

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
February 23, 2016

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on February 23, 2016 at 4:30 p.m.

Pledge of Allegiance.

Moment of Silence in Memory of Retired Councilwoman Joan Pillsbury DeVoe.

At this time, Mayor Ekdahl asked everyone to please remain standing for a moment of silence in memory of Retired Borough Councilwoman Joan Pillsbury DeVoe who passed away on Sunday, February 21st after an extended illness.

(Moment of Silence)

Joan P. DeVoe lived in Rumson since 1970 and served our residents as a Councilwoman from March of 1996 until her retirement at the end of December 2013— Council President in 2005 and 2006 and served on the following Council Committees: Chairman of Parks and Recreation Committee; and member of the Finance, Police, Fire and EMS Committee, and Public Works and Utilities Committee. She also served as a member of the Borough Zoning Board of Adjustment for one and one half years and the Environmental Commission for three years. As a community-minded resident, Councilwoman DeVoe also served on the Rumson Community Appeal, was active in the Monmouth County Council of Girl Scouts (Rumson Troop), Rumson Junior League, Crusade Director of the American Cancer Society, the Rumson Historical Society and St. George's-by-the-River Church. Councilwoman DeVoe worked as a substitute teacher in the Rumson Schools, was Director of Constituency Relations at Monmouth University, worked for the New Jersey Highway Authority and was Executive Director of the Monmouth County Republican Committee.

Councilwoman DeVoe will be remembered for her love of Rumson and dedication and contribution of her time to the Borough Council and the residents of Rumson. She will be greatly missed.

We would like to extend our prayers and sincere sympathies to Councilwoman DeVoe's daughter Susan D. Sandlass and husband Henry, daughter Dale D. Leach and husband Jeffrey, son John P. DeVoe, sister Mary Loux McDonnell, four grandchildren and a great granddaughter.

Present: Mayor Ekdahl, Councilwoman Atwell, Councilmen Broderick, Conklin, Day, Hemphill and Rubin.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2016 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Rubin, seconded by Councilman Day, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM HELEN L. GRAVES, CHIEF FINANCIAL OFFICER, REGARDING THE TAX COLLECTORS ANNUAL STATEMENT OF RECEIPTS.

The Municipal Clerk/Administrator advised of a letter dated February 18, 2016 from Helen L. Graves, Chief Financial Officer, wherein she respectfully submitted the Tax Collectors Annual Statement of Receipts. As of December 31, 2015, the Borough's annual percent of collections was 99.08%.

On motion by Councilman Broderick, seconded by Councilman Hemphill, this communication was ordered received. All in favor.

LETTER FROM MAJOR BOB LITTLE FOR COLONEL JOSEPH R. FUENTES, SUPERINTENDENT OF THE DIVISION OF STATE POLICE FOR THE STATE OF NEW JERSEY APPROVING THE BOROUGH'S EMERGENCY OPERATIONS PLAN.

The Municipal Clerk/Administrator advised of a letter dated February 19, 2016 from Major Bob Little for Colonel Joseph R. Fuentes, Superintendent of the Division of State Police for the State of New Jersey. Major Little stated that the Emergency Operations Plan for the Borough of Rumson meets the State's criteria for approval as of January 27, 2016. This plan was part of the Strategic Recovery Planning Report (SRPR) plan. In his letter, Major Little stated they were pleased to give their approval and appreciated the time and effort that has been devoted to the development of the document. The Municipal Clerk/Administrator thanked Dave Marks and Tom Neff of T&M Associates for their help in developing and revising this plan since Hurricane Sandy. It was suggested that the Borough update the Emergency Operations Plan at least annually, preferably during a scheduled meeting of the Local Emergency Planning Committee (LEPC). This updated plan would need to be submitted to the State for recertification by January 27, 2020.

On motion by Councilman Day, seconded by Councilman Rubin, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

ORDINANCE 16-001 G TO AMEND THE GENERAL ORDINANCES, CHAPTER II, ADMINISTRATION, CHAPTER VI, ALCOHOL BEVERAGE CONTROL, CHAPTER V11, TRAFFIC, CHAPTER VIII, BUILDING AND HOUSING, CHAPTER IX, SEWER AND WATER, CHAPTER X, PARKS AND RECREATION AREAS AND CHAPTER XVI, ENVIRONMENTAL PROTECTION IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, MARCH 22, 2016 AT 7:30 P.M.:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

