

**BOROUGH OF INTERLAKEN  
WORKSHOP MINUTES  
JULY 17, 2019  
7:00 P.M. BOROUGH HALL**

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The workshop meeting of the Borough of Interlaken was called to order at 7:04 p.m., by Council President White. Sunshine Statement was read by Borough Clerk Reibrich. "The notice of the requirements of the Open Public Meetings Act has been satisfied by forwarding notice to the Coaster and Asbury Park Press. A copy of the notice is posted on the Borough bulletin board and is on file in the Borough Clerk's office."

Present: Council President White, Council members: Butler, Watson, Fama and Maloney

Late Arrival: Mayor Nohilly 7:35pm

Absent: Councilwoman Horowitz

Also Present: Borough Attorney Richard Shaklee, Borough CFO/Tax Collector Stephen Gallagher and Borough Clerk/Administrator Lori Reibrich

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1. **2019 BOND ORDINANCE** – *discussion regarding the funding of the road projects and DOT Grant*

Borough CFO/Tax Collector Gallagher reviewed the funding for the proposed 2019 road projects with Council:

Scarba Street from Bridlemere Avenue to Bendermere Avenue projected costs: Construction costs \$115,675.00, Design costs \$11,567.50 and Construction inspection costs \$17,351.25 for a project total of \$144,593.75.

Council President White questioned the effect of the New Jersey American Water's recent work on the water lines to the proposed street projects.

Borough Clerk/Administrator Reibrich noted that Borough Engineer/Planner Avakian explained at the previous meeting that the water company would be doing some paving, but the road would have to be paved again as it needs milling and correct grading. The water company filled the trenches created by the project, due to liability issues.

Councilman Butler noted that the section that was paved by the water company on Scarba Street has no curb at all.

Woodmere Road from Rona Street to Bridlemere Avenue project costs: Construction costs \$117,525.70, Design costs \$17,752.50 and Construction inspection costs \$26,628.75 for a project total of \$221,106.25.

Rona Street from Bendermere Avenue to Grassmere Avenue: Construction costs \$133,125.00, Design costs \$13,312.50 and Construction inspection costs \$19,968.75 for a project total of \$166,406.25. This encompasses the project that was sent to the Department of Transportation (DOT).

Borough CFO/Tax Collector Gallagher stated that the total cost of all three projects is \$533,500.00. At budget time, Borough CFO/Tax Collector Gallagher set the spending goal at \$160,000 because anything more than that was going to significantly increase the debt service. There is already a built-in tax increase for next year, because the debt service is climbing up another \$20,000.00. The Borough wants to keep the next couple of years in check.

At the urging of Borough Clerk/Administrator Reibrich, Borough CFO/Tax Collector Gallagher reviewed previous ordinances. By using the remaining money from these ordinances \$128,000 can be used toward the road projects. Section 2:20 costs which were open for older various road improvement ordinances were found which totaled \$73,000.00. A good part of the design cost and construction inspection will be covered by this \$73,000. \$18,150 from roadway line striping which will be used to offset that piece of the budget for those three roads. The streets will have to be restriped, so that will cover the cost. \$27,000 in various road improvements from older ordinances, as well, was in the 2018 ordinance will be used. Then another \$10,000 in Section 220 costs to cover 2018 will be added to the \$73,000 to cover the design and construction administration costs for these projects. These amounts total \$128,000 of the \$233,000 required. Major reconstruction of a manhole on Rona Street is required at a cost of \$15,000. The funding for this will be taken from a \$100,000 ordinance for sewer improvements. The sewer improvement ordinance was originally designed to pay for this type of work.

There are six sewer mains that can be repaired around town using this funding and the sewer main on Rona Street is one of them.

Councilman Fama questioned the downside of taking the money from this ordinance for the project.

Borough CFO/Tax Collector Gallagher stated that this ordinance was put in place to strictly be used for redoing the manholes, so there is none. Council President White noted a study was done and several issues with manholes were found, so the ordinance was set up to access the funding to make sewer and manhole repairs when redoing the streets.

