

**BOROUGH OF INTERLAKEN
MINUTES
OCTOBER 9, 2013
7:30 P.M. AT BOROUGH HALL**

The meeting of the Borough of Interlaken was called to order at 7:31 p.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 Miller, Council members, Cohen, Morley, Napoli, White

Also Present: Borough Administrator Reibrich and Borough AttorneyAgent DeSimone

Absent: Councilman Parry

1. PUBLIC COMMENTS: FOR AGENDA SPECIFIC ITEMS ONLY – EXCLUSIVE OF ORDINANCES Mayor Nohilly opened the floor for public comment. With no public comment, he closed the floor.

2. APPROVAL OF MINUTES: SEPTEMBER 18, 2013 – WORKSHOP & REGULAR

Council voted to approve the minutes. Councilman Cohen abstained from the vote.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Cohen
Motion to Approve						X	
Motion to Second				X			
Approved		X		X	X	X	
Opposed							
Abstain/Recuse							X
Absent/Excused			X				

3. APPROVAL OF MINUTES: SEPTEMBER 18, 2013 – EXECUTIVE SESSION

Council voted to approve the minutes. Councilman Cohen abstained from the vote.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Cohen
Motion to Approve						X	
Motion to Second				X			
Approved		X		X	X	X	
Opposed							
Abstain/Recuse							X
Absent/Excused			X				

4. RESOLUTION 2013-110: BID REJECTION 2013 ROAD IMPROVEMENT PROJECT

WHEREAS, bids for the 2013 Road Improvement Project for the Borough of Interlaken were duly advertised and opened on September 26, 2013; and

WHEREAS, three received bids have been reviewed by the Borough Engineer; and

WHEREAS, it has been recommended by the Borough Engineer and Borough Council that all bids received be rejected, and the project be rebid as soon as is practicable; and

WHEREAS, the lowest bid of the project exceeded the Borough Engineer’s cost estimate; and

WHEREAS, the Local Public Contracts Law provides that a municipality may reject all bids when the lowest bid substantially exceeds the funds appropriated for the goods and services provided; and

WHEREAS, the Borough Engineer reported that the cost of the lowest bid came in approximately 10% higher than the engineers estimate for construction costs; and

WHEREAS, the cost for construction in the lowest bid over the Engineer's estimate is approximately \$15,000; and

WHEREAS, the entire capital expenditures budget in the current fund for 2013 is \$60,000, and any remainder of costs comes from debt; and

WHEREAS, the \$15,000 overage is approximately 25% of the capital expenditures budget for 2013; and

WHEREAS, any additional appropriation for the project would solely be the burden of resident taxpayers as the Borough's only ratables is property taxes; and

WHEREAS, such additional appropriation would represent a substantial increase in appropriation, and, would fall squarely upon the resident taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Interlaken that it has been determined that said bids for the 2013 Road Improvements Project should be rejected in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-13.2

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

1. All bidders
2. Stephen Gallagher, Chief Finance Officer
3. Richard Shaklee, Esq., Borough Attorney
- 4.

Council reviewed a letter from Borough Engineer Avakian.

	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Cohen
Record of Vote							
Motion to Approve		X					
Motion to Second						X	
Approved		X		X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused			X				

5. RESOLUTION 2013-111: CERTIFYING BEST PRACTICE REVIEW

WHEREAS, the Borough of Interlaken is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the Check List has been certified by the Chief Financial Officer and a copy thereof has been received by each member of the Governing Body; and

WHEREAS, the members of the Governing Body have personally reviewed the Local Government Best Practices Check List;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Interlaken, hereby certifies that they have reviewed and discussed the checklist at a public meeting held on October 9, 2013.

BE IT FURTHER RESOLVED that certified copies of this resolution are to be provided to the following:

1. Division of Local Government Services
2. Lori Reibrich, Administrator/Clerk
3. Stephen Gallagher, Chief Financial Officer

Business Administrator Reibrich stated that this information is basically the same as last year except for a couple of Superstorm Sandy references. The information must be reviewed and approved at a Council meeting to receive State Aid.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Cohen
Motion to Approve		X					
Motion to Second							X
Approved		X		X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused			X				

6. RESOLUTION 2013-112: HALLOWEEN CURFEW

ESTABLISHING HALLOWEEN CURFEW HOURS

WHEREAS, the Borough Council of the Borough of Interlaken is of the opinion that it is necessary for the protection of property and citizens of the Borough of Interlaken that regulations and restrictions be imposed during the Halloween period in order to prevent vandalism and to preserve law and order in the Borough of Interlaken during said period of time;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Interlaken as follows:

1. No person under the age of 18 years shall be permitted in any public place, public street or public property between the hours of 8:00 p.m. and 6:00 a.m. prevailing time, on each and every day during the period from October 29th through November 1st inclusive, unless such person during said hours is accompanied by his or her legal guardian or parent over the age of 18 years.
2. During said hours and days, no person shall wear any item for the purpose of covering any portion of his or her face, or partial mask in any public place, public street or public property in the Borough of Interlaken. However, all trick-or-treaters must be in costume.
3. That all persons, regardless of age, excepting those who are attending minor children who shall participate in the traditional Halloween activity of trick-or-treating within the Borough of Interlaken on October 31, 2013, shall be in costume and shall curtail all trick-or-treating activities by 8:00 p.m. on this date.
4. No resident or non-resident minor shall be entitled to be on the streets, thoroughfares and property in the Borough of Interlaken, other than the property and dwelling wherein said minor resides or is a bona-fide guest of the owner or lessee thereof unless said minor is in the company of an adult over the age of 18, or traveling to or from a civic, church or school function, or employment.
5. Any person over the age of 18 years, who permits, consents or allows any person under the age of 18 years to violate the provisions of this Resolution or any part thereof, shall likewise be guilty of a violation of this Resolution.