16-001 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER II, ADMINISTRATION, CHAPTER VI, ALCOHOL BEVERAGE CONTROL, CHAPTER VII, TRAFFIC, CHAPTER VIII, BUILDING AND HOUSING, CHAPTER IX, SEWER AND WATER, CHAPTER X, PARKS AND RECREATION AREAS AND CHAPTER XVI, ENVIRONMENTAL PROTECTION

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter II (Administration), Chapter VI (Alcohol Beverage Control), Chapter VII (Traffic), Chapter VIII (Building And Housing), Chapter IX (Sewer And Water) and Chapter XVI (Environmental Protection) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter II (Administration)*, to add Section 2-26 to add Borough Engineer; *Chapter VI (Alcohol Beverage Control)*, to amend Section 6-3.4 to increase license fee; *Chapter VII (Traffic)*, to amend Schedule II to extend prohibited parking hours and Schedule VI to extend one-way street hours; *Chapter VIII (Building and Housing)*, to amend Section 8-1.3 regarding the fee schedule; *Chapter IX (Sewer and Water)*, to add Section 9-1.9(c) to add Commercial Sewer Line Grease Traps; *Chapter XVI (Environmental Protection)*, to amend Sections 16-2.3, 16-9.2 and 16-9.3 to include the term hydraulic fracturing wastewater, *of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

SECTION 1.

That Chapter II, Administration, shall be amended to as follows:

CHAPTER II ADMINISTRATION

2-1 CHAPTER TITLE. through **2-25 FIRST AID SQUAD-ALSO KNOWN AS RUMSON EMERGENCY SERVICES (EMS).**

No Change.

2-26 BOROUGH ENGINEER.

2-26.1 Office of the Borough Engineer Established.

From time to time as deemed by the Mayor and Council of the Borough of Rumson to be necessary in the best interest of the Borough, the Mayor may nominate, with the advice and consent of the Council, may appoint a person to fill the role of Borough Engineer to a three-year term according to New Jersey State Statute 40A:9-140. Said Engineer shall hold the proper certifications/licenses including but not limited to New Jersey Certified Municipal Engineer.

2-26.2 Duties.

The duties of the Borough Engineer of the Borough shall be to coordinate all engineering projects and tasks of the Borough in connection therewith and under the direct supervision of the Borough Administrator. The Borough Engineer may also direct on behalf of the Borough all engineering consultants and planners at the direction of the Borough Administrator.

2-26.3 Fees and Charges.

At times the Borough Engineer will be responsible to review various applications and permits on behalf of the Borough. The Borough Engineer shall keep time records of such acts and submit the same to the Chief Financial Officer for the prompt billing of services or charging of deposited ESCROW funds to the applicant on permit holder the costs associated with this billing shall be set by ordinance or adopted annually by Resolution of the Governing Body members.

SECTION 2.

That Chapter VI, Alcoholic Beverage Control, shall be amended to as follows:

CHAPTER VI ALCOHOLIC BEVERAGE CONTROL

6-1 PURPOSE. through **6-2 DEFINITIONS.**

No Change.

6-3 LICENSES.

6-3.1 Laws Applicable. through **6-3.3 License Required.**

No Change.

6-3.4 License Fees; Maximum Number.

From and after the effective date hereof the annual fees and maximum number of licenses for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>		<i>Number of Licenses</i>
Plenary Retail Consumption License	\$2,500.00		9
Plenary Retail Distribution License	\$2,031.00	<u>\$2,437.00</u>	2

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer or licenses presently issued.

6-3.5 License Term. through 6-3.6 Requirement of Obtaining Liquor License Renewal.

No Change.

6-4 REGULATION OF LICENSES. through 6-7 REVOCATION OF LICENSES.

No Change.

SECTION 3.

That Chapter VII, Traffic, shall be amended to as follows:

**CHAPTER VII
TRAFFIC**

7-1 WORDS AND PHRASES. through 7-12 VIOLATIONS AND PENALTIES.

No Change.

SCHEDULE I NO PARKING. through SCHEDULE IB HANDICAPPED PARKING ON THE STREET.

No Change.

**SCHEDULE II
PARKING PROHIBITED CERTAIN HOURS**

In accordance with the provisions of subsection 7-3.4, no person shall park a vehicle or dumpster between the hours specified upon any of the following described streets, or parts of streets, or Municipal parking lots.

