

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
January 12, 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 January 12, 2016 at 7:30 p.m.

Pledge of Allegiance.

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 December 8, 2015 and January 1, 2016 continued meetings were approved as written, copies having been forwarded to all Council members. All in favor.

**COMMUNICATIONS:**

---

**LETTER FROM THE BOARD OF CHOSEN FREEHOLDERS ADVISING THAT THE BOROUGH OF RUMSON WAS AWARDED A GRANT FUNDING PIPING ROCK PARK IMPROVEMENTS-PHASE 2 IN THE AMOUNT OF \$137,000:**

---

The Municipal Clerk/Administrator advised of a letter dated December 14, 2015 from the Board of Chosen Freeholders of Monmouth County regarding the Piping Rock Park Improvements-Phase 2 development project. The Borough of Rumson has been selected to receive full grant funding in the amount of \$137,000.

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

**LETTER FROM RUMSON FIRE COMPANY ADVISING OF THE RESULTS OF THE ELECTION OF OFFICERS FOR 2016:**

---

The Municipal Clerk/Administrator advised of the letter to the Mayor and Council from Robert Halligan, Secretary of Rumson Fire Company, regarding the election results from December 3, 2015. Ron Immesberger and Mike Trivett have been elected to represent the Department as Chief and Assistant Chief, respectively.

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

**CONSENT AGENDA:**

---

**LETTER FROM AQUA-TERRA ENVIRONMENTAL, INC. ADVISING OF AN APPLICATION ON BEHALF OF MR. AND MRS. EDWARD CUSHING TO THE STATE DEP FOR A FRESHWATER WETLANDS LETTER OF INTERPRETATION-LINE VERIFICATION FOR PROPERTY LOCATED AT 11 OSPREY LANE:**

---

The Municipal Clerk/Administrator advised of a letter dated December 8, 2015 from Aqua-Terra Environmental Inc. enclosing a revised application submitted to the NJDEP by Mr. and Mrs.

Cushing for 11 Osprey Lane—Block 126, Lot 10. The lot number was incorrect on previous application and needed to be revised.

**LETTER FROM AQUA-TERRA ENVIRONMENTAL, INC. ADVISING OF AN APPLICATION ON BEHALF OF ROBERT BURGER TO THE STATE DEP FOR A WATERFRONT DEVELOPMENT PERMIT TO LEGALIZE THE EXISTING BULKHEAD ON PROPERTY LOCATED AT 144 BLACKPOINT ROAD:**

---

The Municipal Clerk/Administrator advised of a letter dated December 12, 2015 from Aqua-Terra Environmental Inc. enclosing copies of a re-submitted application to the NJDEP by Mr. Burger of 378 Egret Avenue, Naples, FL. The letter was in regard to a waterfront development permit to legalize the existing bulkhead on property located at 144 Blackpoint Road.

On motion by Councilman Rubin, seconded by Councilman Day, the two (2) communications on the Consent Agenda were ordered received. All in favor.

**COMMITTEE REPORTS:**

---

None.

**UNFINISHED BUSINESS:**

---

None.

**NEW BUSINESS:**

---

**RESERVE APPROPRIATIONS TRANSFER RESOLUTION 2016-0112-25:**

---

**2016-0112-25**

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, N.J.S.A. 40A:4-59 states should it become necessary during the first three months of the following year to expend for certain purposes specified in the budget an amount in excess of the respective amounts appropriated therefore and there shall be an excess in one or more appropriations, the Governing Body may, by resolution, adopted by not less than 2/3 vote, transfer the amount of such excess to those appropriations deemed to be insufficient;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following transfers between 2015 Reserve Appropriations be and same are hereby approved:

To:	Legal Services Other Expenses		\$ 5,000.00
		Total	\$ 5,000.00
From:	Tax Assessment Other Expenses		\$ 5,000.00
		Total	\$ 5,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2015 accordingly.

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.