Penalty: Violation of this Resolution shall be a fine not to exceed \$100.00 and will be determined by the Municipal Court.

Enforcement: This Resolution will be enforced by the Borough of Deal Police Department.

Council President Miller stated that the resolution is the same as last year.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Cohen
Motion to Approve		X					
Motion to Second							X
Approved		X		X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused			X				

7. **RESOLUTION 2013-113: AUTHORIZING PAYMENT OF BILLS**

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

DATE SPAN	TOTAL
09/03/13-09/16/13	\$63,431.51

Resolution 2013-113:

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 October 9, 2013, is in the amount of Sixty Three Thousand, Four Hundred Thirty-One Dollars and Fifty-One 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 White asked about the \$571.00 invoice. Borough Administrator Reibrich stated the charges were for parts to repair the sweeper. Councilman Napoli questioned what parts were required. Council President Miller stated that the wheel and rim that were due to the Borough from Asbury Park were ready for pick up.

Record of Vote	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Cohen
Motion to Approve		X					
Motion to Second							X
Approved		X		X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused			X				

8. REPORTS/CORRESPONDENCE

ADMINISTRATION/FINANCE – No report.

PUBLIC SAFETY – No Report.

STREETS & ROADS- Council had a discussion regarding the acquisition of the wheel assembly owed to the Borough by Asbury Park.

SHADE TREE COMMISSION – No report.

RECREATION ADVISORY COMMITTEE – Council President Miller reviewed the plans for the Interlaken 5K and stated that at least 10 more volunteers were needed for the day of the race. Council had a brief discussion regarding race volunteers.

Council discussed plans for a Borough Halloween event. Council had a brief discussion about the lack of a Recreation Committee and the timing of the event. Council decided to accept the invitation from the Borough of Allenhurst to join in their event on Saturday, October 26, 2013.

Council President Miller stated that the Borough website was in the process of being updated with a new format on a different server.

PLANNING BOARD – Council President Miller announced that a Planning Board meeting is scheduled for October 21, 2013 to consider a variance application.

BOARD OF EDUCATION – Councilman Morley stated there was a meeting at the Allenhurst Fire House where the Board of Education Attorney stated that litigation was still under review. Councilman Morley stated that the Board of Education Attorney led the attendees to believe that the matter would be resolved shortly.

Councilman Morley stated that a lot of people were questioning the letter sent out by the Mayor with the tax bills. He feels that there were a lot of discrepancies in the letter. Councilman Morley feels that percentages in the letter are incorrectly stated and that it is causing animosity among residents.

Councilman White suggested that the figures could be reviewed with the Borough Tax Collector/CFO, Stephen Gallagher.

Councilman Morley wanted it stated for the record that he is questioning the figures stated in the letter including the figure of a 77% Board of Education budget increase. He stated the numbers should be justified by the Borough Tax Collector and if the Council discovers that the information is incorrect a correction letter should be sent to residents.

Councilman Morley noted, for the record, information that was contained in the letter. He explained that in 2013 the residents were taxed \$737,345.00 and in 2012 the taxes were \$416,787.00. Using these figures a rate of calculation would yield a 77% increase. Councilman Morley stated that the surplus returned to the Borough in 2012 should have been entered into the rate of change. He stated that the letter said there was an increase of \$320,000.00, including a \$149,000.00 increase for tuition of special needs and \$150,000.00 tuition cost for additional students. According to the report by the Board of Education, there was only \$71,000.00 increase. The costs this year were \$528,000.00 and last year were \$457,000.00.

Councilman Morley stated he will speak with Tax Collector/CFO Gallagher regarding the figures. He said he wants to draft a letter explaining what the increase was to put residents on the correct path.

Councilman White stated that Tax Collector Gallagher was drawing his calculations from the levy from the school board.

Mayor Nohilly agreed that, if there is a miscalculation by Tax Collector Gallagher the residents should be informed by letter. He noted that Tax Collector Gallagher was the main author of the letter.

Council President Miller stated that if a letter needs to go out that it should go out before the next school board meeting.

Councilman Cohen questioned the calculation. Councilman Cohen thinks clarification should go out to the residents explaining how the figures were determined and also reference that the surplus was returned.

Council President Miller stated that the State required that the surplus be refunded.

Mayor Nohilly stated that the figures would be reviewed by Tax Collector Gallagher and the Council will proceed from there.

BOROUGH ADMINISTRATOR- Borough Administrator Reibrich stated that Police Chief Ronen Neuman needs to be appointed OEM Coordinator due to the retirement of Chief Carasia.

9. COMMENTS FROM THE PUBLIC

Fred Bruno, 415 Windermere Avenue, requested that the annual Veteran’s Day ceremony on November 9, 2013 at 11 a.m. and reviewed details of the plans for the ceremony.

Liz Brown, 718 Bendermere Avenue, discussed details regarding the Veteran’s Day ceremony.

10. ADJOURNMENT – Mayor Nohilly opened the floor for public comment. With no public present, Mayor Nohilly closed the floor.

	Mayor Nohilly	Council President Miller	Councilman Parry	Councilman White	Councilman Morley	Councilman Napoli	Councilman Cohen
Record of Vote							
Motion to Approve				X			
Motion to Second					X		
Approved		X		X	X	X	X
Opposed							
Abstain/Recuse							
Absent/Excused			X				

 Lori Reibrich
 Borough Administrator/Clerk
 Date Approved: _____