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Months/Location</i>
All Streets	Both	From 3:00 a.m. to 5:00 a.m.	December, January, February and March.
Bellevue Avenue	West	From 7:00 a.m. to 4:00 p.m. on school days only	From 25 feet north of Ridge Road to Auldwood Lane.
Blackpoint Road	North	From 7:00 a.m. to 4:00 p.m. on school days only	Between East River Road and Forrest Avenue.
Forrest Avenue	East	From 7:00 a.m. to 3:00 p.m. <u>3:30 p.m.</u> on school days only	From Ridge Road to a point 150 feet north thereof.
Municipal Parking Lots	Entire lot	From 3:00 a.m. to 5:00 a.m.	All Municipal lots, owned and leased.

Narumson Street	North	From 7:00 a.m. to 3:00 p.m. <u>3:30 p.m.</u> on school days only	Between Park Avenue and Forrest Avenue.
North Cherry Lane	South	From 7:00 a.m. to 3:00 p.m. <u>3:30 p.m.</u> on school days only	From Bingham Avenue to West Cherry Lane.
South Cherry Lane	North	From 7:00 a.m. to 3:00 p.m. <u>3:30 p.m.</u> on school days only	From Bingham Avenue to West Cherry Lane.
West Cherry Lane	East	From 7:00 a.m. to 3:00 p.m. <u>3:30 p.m.</u> on school days only	From North Cherry Lane to South Cherry Lane.

SCHEDULE II COMMERCIAL TRUCK, TRACTOR OR TRAILER PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS. through SCHEDULE V TRUCKS OVER FOUR TONS.

No Change.

**SCHEDULE VI
ONE-WAY STREETS**

In accordance with the provisions of Section 7-5, the following described streets or parts of streets are hereby designated as One-Way Streets.

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
Blackpoint Road	Westbound	Between Forrest Avenue and Bingham Avenue.
Narumson Street	Eastbound	Between Bingham Avenue and Forrest Avenue. (Only on school days between 8:15 a.m. <u>8:00 a.m.</u> and 9:00 a.m. and between 3:00 p.m. and 3:30 p.m.)
Oak Lane	Southbound	Between First Street and Narumsunk Street.
Oakwood Lane	Westbound	Entire length.
Packer Avenue	Southbound	From Rumson Road to Washington Avenue.
Rumson Road	Eastbound	From Ward Avenue to Waterman Avenue.
Third Street	Northbound	Oakwood Lane to Church Street.

SCHEDULE VII THROUGH STREETS. through SCHEDULE XVI SPEED LIMITS.

No Change.

SECTION 4.

That Chapter VIII, Building and Housing, shall be amended to as follows:

**CHAPTER VIII
BUILDING AND HOUSING**

8-1 STATE UNIFORM CONSTRUCTION CODE.

8-1.1 Enforcing Agency Established. through 8-1.2 Smoke Alarm Inspection.

No Change.

8-1.3 Fee Schedule.

The fee for a construction permit shall be the sum of the subcode fees listed in a. through o. hereof and shall be paid before the permit is issued as determined by the construction official.

a. *General.* No Change.

b. *Basic Construction.*

1. New Construction Fees.

(a) New construction in all use groups classification except for signs and structures or buildings and special fees for which volume cannot be computed.

The fee shall be three hundredths (\$0.030) cents per cubic foot of volume of the building or structure.

(b) (1) Residential: Seventy-five (\$75.00) dollars minimum.

(2) Nonresidential: ~~Eighty (\$80.00)~~ One Hundred (\$100.00) dollars minimum.

2. Renovations, alterations, additions, repairs, pre-manufactured construction and minor work fees.

No Change.

3. Special Fees. Structures for which volume cannot easily be computed.

(a) Swimming pools. No Change.

(b) The permit fee for the installation of wood/coal burning stoves, fireplaces, and/or chimneys shall be ~~fifty (\$50.00)~~ sixty (\$60.00) dollars.

(c) through (f). No Change.

(g) The fee for complete tent permits, including electrical/fire/building permits, for charitable and nonprofit organizations shall be ~~fifty (\$50.00)~~ sixty (\$60.00) dollars.

c. *Fees for Continued Inspection of Equipment Subject to Limitations as Per N.J.A.C. 5:23-2.23(i).* through d. *State of New Jersey Training Fees.*

No Change.

e. *Demolition, Removal, or Moving of Buildings and/or Structures.* The fee shall be:

1. Demolition.

(a) Minor accessory buildings, ~~and structures~~ and inground pools: One hundred (\$100.00) dollars.

(b) One- or two-family dwellings not exceeding 30 feet in height: Two hundred fifty (\$250.00) dollars.

(c) All other use groups, buildings or structures: Two hundred fifty (\$250.00) dollars.

