

WORKSHOP MINUTES
MAY 19, 2021
7:00 P.M. AT BOROUGH HALL

ZOOM: DETAILS FOR PUBLIC PARTICIPATION POSTED ON THE WEBSITE

“THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY FORWARDING NOTICE TO THE ASBURY PARK PRESS AND THE COASTER THAT THE REGULARLY SCHEDULED MEETING BEING HELD ON MAY 19, 2021 AT 7:00 PM WILL BE HELD 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 President Butler, Councilmembers Watson, Maloney, Delia and Franks

Also Present: Borough Attorney Richard Shaklee, Borough Attorney Associate Brendan Ruckert, Borough Engineer Peter Avakian, CFO Stephen Gallagher and Borough Clerk/Administrator Lori Reibrich

Late Arrival: Councilwoman Horowitz at 7:06 pm.

1. **SIDEWALK ORDINANCE:** *led by Mayor Nohilly*

Mayor Nohilly provided background on the sidewalk ordinance that has been in place for twenty (20) years. The Borough did not actively enforce the ordinance for each broken or raised slab that was found but all sidewalks are required to be replaced during the CO process. A CO is not issued unless a sidewalk repair is made. At this point, the turnover of homes repairing sidewalks and the age of the existing sidewalks has created an overwhelming amount of raised and cracked sidewalks.

Mayor Nohilly questioned if the Council would like to discuss a possible program to encourage and require the fixing of the Borough sidewalks. The necessity of a letter from Council with a program stems from the fact that at last review about 20 years ago, there were 200 slabs of sidewalk that were damaged. That number could have doubled since the last report. The expectation to send out over 400 letters of non-compliance would probably not be the way to handle it. This would severely impact the part time Code Enforcement Officer and the office staff. With a program and possible reduced cost of the project through a contractor, it could help to reduce any upset enforcing the ordinance may cause. It could be a much better option then sending 200 violation letters.

Borough Engineer, Peter Avakian, proposed three options for the Governing Body to consider regarding cost effective options. One, utilizing Borough funds and doing a public bid but with the ordinance in place this option would not really apply. Two, utilizing a public bid process where the Borough uses it funds but assesses the homeowner through special assessment ordinance. Three, a unit price bid where the Borough would bid out an estimated square yard/footage and secure an open-ended construction bid. This would secure a unit price to propose to the homeowners. There are some logistics that would need to be determined when choosing the base bid option such as: where the locations are in town, how many people would be interested in participating and that there is a way that the transaction could be between the contractor and the homeowner so that Borough would not be in a go-between.

Mayor Nohilly asked for feedback regarding establishing a program to repair the sidewalks in town. The Borough has a right to prioritize the ordinance enforcement so the Governing Body could decide to ignore the ordinance and just have sidewalks repaired during CO process or the Borough could create a program that would bring sidewalks up to compliance.

Councilman Delia questioned special assessments and the process. CFO Gallagher and BA Reibrich explained that special assessments are done by ordinance. Typically, the Borough Engineer proves a list of the properties that would need to be assessed. The ordinance is prepared and the people who are assessed would be placed on a 5-year installment plan with interest or can pay one lump sum.

Councilman Franks stated while he understands the current state of the sidewalks, he questioned if now is the time to begin enforcement of the ordinance? The past 18 months of the pandemic may have caused hardships for residents, and this may not be the right timing.

The Governing Body discussed the Borough Shade Tree concerns and who is determining if a tree is lifting the sidewalk that is caused by the tree. Should the Borough incur the cost if the Borough tree is the sole reason for the lifting of disrepair to the sidewalk?

Council discussed Borough trees and insurance issues. Borough Attorney Shaklee provided information about the Tort Claims Act and how with being a public entity there are strict guidelines for a Borough to be held liable.

Councilman Watson questioned what a cost estimate would be for few hundred slabs of sidewalk repairs. Borough Engineer Avakian stated probably around \$40,000-50,000. A brief discussion was had about the past reviews and curbing. Councilman Watson said that he was not opposed to spending Borough funding to bring the sidewalks into compliance. He spoke about the past infrastructure projects such as the current road improvements and DPW yard improvements. The Borough could take some time off of road projects and invest in different infrastructures.