**RESOLUTION 2016-0112-26 AUTHORIZING A CONTRACT WITH VISITING NURSE ASSOCIATION HEALTH GROUP FOR 2016:**

---

**2016-0112-26**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the contract for the period of January 1, 2016 through December 31, 2016 with the Visiting Nurse Association of Central Jersey, Inc. (VNACJ) to provide the Borough of Rumson with State required public health services including public health nursing services at a fee of \$1,000.00 for the year; and

BE IT FURTHER RESOLVED that payment will be contingent upon funding in the municipal budget; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be authorized to sign the aforementioned 2016 public health services contract with the Visiting Nurse Association of Central Jersey, Inc.

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.

**RESOLUTION 2016-0112-27 AUTHORIZING NJ DEPARTMENT OF COMMUNITY AFFAIRS APPLICATIONS FOR POST-SANDY SRPR GRANTS:**

---

**2016-0112-27**

BOROUGH OF RUMSON  
IN THE COUNTY OF MONMOUTH  
AND STATE OF NEW JERSEY

RESOLUTION TO AUTHORIZE THE BOROUGH'S APPLICATIONS  
FOR POST-SANDY PLANNING ASSISTANCE GRANTS FROM  
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Governing Body of the Borough of Rumson, Monmouth County, desires to apply for and obtain two Post-Sandy Planning Assistance Grants from the New Jersey Department of Community Affairs (NJDCA); and

WHEREAS, the Borough of Rumson, Monmouth County has previously attended an orientation session held by NJDCA explaining the grant application process; and

WHEREAS, the Borough of Rumson, Monmouth County has successfully completed eight (8) previously awarded NJDCA grant projects; and

WHEREAS, the Borough of Rumson, Monmouth County has an outdated and inefficient file management system for important documents such as letters, permits, approvals, resolutions, etc.; and

WHEREAS, the Borough of Rumson, Monmouth County desires to develop a new Municipal Document Management System that will create standardized forms, a network based data framework for document retention, a network folder system to organize all documents by Block and Lot, and a link to the recently created GIS and permit programs; and

WHEREAS, the Borough of Rumson, Monmouth County intends to apply for Post-Sandy Planning Assistance Grant money to develop a Municipal Document Management System and requests \$30,000 towards that effort; and

WHEREAS, the Borough of Rumson, Monmouth County has paper and Mylar tax maps that are outdated and currently must be updated by hand; and



NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Mary L. Graves be hired effective January 16, 2016 at an hourly rate of \$15.00 per hours worked; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

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

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

In the negative: None.

Absent: None.

**RESOLUTION 2016-0112-29 AUTHORIZING APPOINTMENT OF RECREATION CREW COACHES FOR WINTER TRAINING SEASON:**

**2016-0112-29**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Rumson Recreation is in need of three (3) part-time Coaches for the Winter Recreation Crew Training Program that runs from December 7, 2015 through March 12, 2016; and

WHEREAS, it is the Recommendation of the Recreation Director to hire Amanda K. Duborow, Andrew Hudson and Christopher Seslar as part-time Coaches for the Winter Recreation Crew Training Program; and

WHEREAS, the Recreation Commission has approved this appointments;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the appointments of Amanda K. Duborow, Andrew Hudson and Christopher Seslar as Crew Coaches for the Winter Recreation Crew Training Program effective December 7, 2015; and

BE IT FURTHER RESOLVED that the Crew Coaches be paid \$20.00 for each hour worked for the Winter Recreation Crew Training Program; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Councilwoman Atwell 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 2016-0112-30 AUTHORIZING THE APPOINTMENT OF SUBSTITUTE SCHOOL CROSSING GUARD FOR THE REMAINDER OF 2015-2016 SCHOOL YEAR:**

**2016-0112-30**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the following citizen be appointed as a Substitute School Crossing Guard for the Remainder of the 2015-2016 School Year:

Charles M. Briethoff

BE IT FURTHER RESOLVED that Mr. Briethoff shall be paid at a rate of \$31.00 per diem for days worked; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution 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.