2. Removal of a building or structure from a lot within the Borough of Rumson to a location outside the borders of the Borough. The fee shall be thirty-five (\$35.00) dollars for the first one thousand (\$1,000.00) dollars of estimated costs of removal, plus fifteen (\$15.00) dollars for each additional one thousand (\$1,000.00) dollars of estimated costs or any part thereof. The minimum for the removal of a building or structure shall be ~~fifty (\$50.00)~~ sixty (\$60.00) dollars.

3. Moving a building or structure from one lot to another or to a new location on the same lot. The fee shall be fifty (\$50.00) dollars for the first one thousand (\$1,000.00) dollars of estimated costs, plus fifty (\$50.00) dollars for each additional one thousand (\$1,000.00) dollars of cost or any part thereof. Estimated cost shall be the sum of the following: The cost of moving, plus the cost of the new foundation and all work required to place the building or structure in its completed condition in the new location. The minimum fee shall be ~~fifty (\$50.00)~~ sixty (\$60.00) dollars.

f. *Estimated Costs.* through g. *Fences.* No Change.

h. *Signs, Excluding Traffic Control Devices Meeting State Motor Vehicle Standards.* The fee shall be five (\$5.00) dollars per square foot of the surface area of the sign, computed on one side only for double faced signs. The minimum fee shall be ~~fifty (\$50.00)~~ sixty (\$60.00) dollars.

i. *Bulkheads, Docks and Piers for Construction and Repair of the Construction.* through k. *Certificate of Occupancy per U.C.C.*

No Change.

l. *Plumbing Subcode Fees.*

1. through 13. No Change.

14. Trench Inspections. The fee shall be twenty-five (\$25.00) dollars each.

~~14.~~ 15. The minimum plumbing subcode fee shall be:

(a) Residential: Sixty (\$60.00) dollars.

(b) Nonresidential: ~~Seventy five (\$75.00)~~ Eighty-five (\$85.00) dollars.

m. *Fire Protection Subcode Fees.*

1. New Construction, Renovations, Alterations or Repairs. The minimum fee shall be:

(a) Residential: Sixty (\$60.00) dollars for each system.

(b) Nonresidential: One hundred fifty (\$150.00) dollars for each system.

2. Each gas or oil fired appliances such as furnaces, ranges, stoves, generators and fireplaces not connected to the plumbing system shall be fifty (\$50.00) dollars.

3. Special Fixtures and Equipment.

No Change.

4. The minimum fire subcode fee shall be:

(a) Residential: Sixty (\$60.00) dollars.

(b) Nonresidential: ~~Seventy five (\$75.00)~~ Eighty-five (\$85.00) dollars.

n. *Electrical Subcode Fees.* Required for the installation, removal, alteration and/or replacement of all listed items.

1. Electrical fixtures and devices, including but not limited to lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, smoke detectors and similar fixtures or devices and are not listed elsewhere in this schedule and connected to nominal 240/120 VAC, 20 amperes (or less) branch circuits. The fee shall be:

(a) For one to ten fixtures or devices: Thirty-five (\$35.00) dollars.

(b) For each increment of 20 additional fixtures and devices: Twenty-five (\$25.00) dollars.

NOTE: Every gang of a fixture box or outlet box including splice boxes shall count as a device. Each recessed lighting fixture in an insulated space shall add one unit to the fixture count. ~~Each lighting fixture in a ceiling more than 12 feet above the floor shall add one to the fixture count.~~

2. Special electrical fixtures and devices for, but not limited to electrical heating, cooling, service conductors, feeders, switches, switchboards, panel boards, motors, control equipment, generators, transformers, smoke detectors, air conditioners, cooling equipment, lighting standards, swimming pools, hot tubs, hydromassage bathtubs, spas, steam baths and similar fixtures and devices. The fee shall be:

(a) Residential steam room, sauna, indoor installation of hot tub, and similar devices: The fee shall be ~~fifty (\$50.00)~~ sixty (\$60.00) dollars each.

(b) through (h) No change.

(i) Each motor or electrical device greater than ten hp and less than or equal to fifty hp; and for each transformer, generator, and device greater than ten kW and less than

or equal to ~~forty five~~ thirty kW: The fee shall be ~~ninety (\$90.00)~~ forty (\$40.00) dollars each.

(j) Each motor or electrical device greater than 50 hp and less than or equal to 100 hp; and for each transformer, generator and device greater than ~~45~~ 35 kW and less than or equal to 112.5 kW: The fee shall be one hundred (\$100.00) dollars each.