Councilman Delia questioned the number of bids received by the Borough for road improvement projects. Borough Engineer Avakian stated depending on the project, it usually between 3-5. Councilman Delia was interested in finding out ways to get more bidders and to not award unless more bidders are secured. There was a brief discussion regarding the practicality of such small road projects in a Borough the size of Interlaken to the contrast of the 6-million-dollar road program of neighboring Ocean Township. Borough Attorney Shaklee stated that requiring a certain number of bidders is not something the Borough could legally require. Councilman Delia expressed that he understood but was really interested in getting more bidders from different contractors in the future. BA Reibrich explained that the smaller jobs, such as the Iona Street project usually receive about 3-5 bids, but the larger road programs do receive more. The Buttermere Avenue phases received 11 bids.

Council President Butler discussed that he would like to make this process easy for the people who are identified as needing new sidewalks. Councilwoman Horowitz agreed and said there needs to be an urgency or consequence as well as deadline to ensure that people comply.

Councilwoman Maloney explained that in a past town she lived in there was a program that the town paid half and the owner paid half.

The Governing Body discussed a program that would incentivize the residents with broken sidewalks to comply.

Council President Butler questioned the Borough trees that could be impacting the sidewalks and the best way to address that issue. The Council discussed that if the sidewalk is raised due to a Borough tree the best measure would trim the roots and if severely impacted look into possibly removing the tree. Councilman Franks added that there are some sidewalks that allow for the trees and move around them but are still in compliance.

Mayor Nohilly and Councilman Franks discussed that saving the trees is important. If any determinations or evaluations need to be made it may be better to use the Borough CTE rather than burden the Shade Tree Commission with such an extensive project. Council indicated agreement via different comments that utilizing the CTE would be favorable.

Borough Administrator Reibrich stated she will begin work on getting an estimate of the sidewalk slabs that need repair or are raised due to Borough trees. The Council agreed on two criteria of “impacted” and “severely impacted” by Borough trees.

2. **BOND ORDINANCE PREPARATION:**

CFO Stephen Gallagher and BA Reibrich discussed the preparation of the upcoming Bond Ordinance with the Governing Body.

The Council had a brief discussion regarding the Bridlemere Park Grant and the upcoming DOT Grant for Bridlemere Avenue as well as the required Engineering soft costs associated with both projects.

CFO Gallagher explained that he and BA Reibrich had a meeting regarding the ordinances on the books that have some funding left over that can be applied to these projects. The Council discussed the funding for the Bridlemere Avenue DOT project and need to ensure there is enough funding to complete it in full because the cost was not fully funded by the Grant. Council President Butler discussed a needed decision to proceed with the bonding some additional funding to ensure the project can be completed and the Borough sidewalks repaired within the project which is much more cost effective.

CFO Gallagher explained that the Bonding an additional \$40,000 to complete the project in its entirety would bring \$5,000 more worth of debt service beginning in 2023. It is not a huge difference and is manageable for the Borough through bonding.

Council President Butler discussed the Street and Roads projects over the years and that the Council should be proud that 54% of the projects have been completed with grant funding. Important structural improvements have been completed.

Councilman Watson expressed that he is in favor of infrastructure repairs and spending. He questioned the lack of sidewalk in front of the park and if this can be investigated for a future project. Mayor Nohilly explained that a sidewalk in front of the park is important and will be brought to Council for consideration but may be better addressed after the park improvements are completed because of the extensive work and construction trucks that will be in the area.

The Council discussed the purchase of a new garbage truck in 2022. All avenues of purchase will be researched and outlined next year.

CFO Gallagher discussed the special assessment ordinance process for the sidewalk repairs. This would be the best way to ensure 100% compliance. There is a workload that comes with this process from the Borough Clerk’s advertisement and notification process and formal letter. The Borough Engineer

would draw up the cost for each property that would be assessed. There are requirements for a meeting with each person affected to be had with the CFO, Engineer and Administrator as well as some additional steps.

BA Reibrich confirmed with Council via voice vote to have the Bond Ordinance drawn up to be introduced as discussed in the Workshop Meeting. Council agreed. The Bond Ordinance will be introduced on June 16 and the public hearing will be held on July 21.

3. **NEW BUSINESS** – There are two proposed topics on the next meeting.
4. **ADJOURNMENT** With no further discussion, Councilwoman Horowitz made a motion to adjourn, seconded by Council President Butler and unanimously carried.

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

Lori Reibrich, RMC
Borough Administrator/Clerk