Borough CFO/Tax Collector Gallagher stated that \$38,200 from the capital improvement fund money, which is typically used to finance the required 5% down payment, will be used for this project. The Borough will still have a good amount of money in that fund at \$20,000 that can be used for emergencies or other small needed projects.

Borough CFO/Tax Collector Gallagher stated that with the DOT grant of \$200,000, he was able to get the final amount that must be bonded to be \$152,000, which is under the number he was looking to be at for the 2019 capital budget.

Councilman Fama commended Borough CFO/Tax Collector Gallagher on a good job.

Councilman Butler commended Borough CFO/Tax Collector Gallagher as well noting that only Iona Street and one Block of Scarba would be left.

Borough Clerk/Administrator Reibrich stated that, as the Borough is working right now with the DOT on Woodmere Avenue and Rona Street, the Borough must apply for the next DOT grant. The resolution should be on the August meeting agenda. Borough Engineer/Planner Avakian and Councilman Butler recommend that the grant application be for Iona Street. Borough Engineer/Planner Avakian suggests the bids go out in early Spring with hopes to get a lot of response from bidders.

Council President White noted that all three streets will be completed, and the cost is staying under \$152,000.

Councilman Butler asked if the last block of Scarba can be added to the next budget.

Borough CFO/Tax Collector Gallagher believes that probably can be done, if it stays within \$150,000.

2. **NEW BUSINESS** – Councilman Watson briefly discussed plans for the upcoming Fall Fest. Planning is going along smoothly. There looks to be enough volunteers in place.

3. **COMMENTS FROM THE PUBLIC**

Mayor Nohilly opened the floor for public comment.

Mr. Brian Davis, 504 Buttermere Avenue, stated that his neighbor's trees fell during a storm and hit his fence. He replaced the fence with a stockade fence, which he now knows is against the law. Now his neighbors have called to report the fence to be non-compliant.

Mr. Davis stated that there are many other houses in the town with similar stockade fences, but for some reason he has been singled out about this fence.

Council President White stated that it is unfortunate that someone reported the fence to the Borough Code Enforcement and a violation letter was received. At the end of the day, other properties that are not compliant have nothing to do with the current violation. The Borough Administrator has to work with Code Enforcement on investigating the list in the letter identifying those other properties within the Borough, but in the meantime, Council is not going to amend the ordinance or change the ordinance and the violation will stand until the correction is made on the property. It has now been brought to the attention of the Code Enforcement Officer.

Mr. Davis questioned why he should be made to comply with his fence when those other properties do not comply.

Council President White stated that investigations will be conducted on those properties. If the other properties are found to be non-compliant, they will receive the same violation and same notice that Mr. Davis has. There must be time to do the investigations. Code Enforcement has investigated Mr. Davis' property and found the fence to be non-compliant. That is why the violation was issued.

Mayor Nohilly joined the table at 7:35pm.

Mayor Nohilly stated that the Borough has a part-time code official. The Borough staff does not ride around and inspect fences, or anything else for that matter, so anything that is a code violation usually is reported by a neighbor.

Mr. Davis stated that it seems like this man or woman is walking around his house and not the rest of the town. Mr. Davis stated that he feels like he is being harassed.

Mayor Nohilly noted that Mr. Davis is definitely not the first. There are fourteen others on the list that was provided by Mr. Davis.

Mr. Davis stated that he does not want to be that person squealing on anybody. We are not in fifth grade.

Mayor Nohilly noted that Mr. Davis' attorney provided the name to the Borough.

Ms. Davis stated that he does not have an attorney.

Mayor Nohilly stated that an attorney acting on Mr. Davis' behalf provided a list of 14 properties.

Mayor Nohilly stated that the Borough is under obligation to investigate any project that gets reported, whether one or fourteen.

Mr. Davis asked if there was any way that the Borough can alter this ordinance for the people that are in the Borough now with this issue.