(k) Each motor or electrical device greater than 100 hp; and for each transformer, generator, and each device greater than 112.5 kW: The fee shall be ~~five hundred fifty (\$550.00)~~ three hundred (\$300.00) dollars each.

(l) No Change.

(m) Radiant heat (electric): The fee shall be ~~twenty five (\$25.00)~~ twenty (\$20.00) dollars each.

(n) Solar Systems: New installations greater than one kW and less than or equal to twenty kW- The fee shall be one hundred fifty (\$150.00) dollars. New installations greater than twenty kW- The fee shall be three hundred (\$300.00) dollars.

3. Protective Signaling Systems. This includes, but is not limited to fire alarms, smoke alarms, burglar alarms, nurse call systems, video systems, communication outlets, and other monitoring systems. The fee shall be:

(a) For one (1) to fifteen (15) devices: Sixty (\$60.00) dollars.

(b) For each additional one to five devices: Ten (\$10.00) dollars.

(c) In accordance with N.J.S.A. 52:27D-198.1 et seq. (Senate Bill 1968) the fee for fire alarm inspections required for the sale or rental of all one-family and two-family homes shall be ~~fifty (\$50.00)~~ sixty (\$60.00) dollars per inspection.

4. For weekend or other than normal work hour shut-downs and/or inspections such as service shutdowns: The fee shall be three hundred fifty (\$350.00) dollars.

5. The minimum electrical subcode fees shall be:

Residential: Sixty (\$60.00) dollars

Nonresidential: ~~Seventy five (\$75.00)~~ Eighty-five (\$85.00) dollars

6. through 7. No Change.

o. *Miscellaneous.* No Change.

8-1.4 Biannual Report: Recommending New Fee Schedule. **through** 8-1. Fire Limits.

No Change.

8-2 UNFIT BUILDINGS. **through** 8-7 RENTAL PROPERTY-REGISTRATION REQUIRED.

No Change.

SECTION 5.

That Chapter IX, Sewer and Water, shall be amended to as follows:

CHAPTER IX SEWER AND WATER

9-1 SEWER CONNECTIONS.

9-1.1 Definitions. through 9-1.8 Disconnection.

No Change.

9-1.9 Inspection.

a. *Existing Units.* All existing units will be inspected by the Superintendent of Wastewater Management or his authorized designee in order to ensure compliance with this chapter.

b. *New Units.* A Certificate of Occupancy will not be issued for new units until the Superintendent of Wastewater Management or his authorized designee has completed his inspection pursuant to this chapter.

c. *Commercial Sewer Line Grease Traps.* The Borough shall inspect all grease traps of a commercial operation a minimum of twice a year or on an as needed basis to confirm grease trap is operating properly.

9-1.10 Violations and Penalties. through 9-3 FIRE HYDRANTS.

No Change.

SECTION 6.

That Chapter X, Parks and Recreation Areas, shall be amended to as follows:

**CHAPTER X
PARKS AND RECREATION AREAS**

10-1 REGULATIONS FOR PARKS AND PUBLIC RECREATIONAL AREAS.

10-1.1 Compliance with Regulations Required. through 10-1.7 Bingham Hall Community Center.

No Change.

10-1.8 Field Permits Required.

a. *Permit.* Use of all playing fields and courts at any of the Borough parks requires the group, organization or professional individual to obtain a field permit at Borough Hall during regular business hours or from the Borough website. Use of the playing field is arranged by the Recreation Director and subject to the rules and regulations as stated on the permit application.

b. *Field Usage Fees.* For use by a ~~recreation commission~~ Recreation Commission approved camp or clinic run by an independent group, organization or professional individual, or other non-recreation sponsored entity or group, a fee of ~~two hundred fifty (\$250.00) dollars per camp or clinic or ten (\$10.00) dollars per camper, whichever is greater, shall be required.~~ will be charged for the use of the facility. The Recreation Commission shall send to the Mayor and Council a listing of fees to be charged for all permits annually. The Mayor and Council shall adopt a Resolution setting forth fees for the calendar year and advise the Chief Financial Officer of the adopted fee schedule.

10-1.9 Criminal History Record Background Checks for Recreation Program Employees and Volunteers.

a. *Purpose.* through b. *Definitions.*

No Change.

c. *Requests for Criminal Background Checks; Costs.*

1. through 4. No Change.

