

**BOROUGH OF INTERLAKEN
SPECIAL MEETING MINUTES
JUNE 6, 2018
7:30 P.M. AT BOROUGH HALL**

The Special meeting of the Borough of Interlaken was called to order at 7:30 p.m., by Mayor Nohilly. Sunshine Statement was read by Borough Clerk Administrator Reibrich. It was followed by a salute to the flag and a moment of silence. “The notice of the requirements of the Open Public Meetings Act has been satisfied by forwarding notice of the special meeting to the Coaster and Asbury Park Press. A copy of the annual notice was posted on the Borough bulletin board and is on file in the Borough Clerk’s office.”

Present: Mayor Nohilly, Council President White, Council members: Butler, Franks, Horowitz and Gunn

Also Present: Borough Attorney Richard Shaklee, Borough Engineer/Planner Peter Avakian and Borough Clerk/Administrator Lori Reibrich

Absent: None

Late Arrival: Councilman Watson

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

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

2. ORDINANCE 2018-2: AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING CHAPTER XXVI “LAND USE AND DEVELOPMENT”, SECTION 26-49 “FENCE REGULATIONS”.

Mayor Nohilly began the discussion by stating that the Planning Board hired a Planner to review the Land Use Ordinances. Many things were reviewed during that time such as lot coverage and building height. When the study was complete the Planning Board presented the recommendations to Council as a package. The package included a change to the fence ordinance which allowed fences in the front yard on corner properties. When the Land Use Ordinance changes came to Council from the Planning Board, Council did not discuss all of the ordinance changes in the package. Council voted on the accepted changes. Council is one hundred percent responsible for ordinance changes.

Mayor Nohilly noted that the Borough has over 100 corner lots. The ordinance change for the fence came before Council, who voted on it and passed it. It is now being considered that the ordinance be reverted back to the original form.

Mayor Nohilly stated that Borough Clerk/Administrator Reibrich had been getting calls regarding a recently installed fence. He stated that the new Zoning Official read the code and interpreted that a fence was permitted.

Borough Engineer Avakian noted that this is an aesthetic issue. There have been no fences allowed in front lawns. The Master Plan does not talk about fences or yard areas. It talks about lots and neighborhood character. Borough Engineer Avakian feels it is not a hardship to limit fences in front yards. There are still two sides where a fence would be permitted. If the Borough does not want to allow fences in front yards the ordinance should be changed. In the instance of the most recent fence, the Zoning Official was correct in his decision in allowing placement in accordance with how the ordinance was written. To eliminate fences in the front yard, the ordinance should be reverted back. It is a simple fix.

Councilman Gunn stated that he is a member of the Planning Board and was during the review.

Councilman Gunn made the point that he does not want to argue one side or another. There was an oversight. Councilman Gunn said he feels this change is premature. Council should have the opportunity to have input from the consultant. This was well considered and well-reviewed. Deliberation was done. The consultant can present reasons why it was decided to make change and the reasons for why the current ordinance was proposed.

Mayor Nohilly did not think analysis of the reasoning for the change is necessary. Council is responsible for ordinances. The Borough Engineer is present and being consulted regarding the change.

Councilman Gunn stated that this ordinance has been on the books for three years. If a mistake was made, then it should not be compounded by changing it hastily. Councilman Gunn feels that Council should be prepared with why the change was recommended and why the current ordinance was recommended. There is time to do this.

Mayor Nohilly stated that inquiries are coming in regarding the recent fence and inquiries regarding fence placement rules. Mayor Nohilly feels Council needs to take a position on this matter. The Borough Engineer is present to answer any questions.

Council President White noted that the Land Use Ordinance change took two years for the Planning Board to complete their review. The results were presented to Council in a package that Council had the opportunity to discuss. It was not discovered. The Borough's own Administrator and Engineer were not aware of the change. It was not discovered until the new Zoning Officer was in place.

Councilman Gunn stated that the changes were not presented in bulk. Only the changes were presented.

Mayor Nohilly stated that no one thinks that the Planning Board is to blame for the change. Council voted on it. There is no judgement.

Councilman Horowitz feels that the decision is only an aesthetic decision. Everyone will have a personal preference.

Council President White stated that there are 100 corner lots. Adding fences in all those corner front yards will change the aesthetic of the community.

Borough Engineer Avakian stated that the process of the ordinance is that it must be introduced. After the introduction, the Planning Board determines if it corresponds with the Master Plan. Then it goes to public hearing.

Borough Engineer stated that he contacted the consultant /Planner, Mr. Higgins. Mr. Higgins stated that at the time, the Planning Board told him that there were repetitive variances being requested for this issue and it would be better to change the wording. Borough Engineer Avakain told him that we do not have many fences in front yard.

Councilman Butler feels it was a consultant who came in who does not understand the aesthetics of the community. The wording of the ordinance is confusing. Councilman Butler is not so sure that if it was reviewed in 2015, the effect of the change would have been understood at that time.

Councilman Butler feels it would be disastrous to open the door to this, aesthetically. The analysis was not looked at through the lens of aesthetics and our community that has been here since 1922.

Councilman Franks said he does not recall reading the change and thinks that the ordinance should be reverted back to what it was.

Councilman Gunn stated that it is a Land Use issue not just an aesthetic issue. If you were to look at the property we are talking about with the older ordinance and were to apply the old statute, the homeowner would not be able to put up any fence, whatsoever, to protect their children and provide them a playground. The prior ordinance was way too restrictive and that was proven ironically by the case on Buttermere Avenue. Councilman Gunn stated that after 3 ½ years, there is no need to rush on this. It is a complicated issue. Between now and final vote that Council needs to commit to being much better informed on the background regarding the fences.