**RESOLUTION 2016-0112-31 AUTHORIZING THE RELEASE OF THE PERFORMANCE AND CASH BONDS FOR HOLY CROSS CHURCH:**

**2016-0112-31**

RESOLUTION

WHEREAS, in 2012 Holy Cross Church posted a performance bond in the amount of \$637,263.00 (Surety Bond No. S276593) and a cash bond in the amount of \$70,807.00 to guarantee site improvements associated with the March 5, 2012 Rumson Zoning Board of Adjustment approval for the Holy Cross Church Amended Preliminary and Final Major Site Plan. The bonds were posted in accordance with the Performance Guarantee Estimate dated April 3, 2012; and

WHEREAS, the Borough Engineer in a letter dated December 24, 2015, advised that all bonded site improvements covered by the performance guarantee have been completed; and

WHEREAS, the Borough Engineer, in a letter dated December 24, 2015, further recommended that the project's performance bond in the amount of \$637,263.00 and a performance cash bond in the amount of \$70,807.00 be released, subject to the posting of a maintenance bond in the amount of \$88,509.08; and

WHEREAS, said maintenance bond shall run for a two (2) year period from December 24, 2015;

WHEREAS, the Borough shall retain \$1,500 of inspection escrow for maintenance bond release after all invoices have been paid;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the performance bond in the amount of \$637,263.00 and the performance cash bond in the amount of \$70,807.00, subject to the posting of a two-year maintenance bond in the amount of \$88,509.08 and payment of all invoices for recent activities

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

The above Resolution was moved for adoption by Councilman Rubin. Motion seconded by Councilman Broderick and carried on the following roll call vote:

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

In the negative: None.

Abstain: Conklin.

Absent: None.

**ANNOUNCEMENT BY THE MAYOR:**

Mayor Ekdahl made the following Announcement:

Borough Hall will be closed on Monday, January 18<sup>th</sup> in observance of Dr. Martin Luther King, Jr.'s Birthday. However, there **will** be garbage collection on Monday, January 18<sup>th</sup>.

Have an enjoyable and safe holiday weekend.

Thank you.

**CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):**

Councilman Broderick offered the following resolution and moved its adoption:

\$	113.27	Red Bank Veterinary Hospital
\$	113.27	Animal Control Account
\$	10,000.00	Woodward Construction Co.
\$	10,000.00	Capital Account
\$	3,095.42	Allied Oil LLC
\$	885.87	Atlantic Tactical of NJ, Inc.
\$	8.05	Bain's Hardware Inc
\$	1,460.00	Barnabas Health Corp Care
\$	500.00	James E. Berube, Jr.
\$	2,068.00	Bob's Uniform Shop
\$	15.00	Tamila Bumback
\$	24.00	Butch's Auto Car Wash Inc
\$	1,640.00	Cleary Giacobbe Alfieri
\$	8,250.00	Connell Consulting, LLC
\$	4,072.00	Cross Over Networks
\$	4,019.52	Delta Dental of New Jersey Inc
\$	30.00	Carol Ann Dice
\$	1,525.20	Edwards Tire Co Inc
\$	136.69	Fair Haven Hardware Inc
\$	650.00	FBI-Leeda, Inc.
\$	25.84	FEDEX TechConnect Revenue Service
\$	3,409.14	First Priority Emergency
\$	1,114.81	Groff Tractor New Jersey, LLC
\$	400.00	Hoffman Services, Inc.
\$	98.45	Kepwel Natural Spring Water
\$	372.97	Lawes
\$	30.00	Melissa McGuire
\$	23.75	Treasurer, County of Monmouth
\$	153,973.64	Monmouth Municipal JIF
\$	35.38	Monmouth Truck Equipment
\$	15.00	Monmouth County Treasurer
\$	127.00	Municipal Record Service
\$	302.00	Neptune Door Company
\$	465.00	NJ Conference of Mayors
\$	90,264.94	State of NJ Pensions/Active
\$	46,400.22	State of NJ Pensions/Retiree
\$	526.05	PEP Express Parts
\$	120.00	Perry's Trophy Co., Inc.
\$	2,720.00	Precise Construction Company
\$	7,612.00	Pumping Services, Inc.
\$	7,917.00	Realty Data Systems, LLC
\$	138.02	Republic Services of NJ LLC
\$	18,625.00	Reussille Law Firm LLC
\$	1,845.49	Reussille Law Firm LLC
\$	655.00	Roy Press Printers
\$	52.00	Seaboard Welding Supply Inc
\$	185.00	Stewart Business Systems
\$	377.00	Michael B Steib PA
\$	30.00	Linda Strub