5. Any person who, by virtue of their occupation, is required by the statute to undergo a Federal and State criminal history record background check similar in nature to the requirements contained herein, and who can provide proof of the results of such background check, is exempt from the requirement hereunder until ~~two (2)~~ three (3) years has elapsed since the most current background check.

d. *Conditions Under Which a Person is Disqualified from Service.*

No Change.

e. *Submission, Exchange of Background Information.*

1. Prospective or current employees or volunteers shall submit their names, address, fingerprints and written consent to the Department of Recreation for the criminal history record background check to be performed. The Department of Recreation shall submit this documentation to the ~~Police Department through the Chief of Police~~ background check vendor who shall coordinate the

background check and refer the information to the State Police and FBI for the initial check. Thereafter, all subsequent background checks shall be submitted to the ~~Rumson Borough Chief of Police~~ background check vendor, who shall coordinate a background check every three (3) years after the date of the initial check.

2. The Rumson Borough Police Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to ~~this~~ the subsection below.

f. *Limitations on Access and Use of Criminal History Record Information.* through h. *Penalty.*

No Change.

10-2 RESERVED. through **10-4 WATER SCOOTERS AND JET SKIS.**

No Change.

SECTION 7.

That Chapter XVI, Environmental Protection, shall be amended to as follows:

CHAPTER XVI ENVIRONMENTAL PROTECTION

16-1 TREE PROTECTION. No Change.

16-2 STORMWATER MANAGEMENT AND CONTROL.

16-2.1 Title. through **16-2.2 Scope and Purpose.**

No Change.

16-2.3 Definitions and Word Usage.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA Centers, Cores or Nodes through *Erosion*

No Change.

Hydraulic Fracturing Wastewater shall mean the wastewater, sludge, drill cuttings and/or other byproducts from the process known as Hydraulic Fracturing or using in some cases a complex mix of chemicals and fluids injected into geologic formations to allow the harvesting of natural gas or oil.

Impervious Surface through *Person* No Change.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand cellar dirt, industrial, municipal, agricultural and construction waste or runoff, hydraulic fracturing wastewater, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

Recharge through *Wetlands or wetland* No Change.

16-2.4 General Standards. through 16-2.13 Violations and Penalties.

No Change.

16-3 YARD WASTE COLLECTION PROGRAM. through 16-8 IMPROPER DISPOSAL OF WASTE.

No Change.

16-9 ILLICIT CONNECTION.

16-9.1 Purpose. No Change.

16-9.2 Definitions.

Domestic sewage shall mean waste and wastewater from humans or household operations.

Illicit connection shall mean any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, hydraulic fracturing wastewater or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Rumson, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

Industrial waste through Stormwater No Change.

16-9.3 Prohibited Conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Rumson any domestic sewage, non-contact cooling water, process wastewater, hydraulic fracturing wastewater or other industrial waste (other than stormwater).

16-9.4 Enforcement. through 16-9.5 Violations and Penalties.

No Change.

SECTION 8.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9.

This ordinance shall take effect upon final passage and publication according to law.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

Mayor Ekdahl stated that this ordinance would be published and come up for final consideration and public hearing at the Tuesday, March 22, 2016 meeting of the Borough Council at 7:30 p.m.

ORDINANCE 16-002 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN FIRST READING:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

16-002

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Rumson in the County of Monmouth finds it advisable and necessary to increase its Calendar Year 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$377,183.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Rumson in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the Calendar Year 2016 budget year, the final appropriations of the Borough of Rumson shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$377,183.19, and that the Calendar Year 2016 municipal budget for the Borough of Rumson be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This ordinance shall take effect upon final passage and publication according to law.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

Mayor Ekdahl stated that this ordinance would be published and come up for final consideration and public hearing at the Tuesday, March 22, 2016 meeting of the Borough Council at 7:30 p.m.

RESOLUTION 2016-0223-39 AUTHORIZING APPOINTMENT OF MUNICIPAL TAX COLLECTOR:

2016-0223-39

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION TO APPOINT THE MUNICIPAL TAX COLLECTOR

WHEREAS, N.J.S.A. 40A:9-142 states that the Borough of Rumson shall appoint a Municipal Tax Collector for a four-year term beginning January 1 next following his appointment; and

WHEREAS, Helen L. Graves was originally appointed to a four-year term as Municipal Tax Collector of the Borough of Rumson, such term expired on December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby appoint Helen L. Graves to a four-year term as Municipal Tax Collector of the Borough of Rumson pursuant to N.J.S.A. 40A:9-142, such term to be effective January 1, 2016 and run through December 31, 2019.