Mayor Nohilly agreed that it was a Land Use issue.

Borough Administrator Reibrich and Borough Attorney Shaklee noted that the applicants that cannot put up fences outright can apply for a variance due to hardship.

Councilwoman Horowitz stated that she would like to keep the ordinance strict and have applicants go before the Planning Board to get a variance.

Council referred the ordinance to the Planning Board to confirm it is within the Master Plan.

With no Council comments, Councilwoman Horowitz made motion to introduce the ordinance, seconded by Councilman Franks and unanimously carried.

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

MAYOR SET THE PUBLIC HEARING FOR JUNE 20, 2018

Borough Engineer Avakian left the meeting at this time.

3. ORDINANCE 2018-3: BOND ORDINANCE

Council President White stated he had reviewed the proposed ordinance and noted that three Councilman were not at the May meeting for the presentation of the Streets and Roads Committee recommendations. Councilman White was present for the discussion with Borough CFO/Tax Collector Gallagher regarding appropriations for Capital projects when it was a general conversation regarding the cost, but was not present for the presentation of other products.

Council President White asked the Streets and Roads Committee where spending \$70,000 on street signs can be justified. There is another lower cost option. Council has a fiduciary responsibility to the residents and should consider less expensive alternatives. The proposed signs look nice, but that is a lot of money.

Council President White stated that he does not feel he can support spending \$70,000 on street signs and does not want to approve the bond and ask the residents to pay. Council President White felt that other options were not thoroughly presented.

Councilman Watson stated that other options were presented, but Council President White was not at the meeting. If the Borough wants to be in compliance with the road signs, the signs must be replaced.

Councilman Watson stated that during the sign replacement discussion in April, the estimate was \$60,000 no one blinked. The bid process has not been done. The bid may come in a little cheaper.

Councilman Watson stated that he would like to take a break from the road projects. Road projects add to the debt load. Council should not submit anything for a year or two.

Mayor Nohilly noted that both options come with a pole that match the new lighting.

Mayor Nohilly stated that the signs the Borough has now are eight or so years old. They are decals and need to be replaced. Does Council want to spend \$30,000 more to have the permanent signs? Decal letters on the cheaper signs are decals. They are what the Borough has now. They are reflective. Isn't the whole point is to have permanent signs?

Council President White stated that the signs will last 10 years and will need to be maintained. Look at house signs and grave markers. It will be left to DPW to maintain. Technology has come further from when we previously brought street signs. If there is no decorative pole, they can still be attractive with attractive sign. The signs will need to be painted. That will require maintenance. At the same time, you may have to replace the signs. The number that was estimated was \$60,000. Now Council is aware there are other less expensive options available.

Councilman Watson stated that it would be making a capital investment for the permanent sign and pole. If Council is worried about the debt situation, maybe the Council choose not to do another road project next year.

Councilwoman Horowitz stated that the ornate sign may be a little overkill. Can it be modified to save money?

Councilman Gunn asked if there was a way to be able to see all the options.

Councilman Merv stated that the \$60,000 budget amount number has been around since last year.

Councilwoman Horowitz stated that she flips houses and cuts where she can. There may be options to save money.

Councilman Gunn noted to pick up on Councilman Frank’s point this has been discussed. The group has done a great job in regard to street lights and regard to signs. As a guy who missed just the last meeting, Councilman Gunn has not seen options. Councilman Gunn feels the committee has done a lot of great work but does not feel well informed.

Mayor Nohilly stated that the Committee did send out the information. There was only one sample received.

Council President White agreed that a lot of good work was done, but feels there is a financial responsibility to the residents.

Councilman Franks asked Council President White, if he had a problem telling the residents that \$170,000 was spent on street lights to change lights that are already working?

Council President White stated that he did not have a problem, because there were reasons to change the lights. Some were mercury. The color was changed.

Mayor Nohilly stated that Council would be doing the same thing. Council would be beautifying the signs that are already there. There were no complaints about the cost of the street lights.

Council President White stated that if there was a chance the type of sign changed to the less expensive one, the way the ordinance is written, the money that is not used would not be able to be used for something else or end up in surplus.

Councilman Watson stated that this would be a onetime cost of \$30,000 not an annual cost like the Police Contract.

Council President White stated that it is not the same thing. The police provide a valuable service.

Councilman Gunn questioned the vote. Is it for putting up the \$70,000 signs or for putting the funding aside for the cost?

Councilman Gunn asked if the ordinance title can be changed to give the Borough flexibility to spend the funds.

Borough Clerk/Administrator Reibrich noted that past bond ordinances had been made for various projects. The wording can be changed but the Council would not be able to introduce it tonight. There would need to be an amended version.

Board Attorney Shaklee noted that the ordinance says street sign improvements.

Councilman Butler suggested that it can be used as traffic signs. Some signs need repair or replacement.

Council President White suggested that the ordinance does not need to be introduced tonight.

Councilman Butler noted that the signs are kind of handmade and take time to construct.

Borough Council Shaklee stated that the vote will be to introduce the Bond Ordinance.

With no additional Council comments, Councilman Franks made motion to introduce the bond ordinance, seconded by Councilman Butler and carried.

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

MAYOR SET THE PUBLIC HEARING FOR JUNE 20, 2018

4. **COMMENTS FROM THE PUBLIC** Mayor Nohilly opened the floor for public comment. With no public present, Mayor Nohilly closed the floor.
5. **ADJOURNMENT** With no further discussion Councilwoman Horowitz made a motion to adjourn, seconded by Council President White and unanimously carried.

	Mayor Nohilly	Council President White	Councilman Franks	Councilwoman Horowitz	Councilman Franks	Councilman Butler	Councilman Watson
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