRATOR** – No report.

## 10. COMMENTS FROM THE PUBLIC

Mayor Nohilly opened the floor for public comment.

Peter Hughes, 512 Bendermere Avenue, feels that the proposed tree ordinance is reasonable and speaks to the increasing loss of the tree canopy. Mr. Hughes feels the ordinance outlines the desired goals: to maintain quality of life, reduce and prevent conditions that increase storm runoff with an elevated water table in a town where a majority of residents experience flooding problems and also provides for a reasonable approach to replace mature tree removal. Mr. Hughes stated that he is dismayed that the ordinance was tabled.

Jodi Heinz, 512 Bridlemere Avenue, said that she felt the same as Mr. Hughes. Ms. Heinz stated that the Shade Tree did sit down with Councilman Napoli and Councilman Morley. Ms. Heinz feels that four trees are way too many for someone to be permitted to take down at one time. Ms. Heinz feels that the entire town can be clear cut in one year. Ms. Heinz stated that the last town she lived in had a two tree limit that seemed to work well.

Mayor Nohilly stated that the Shade Tree Commission may discuss it further with the committee during their review.

Councilman Cohen asked the committee review the required \$350 replacement fee. Councilman Cohen feels the committee may consider a less prohibitive fee.

Marguerite Dalton, 419 Grassmere Avenue stated that the Borough lost 14 trees in the last 2 ½ weeks. The two properties are now devoid of trees. Ms. Dalton stated that she spoke to the people cutting down the trees. Ms. Dalton was told that one tree had disease, but the rest of the trees were healthy. Ms. Dalton does not understand the motivation to cut down healthy trees. Ms. Dalton feels you have to create the healthiest habitat. If you take down trees you change the air quality, affect storm water management, and resource management. Ms. Dalton stated that you have to think beyond ‘what I want to do with my property’.

Councilman Morley stated that he has cut trees down on his property and replaced them. Councilman Morley stated that he does not agree with the portion of the Ordinance that refers to “maintain aesthetic quality”, and feels that there may be differences on what people find aesthetically pleasing.

Mayor Nohilly encouraged the committee to work with the Shade Tree Commission during their committee review of the ordinance.

Liz Brown, 718 Bendermere Avenue, stated that she is concerned about the Borough having a water issue and feels there needs to be some thought put into that aspect of the ordinance.

Mayor Nohilly stated that there is a Community Forestry Management Plan submitted to Trenton each year. Mayor Nohilly stated that the Borough could be affected by the loss of trees, as the Borough is surrounded by lakes.

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

## 11. COMMENTS FROM COUNCIL

Mayor Nohilly opened the floor for public comment.

Councilman Cohen addressed the Council regarding the subject of Borough attorney and legal fees. Councilman Cohen feels that Council should make an effort to keep these expenses at a minimum. Councilman Cohen asked that attorney advisory issues be addressed during meetings during Council comment, rather than contacting Borough Attorney Shaklee directly during the week.

Mayor Nohilly agreed that Council should channel all professional service. Mayor Nohilly stated that Council members should not be contacting Borough officials that bill by the hour. Mayor Nohilly stated that Council can make better use of the Borough Administrator. Mayor Nohilly stated that recent bills are showing multiple Council members have called to speak to the Borough attorney during a given week, sometimes to discuss the same issue.



Councilman White stated that savings could be up to \$10,000.

Councilman White and Councilman Cohen agreed that Council members should not be contacting the Borough Attorney to discuss items that have not been brought to the Council first.

Borough Attorney Shaklee stated that the one perk about getting calls during the week was that he could prepare for the discussion topics in advance of the meeting.

Mayor Nohilly stated that, historically, this was the policy and the Council must make an effort to get back there.

Councilman Napoli asked about the restraints he feels were put upon Contracted Engineer, Brian Grant pertaining to the meeting regarding manholes.

Mayor Nohilly stated that the Council supports Councilman Napoli and the work being done on the sewers with Engineer Grant.

Mayor Nohilly stated that the first meeting went before Council for approval before it took place. A request for a second meeting should also be pre-approved by Council and it was.

Mayor Nohilly stated that there was only \$1,028.00 left on the contract with Engineer Grant.

Councilman Napoli feels that Engineer Grant is also working on a TOSA project and it is unequal treatment of engineers.

Councilman White stated that Engineer Grant is not the appointed Borough Engineer. He is a contracted engineer on a per project basis.

Councilman Napoli questioned whether the Council wants Engineer Grant to continue as an engineer for the Borough.

Mayor Nohilly stated that all requests pertaining to Engineer Grant have been approved by Council.

**13. ADJOURNMENT**

Councilman Napoli motioned to ADJOURN, 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							

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