Resolution seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

RESOLUTION 2016-0223-40 AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS:

2016-0223-40

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2016 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2016 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Finance - Other Expenses	\$ 6,000.00
Plumbing Inspection – Salary and Wages	\$ 2,500.00
Electrical Inspection – Salary and Wages	\$ 1,650.00
Construction – Salary and Wages	\$ 1,650.00
Shade Tree – Other Expenses	\$ 2,500.00
Fair Haven Construction – Salary and Wages	\$ 1,725.00

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

APPOINTMENTS BY THE MAYOR:

APPOINTMENT OF Laura Gill-Tooker as Member of the Historic Preservation Commission:

Mayor Ekdahl recommended the appointment of Laura Gill-Tooker as Member of the Historic Preservation Commission effective February 23, 2016.

Councilwoman Atwell moved that this appointment be confirmed. Motion seconded by Councilman Conklin and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

ANNOUNCEMENTS BY THE MAYOR:

None.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Reports disclosed the following as of January 31, 2016:

Borough Of Rumson
Chief Financial Officer Report to the Mayor and Council

Analysis of Cash for the Month Ending:

January 31, 2016

FUNDS	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
1. CURRENT FUND				
Current Fund Checking	19,679,440.48	1,760,356.43	(5,279,454.99)	16,160,341.92
Change Funds	300.00			300.00
Certificates of Deposit	0.00			-
Total Current Fund	19,679,740.48	1,760,356.43	(5,279,454.99)	16,160,641.92
2. CAPITAL FUND				-
Capital Fund Checking	1,459,038.49	0.00	(10,000.00)	1,449,038.49
2007 Capital Improvement Bond Proceeds	165,270.83	0.00	0.00	165,270.83
Total Capital Fund	1,624,309.32	0.00	(10,000.00)	1,614,309.32
3. PAYROLL & PAYROLL AGENCY				
Payroll	2,981.86	274,248.03	(274,248.03)	2,981.86
Payroll Agency	10,905.91	173,044.17	(173,044.17)	10,905.91
Total Payroll & Payroll Agency	13,887.77	447,292.20	(447,292.20)	13,887.77
4. TRUST FUNDS				
Trust Fund Checking	798,579.04	1,368.56	(109,129.70)	690,817.90
Unemployment Trust	90,227.92	533.17	0.00	90,761.09
Recreation Trust	379,159.72	39,280.00	(30,423.30)	388,016.42

C.O.A.H. Trust	2,015,885.79	34,385.75	(1,000.00)	2,049,271.54
Law Enforcement Trust Fund	436.40	0.30	0.00	436.70
D.A.R.E.	14,558.41	9.87	0.00	14,568.28
Cafeteria Plan	9,196.16	12,024.00	(979.62)	20,240.54
Animal Control Trust Fund	15,978.99	5,373.00	(113.27)	21,238.72
Public Assistance Trust Fund	-			-
Total Trust Funds	3,324,022.43	92,974.65	(141,645.89)	3,275,351.19
TOTAL ALL FUNDS	24,641,960.00	2,300,623.28	(5,878,393.08)	21,064,190.20

Respectfully submitted by:

Helen L. Graves

Helen L. Graves, Chief Financial Officer

On motion by Councilman Broderick, seconded by Councilman Hemphill, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	631.80	NJ Dept Health/Sr Services
\$	631.80	Animal Control Account
\$	295.00	Ace Auto Tops & Seat Covers
\$	2,157.75	Allied Oil LLC
\$	199.00	American Public Works Assn.
\$	15.00	Arbor Day Foundation
\$	53.96	Bain's Hardware Inc
\$	618.75	William E. Brooks
\$	69.17	Builders General Supply Co
\$	64.00	Butch's Auto Car Wash Inc
\$	12.44	Circle Chevrolet, Inc.
\$	29.37	Cooper Electric Supply Co.
\$	110.00	Craney's Interpreting Services
\$	4,113.78	Delta Dental of New Jersey Inc
\$	1,082.85	Direct Energy Business
\$	518.68	Emergency Medical Products, Inc.
\$	6,510.00	Emergency Comm. Network
\$	96.37	Fair Haven Hardware Inc
\$	484.21	Fastenal Co
\$	78.11	Fazzio, Joseph
\$	331.88	F & C Automotive Supply Inc
\$	6,463.67	Gaus, Wesley H. R. & Ann L.
\$	605.00	Glenco Supply, Inc.
\$	103.20	WW Grainger Inc
\$	150.00	IACP
\$	12,908.01	JCP&L
\$	178.80	Lanigan Associates Inc
\$	880.31	Level 3 Communications LLC
\$	49.00	Martel Electronics, Inc.
\$	223.00	MGL Printing Solutions
\$	625.00	Mid Monmouth Mutual Aid Association