\$	5,442.00	Treasurer State of NJ
\$	68.20	The Two River Times
\$	1,759.34	US Rubber Supply
\$	250.00	VNA of Central Jersey
\$	11.63	George Wall Lincoln
\$	16,155.64	Woodward Construction Co.
\$	334.66	World Jeep Chrysler
<hr/>		
\$	298,683.81	Current Fund
<hr/>		
\$	400.00	Siciliano Landscape Co LLC
<hr/>		
\$	400.00	Endowment Inc Account
<hr/>		
\$	6,350.00	All American Mobile Marine
\$	6,922.87	Athlete's Alley
\$	650.00	Dorothy T. Bailey
\$	4,505.00	Concept2 CTS, Inc.
\$	27.69	Fair Haven Hardware Inc
\$	50.00	New Jersey Recreation &
\$	120.00	Kelly C. Senkeleski
\$	10,000.00	Woodward Construction Co.
<hr/>		
\$	28,625.56	Recreation Account
<hr/>		
\$	364.00	Michael B. Steib, PA
<hr/>		
\$	364.00	Trust Account
<hr/>		
\$	91,578.11	Current Fund Appropriations
\$	298,683.81	Current Fund Appropriations
\$	113.27	Animal Control Fund Expenses
\$	10,000.00	Capital Fund Disbursements
\$	400.00	Endowment Disbursements
\$	28,625.56	Recreation Disbursements
\$	364.00	Trust Fund – Other Expenses
<hr/>		
\$	429,764.75	Total Of All Funds

Resolution 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.

**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 residents responded:

Christine O'Rourke of 6 Sailors Way approached the Council to discuss her concerns about fracking waste in local drinking water. Ms. O'Rourke would like to bring awareness to the issue. She requested that the Borough be represented at an upcoming workshop in Neptune, which is being sponsored by the Neptune Environmental Commission, Food and Water Watch, and various other organizations. She thanked the Council for a resolution they passed in 2014 banning fracking wastewater in the Borough of Rumson. She is requesting an ordinance to enforce a ban on fracking wastewater in Rumson.

Jerry Haimowitz of 34A South Brook Drive, Eatontown approached the Council to elaborate on Ms. O'Rourke's concerns regarding the fracking wastewater, testing procedures and its dangers.

Mr. Haimowitz is a licensed professional engineer and board certified water specialist. He stated he holds the highest level of wastewater and drinking water licensing in the State of New Jersey. He also discussed the need for an ordinance in the Borough of Rumson.

Mayor Ekdahl questioned Mr. Haimowitz in regard to being able to enforce an ordinance of this nature.

Council Broderick asked a number of questions concerning New Jersey American Water's testing procedures.

Borough Engineer David Marks summarized that tonight's visit from these individuals is an effort to protect source drinking water and to have New Jersey American Water and the Department of Environmental Protection support the revisions, updates, etc. to the master drinking plan. But Borough of Rumson has no jurisdiction over that. He suggested that the best case would be an effort to rally political leaders in the State to support this. The Borough of Rumson cannot enforce what New Jersey American Water does or require that they do more testing.

Municipal Clerk/Administrator Tom Rogers commented that when a State body makes changes to rules and/or regulations, they are required to publish for public comment and that would be the time the application/change would be discussed publicly and the correct time to make recommendations.

Borough Attorney, Martin M. Barger stated that a resolution supporting a water supply master plan was sent to the State and recommended action of the State Legislature; an ordinance governing Rumson would not be supported by the State.

Christine O'Rourke of 6 Sailors Way spoke again and asked that the Borough of Rumson join the growing trend to protect the State's drinking water, just as the towns of Elizabeth and Carteret have.

Diane Burke of 147 Bingham Avenue thanked the Council for all that they do for the town. She then spoke on the dangers of the chemicals in this "produced" water.

Mayor Ekdahl addressed two students attending the Council meeting and offered the opportunity to speak or ask any questions of the Council they might have for their report on the Council meeting as a school assignment.

**ADJOURNMENT:**

---

On motion by Councilman Rubin, seconded by Councilman Hemphill, the meeting adjourned at 8:09 p.m. All in favor.

Respectfully submitted,

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