Mayor Nohilly stated that this was not possible. This ordinance has been in place for decades.

Mr. Davis stated that air flow is sited when asked why the ordinance was written this way. Trees are more of a problem.

Mayor Nohilly stated that it is not just air. It is air and light and aesthetics. There is an aesthetic portion to it. This ordinance has existed for a long time. There are plenty of residents who got a permit and put in a fence that is 50% open and invested a lot of time and money in landscaping. It would not be fair to up end the ordinance and give people a free pass. That would not be fair to the probably 200 people who have put in compliant fences, had a permit been applied for which if Mr. Davis would have filled out for a fence permit the information regarding permitted fences would have been provided.

Mr. Davis stated that he changed roofs and siding and everything and when you are replacing these things you don't need a permit.

Mayor Nohilly does not believe that is accurate. When you are taking down an old fence and putting up a new one, an application still must be made.

Mr. Davis stated that he submitted a permit application since then. It is just an ongoing saga, but he still drives around town and sees no other issues for anyone else.

Mayor Nohilly stated that properties on the list will be investigated as individual cases. They will be handled without reporting back to the public. Once there is something in writing the Borough has no choice but to investigate.

Borough Clerk/Administrator Reibrich stated that the Zoning/Code Enforcement officer acts on many properties in town.

Mr. Davis stated that it was not his intention to come down and speak to Council to have the other people take down the fences, some have been there a long time.

Mayor Nohilly stated that he does not know why someone reported Mr. Davis, but Mr. Davis can understand and appreciate that whether Council feels for him or not because he invested in the fence, once someone makes a report, the Borough must act on that. The complaint about the fourteen properties came to us in writing and the Borough has to act on that.

Mr. Davis stated that he has lost all the trees and has a pool in the yard Mr. Davis has two daughters and a wife. They would like privacy. The neighbor next door has a pool and deserves their privacy also. A board on board fence does not give any privacy. A 50% open fence does not give privacy to Mr. Davis or the young woman next door.

Mayor Nohilly noted that he has pool and put in a fence that is more than 50% open. A good amount of money was spent on landscaping. That has been the Interlaken tradition.

Mr. Davis has spent money on landscaping. Doesn't that go back to air flow and security? You cannot see through these things.

Mayor Nohilly stated that the ordinance cannot be selectively enforced. If someone complains and it comes to the attention of the Borough, the ordinance must be enforced.

Ms. Davis, 504 Buttermere Avenue, questioned why the ordinance could not be changed. Things are changed all the time. Ms. Davis does not see why not.

Mayor Nohilly stated that one reason is an example given earlier. For a very long-time dozens, if not hundreds, of people put in compliant fences. Whether they wanted to or not, they did. They came down and got a permit and they said they want privacy then they spent money on the fence and spent money to privatize their pool or patio with landscaping. It would not be fair to those people, myself included, to now say we are going to get rid of a long-standing ordinance. No one has complained about the ordinance. There are some quirky ordinances including quiet Sundays and no overnight street parking. The 50% open fence ordinance is one of them. Mayor Nohilly has only heard support for the ordinance, unless it was people who made the mistake of putting up the wrong fence. There is no impedance for Council to strike or change this ordinance.

Council President White stated that even if the Council did look at the ordinance to amend it or change it, Mr. Davis still has a current violation that must be adhered to. Mr. Davis cannot wait to see what the Council may or may not do a year from now or two years from now. The violation is the violation.

Mayor Nohilly stated that Council does look at ordinances. Council just did a workshop on the Borough's tree ordinance. It is done when there is a reason to do it. Mayor Nohilly noted to Mr. Davis that the fence ordinance is an ordinance that residents have always supported.

Mr. Davis thanked Council and left the meeting.

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

4. **ADJOURNMENT:** With no further comments from the Governing Body, Councilman Butler made a motion to adjourn, seconded by Councilwoman Maloney and unanimously carried.

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

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Lori Reibrich, RMC  
Borough Clerk/Administrator