\$	767.61	Mid-Atlantic Truck Centre Inc
\$	60.00	M.C.A.A. c/o Erin Serfass
\$	448.21	Naylor's Auto Parts
\$	10,361.33	New Jersey American Water
\$	80.00	NJ State League of Municipalities
\$	200.00	State of NJ DEP
\$	155.34	One Call Concepts
\$	79.58	PEP Express Parts
\$	3,060.00	PowerDMS
\$	479.80	Ralph, V.E. & Son
\$	3,885.00	Realty Data Systems, LLC
\$	888.46	Republic Services of NJ LLC
\$	1,845.41	Reussille Law Firm, LLC
\$	721.67	Ricoh USA Inc
\$	3,200.00	The Rodgers Group, LLC
\$	421.00	Thomas S. Rogers
\$	135.00	Roy Press Printers
\$	63.00	RR Donnelley
\$	155.00	Robert Squillare
\$	118.35	Staples
\$	151.66	Staples Advantage
\$	100.00	Stewart's Plumbing
\$	42,874.82	Suburban Disposal Inc
\$	2,114.75	Targeted Technologies LLC
\$	2,891.49	Timmerman Equipment Company
\$	508.56	Tort, Joseph & Miriam
\$	775.50	Trane
\$	148.00	Treasurer State of NJ
\$	282.64	Verizon
\$	312.10	Verizon Wireless
\$	269.98	Verizon Business Fios
\$	50.00	Wageworks
\$	35.08	World Jeep Chrysler
\$	115.00	Xerox Corp.
\$	1,261.77	ZEP Sales & Service
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\$	118,042.42	Current Fund
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\$	1,133.19	James D. Boyce Associates
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\$	1,133.19	Endowment Inc Account
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\$	775.26	Athlete's Alley
\$	1,512.00	Congregation B'Nai Israel
\$	81.00	Nelson Press
\$	810.00	Rutgers/Youth Sports Council
\$	1,889.00	Vespoli, USA
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\$	5,067.26	Recreation Account
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\$	7,368.53	Current Fund Appropriations
\$	110,673.89	Current Fund Appropriations
\$	631.80	Animal Control Fund Expenses
\$	1,133.19	Endowment Disbursements
\$	5,067.26	Recreation Disbursements
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\$	124,874.67	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and the following resident responded:

Joseph W. LaGrotteria of 6 Forrest Avenue approached the Mayor and Council to comment on the great work the Borough's Department of Public Works has shown with snow removal. He complimented Superintendent Mark Wellner and Foreman Timothy Leonard on their leadership and felt that the Department has once again provided great service to the residents of Rumson.

Mr. LaGrotteria continued to address the Mayor and Council in regard to a separate issue concerning snow removal. His concern is one of safety for the pedestrians, especially the children who walk to school on snow covered sidewalks. While he understands there is no existing ordinance requiring residents to remove the snow from their sidewalks, he believes there should be some type of requirement. Mr. LaGrotteria lives on Forrest Avenue and sees frequent foot traffic from the children who walk to school. He shovels the snow on his sidewalk and for some of his neighbors as well. But he has noticed an increase in the problem amongst other neighbors on his street and surrounding streets. The Mayor asked Mr. LaGrotteria if he could estimate a percentage of his neighbors who are not clearing the snow for the pedestrians and he responded with 25%. His main concern is in regard to the streets that feed into the schools. He is asking the Council to take a look at the matter and take the necessary steps to make sidewalk snow removal mandatory within 24 hours of a snowfall. He understands there are senior citizens and residents who are away for the winter, but feels there are plenty of arrangements that can be made for those individuals.

The Mayor noted that many towns that take this step will begin the process by making it mandatory for the local businesses to clean their sidewalks following snow. He suggested this as a starting place for the Borough. The Mayor also suggested checking with neighboring towns to see what policies and/or ordinances they have in effect regarding resident snow removal.

Councilman Day commented that the public be could be informed and asked to clean their sidewalks as a first step. He suggested a broadcast of sorts, including newsletter distribution, social media messaging, etc. as a means to relay the message.

Councilman Hemphill noted that this information/request could be included when the notice of winter parking goes out in late fall. It could also be posted on the marquee and on the public notice boards in Borough Hall.

Mr. LaGrotteria, along with Mayor and Council, all agreed that this is a step in the right direction. He thanked the Council for considering his request.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Conklin, the meeting adjourned at 4:45 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator