

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
January 13, 2015

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 13, 2015 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

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

Absent: Councilwoman Atwell.

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 2015 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Rubin, seconded by Councilman Day, the minutes of the January 1, 2015 Continued and Re-organization meetings were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM RUMSON REPUBLICAN COMMITTEE ADVISING OF THEIR SELECTION OF THREE NOMINEES FOR CONSIDERATION FOR THE BOROUGH COUNCIL VACANCY CREATED BY COUNCILMAN FRANK SHANLEY'S DECEMBER 31, 2014 RESIGNATION:

The Municipal Clerk/Administrator read the following letter dated January 9, 2015 from Douglas Spencer, Chairman of the Rumson Republican Committee:

Dear Mayor John E. Ekdahl and Council Members:

The Republican Committee met on January 8, 2015 for the purpose of selecting three (3) nominees to recommend to Council to fill the unexpired term created by Frank Shanley's recent resignation. A quorum was present.

On behalf of the Committee, I am pleased to present the following nominees for your consideration:

John Conklin III
Gary Casazza
John Lembeck

Very truly yours,

Doug Spencer, Chair
Rumson Republican Committee

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and the three nominees were accepted. All in favor.

MOTION TO CHANGE THE ORDER OF BUSINESS TO MAKE AN APPOINTMENT TO THE BOROUGH COUNCIL:

On motion by Councilman Hemphill, seconded by Councilman Rubin, the Order of Business was changed to make the appointment to fill the vacancy on the Borough Council. All in favor.

COMMENTS FROM THE PUBLIC:

Mayor Ekdahl afforded the public an opportunity to be heard at this time and no one responded.

CLOSED SESSION DISCUSSION:

On motion by Councilman Hemphill, seconded by Councilman Rubin, the meeting went into closed session at this time in order for the Borough Council to discuss the three Republican Committee nominees for the vacant Council position. All in favor.

Mayor Ekdahl stated that the process for the selection of the new member of the Borough Council was for the Council to go into closed session for a few minutes to discuss the nominees and asked all those present that were not members of the Council to leave the room and return after the discussion.

APPOINTMENT TO THE BOROUGH COUNCIL:

Councilman Rubin moved to appoint John J. Conklin, III as a member of the Borough Council to fill the unexpired term effective January 13, 2015, term to expire December 31, 2015. Motion seconded by Councilman Day and carried on the following roll call vote:

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

In the negative: None.

Absent: Atwell.

In answer to a question, Mayor Ekdahl stated that Mr. Conklin has been a member of the Zoning Board of Adjustment for over 18 years and served as Chairman for the last 12 years. He added that Mr. Conklin was anxious to serve as a member of the Council.

RETURN TO THE REGULAR ORDER OF BUSINESS:

On motion by Councilman Rubin, seconded by Councilman Broderick, the meeting returned to the Regular Order of Business. All in favor.

LETTER FROM DISPATCHER/CLASS II SPECIAL POLICE OFFICER BRIAN MILLER ADVISING OF HIS RESIGNATION EFFECTIVE DECEMBER 31, 2014:

The Municipal Clerk/Administrator advised of a letter dated January 5, 2015 from Brian Miller resigning his position as full-time Dispatcher/Class II Special Police Officer effective December 31, 2014. Mr. Miller stated his appreciation in his letter for the opportunities, guidance and support that he had received during his employment. The Municipal Clerk/Administrator reported that Mr. Miller has taken a full-time position with the Borough of Little Silver and we are sorry see him go.

Councilman Rubin thanked Mr. Miller for his service.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and Mr. Miller's resignation was accepted with regret. All in favor.

LETTER FROM ZONING BOARD SECRETARY FREDERICK ANDRÉ ADVISING OF THE RESIGNATION OF JAMES SYLVESTER AS ALTERNATE #2 OF THE ZONING BOARD OF ADJUSTMENT EFFECTIVE IMMEDIATELY:

The Municipal Clerk/Administrator advised of a letter from Frederick André, Secretary of the Zoning Board of Adjustment, reporting that James Sylvester has resigned his position as Alternate #2 of the Zoning Board effective immediately.

Mayor Ekdahl stated that Mr. Sylvester has taken a position with the Ansell law firm and that there was a conflict whenever his firm represented a client coming before the Zoning Board. He added that the members of the Board liked Mr. Sylvester and that he would be missed.

Councilman Hemphill wished Mr. Sylvester well.

On motion by Councilman Hemphill, seconded by Councilman Broderick, this communication was ordered received and Mr. Sylvester's resignation was accepted with regret. All in favor.

LETTER FROM BOROUGH ENGINEER DAVID MARKS ADVISING THAT THE BOROUGH OF RUMSON HAS BEEN AWARDED A "POST SANDY PLANNING ASSISTANCE GRANT" IN THE AMOUNT OF \$20,000 FROM THE STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR PHASE 2 OF THE DEBRIS MANAGEMENT STRATEGIC RECOVERY PLANNING REPORT:

The Municipal Clerk/Administrator advised of a letter dated January 8, 2015 from Borough Engineer David Marks reporting that the Borough of Rumson has been awarded another "Post Sandy Planning Assistance Grant" in the amount of \$20,000.00 from the State of New Jersey Department of Community Affairs for Phase I of the Debris Management Strategic Recovery Planning Report.

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

LETTER FROM THE NJ OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF STATE POLICE ADVISING OF THE AWARD OF A HAZARD MITIGATION GRANT FOR A GENERATOR PROJECT FROM FEMA IN THE AMOUNT OF \$220,000.00 (FEDERAL SHARE OF \$208,000.00 AND NON-FEDERAL SHARE OF \$12,000.00):

The Municipal Clerk/Administrator advised of a letter dated January 7, 2015 from the New Jersey Office of the Attorney General Department of Law and Public Safety Division of State Police reporting that the Borough has been awarded a Hazard Mitigation Grant for a generator project from FEMA in the amount of \$220,000.00 (Federal share of \$208,000.00 and non-Federal share of \$12,000.00). He explained that the Borough had applied for the Grant in January of 2013, it had been approved by the County and the State, and we just received word yesterday that FEMA approved it and we can now begin the project.

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

CONSENT AGENDA:

LETTER FROM MASER CONSULTING, P.A. ADVISING OF AN APPLICATION ON BEHALF OF DR. RICHARD RHEE TO THE STATE OF NJ DEP FOR A WATERFRONT DEVELOPMENT PERMIT FOR THE LEGALIZATION OF A DOCK ON OYSTER BAY ON PROPERTY LOCATED AT 15 SHREWSBURY DRIVE:

The Municipal Clerk/Administrator advised of a letter from Maser Consulting, P.A. advising of an application on behalf of Dr. Richard Rhee to the State of New Jersey Department of Environmental Protection for a Waterfront Development Permit for the legalization of a dock on Oyster Bay on property located at 15 Shrewsbury Drive.

LETTER FROM MAKOFKA ENVIRONMENTAL CONSULTING, LLC ON BEHALF OF BERNADINE J. LAKEFIELD REVOCABLE TRUST FOR A CAFRA GENERAL PERMIT # 9 FOR THE DEMOLITION OF THE SANDY DAMAGED HOUSE AND CONSTRUCTION OF A NEW HOUSE WITHIN 150 FEET OF THE MEAN HIGH WATER LINE ON PROPERTY LOCATED AT 13 HARBOR DRIVE:

The Municipal Clerk/Administrator advised of a letter from Makofka Environmental Consulting, LLC on behalf of Bernadine J. Lakefield Revocable Trust for a CAFRA General Permit # 9 for the demolition of the Sandy damaged house and construction of a new house within 150 feet of the mean high water line on property located at 13 Harbor Drive.

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

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2015-0113-20 AUTHORIZING THE CONTRACT WITH THE VISITING NURSE ASSOCIATION OF CENTRAL JERSEY FOR SERVICES IN 2015:

2015-0113-20

Councilman Hemphill 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, 2015 through December 31, 2015 with the Visiting Nurse Association of Central Jersey (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 2015 public health services contract with the Visiting Nurse Association of Central Jersey.

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

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

In the negative: None.

Absent: Atwell.

RESOLUTION 2015-0113-21 AUTHORIZING THE ADOPTION OF THE MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND (MONMOUTH JIF) SAFETY AND COMPLIANCE PROGRAM FOR 2015:

2015-0113-21

BOROUGH OF RUMSON
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

RESOLUTION ACCEPTING AND ADOPTING
THE MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND –
SAFETY AND COMPLIANCE PROGRAM

WHEREAS, the Borough of Rumson is a member of the Monmouth County Municipal Joint Insurance Fund (Monmouth JIF); and

WHEREAS, it is the policy of the Monmouth JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the Monmouth JIF endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment free from any recognized hazards; and

WHEREAS, the Monmouth JIF endeavors to ensure that all of their members are in compliance with applicable safety and health requirements; and

WHEREAS, the Monmouth JIF has established a SAFETY AND COMPLIANCE PROGRAM, which should succeed in providing a safe, healthful and pleasant environment; and

WHEREAS, the Municipal Clerk/Administrator of the Borough of Rumson has reviewed this SAFETY AND COMPLIANCE PROGRAM and has recommended its adoption by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson, County of Monmouth, State of New Jersey that the Monmouth County Municipal Joint Insurance Fund SAFETY AND COMPLIANCE PROGRAM be adopted by the Borough of Rumson.

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

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

In the negative: None.

Absent: Atwell.

RESERVE APPROPRIATION TRANSFER RESOLUTION 2015-0113-22:

2015-0113-22

Councilman Rubin 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 2014 Reserve Appropriations be and same are hereby approved:

To:	Public Buildings Other Expenses		\$ 6,000.00
		Total	\$ 6,000.00
From:	Street Department Salary & Wages		\$ 6,000.00
		Total	\$ 6,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2014 accordingly.

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

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

In the negative: None.

Absent: Atwell.

RESOLUTION 2015-0113-23 AUTHORIZING THE AWARD OF A CONTRACT TO T & M ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$20,000 FOR THE PREPARATION OF PHASE 2 OF THE BOROUGH'S DEBRIS MANAGEMENT STRATEGIC RECOVERY PLANNING REPORT:

2015-0113-23

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson has a Borough Engineer, T & M Associates, Inc., that was appointed in a fair and open process on August 1, 2014 for a one-year term; and

WHEREAS, the Borough's contract with T & M Associates, Inc. allows for special projects to be billed according to the rate schedule set forth in that annual contract; and

WHEREAS, T & M Associates has agreed to complete Phase 2 of the Borough's Debris Management Strategic Recovery Planning Report for an amount not to exceed \$20,000.00; and

WHEREAS, funds are available to award a contract for the services to prepare Phase 2 of the Debris Management Strategic Recovery Planning Report from the "Post Sandy Planning Assistance Grant" in the amount of \$20,000.00 awarded to the Borough of Rumson from the State of New Jersey Department of Community Affairs;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Rumson that it does hereby accept authorize and award a special project to T & M Associates, Inc., 11 Tindall Road, Middletown, NJ 07748, in an amount not to exceed \$20,000.00 for the preparation of Phase 2 of the Borough's Debris Management Strategic Recovery Planning Report for the Borough; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to send a letter directing T & M Associates, Inc. to proceed on the project.

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

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

In the negative: None.

Absent: Atwell.

APPOINTMENT:

APPOINTMENT OF Benedict J. Torcivia, Jr. as Alternate #2 Member of the Zoning Board of Adjustment

Mayor Ekdahl recommended the appointment of Benedict J. Torcivia, Jr. as Alternate #2 Member of the Zoning Board of Adjustment effective January 13, 2015.

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

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

In the negative: None.

Absent: Atwell.

ANNOUNCEMENT BY THE MAYOR:

Mayor Ekdahl made the following Announcement:

Borough Hall will be closed on Monday, January 19th in observance of Dr. Martin Luther

King, Jr.'s Birthday. However, there **will** be garbage collection on Monday, January 19th.

Have an enjoyable and safe holiday weekend.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	250.00	Kerry Gowan
\$	1,460.00	Monmouth County SPCA
\$	196.00	Red Bank Veterinary Hospital
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\$	1,906.00	Animal Control Account
\$	2,660.48	Mark R Aikins LLC &
\$	2,584.35	John I Frederick Esq &
\$	1,828.54	Jennifer R Jacobus Esq &
\$	2,492.93	Jennifer R Jacobus Esq &
\$	986.39	Jennifer R Jacobus Esq &
\$	935.39	Jennifer R Jacobus Esq &
\$	8,800.60	Jason Lustbader Esq &
\$	1,439.08	Eric Salant Esq &
\$	3,348.19	Thomas J Sateary Esq &
\$	2,957.49	Allied Oil LLC
\$	600.00	All in One Services
\$	1,444.60	Americanwear Indust Uniforms
\$	105.00	American Public Works Assn
\$	127.50	AR Communications
\$	110.00	Asbury Park Press
\$	89.02	Bain's Hardware Inc
\$	496.45	Bob's Uniform Shop
\$	676.26	Robert Boyer
\$	64.00	Butch's Auto Car Wash Inc
\$	400.00	Congregation B'Nai Israel
\$	3,561.00	Custom Tire Associates
\$	4,095.36	Delta Dental of New Jersey Inc
\$	129,800.63	Depository Trust Company
\$	157.07	Detcon
\$	1,068.55	Direct Energy Business
\$	104.50	Eastern Surplus & Equip Co
\$	1,250.00	ELSAG North America
\$	317.82	Fastenal Co
\$	100.00	FBI – LEEDA Inc
\$	36.60	FEDEX Techconnect Revenue Serv
\$	90.00	Glenco Supply Inc
\$	200.00	GPANJ Inc
\$	106.56	WW Grainger Inc
\$	1,000.00	Dr Raymond F Hanbury
\$	750.00	Hoffman Services Inc
\$	230.18	Hoover Truck Centers Inc
\$	996.25	Independence Constructors Inc
\$	3,060.00	PowerDMS Inc
\$	959.60	Interstate Battery
\$	458.60	Johnny on the Spot Inc
\$	870.25	Level 3 Communications LLC
\$	220.24	Mid-Atlantic Truck Centre Inc
\$	159,207.37	Monmouth Municipal JIF
\$	21,036.92	Treasurer County of Monmouth
\$	123.81	Sigman USA LLC DBA Mytarp.com
\$	18.63	Naylor's Auto Parts
\$	218.17	NJ Natural Gas Co
\$	150.00	NJ Motor Vehicle Commission
\$	664.00	NJ State League of Municipalities
\$	90,952.07	State of NJ Pensions/Active
\$	43,092.58	State of NJ Pensions/Retiree

\$	330.00	Colleen P O'Connor
\$	134.74	One Call Concepts
\$	15,190.00	Overbrook Farm
\$	80.00	PEP Express Parts
\$	290.00	Re-Action Auto Glass
\$	1,845.41	Reussille Law Firm LLC
\$	1,443.34	Ricoh USA Inc
\$	2,016,016.83	Rumson Elementary School Dist
\$	2,154,462.67	RFH Regional High School
\$	1,153.04	Tony Sanchez Ltd
\$	553.19	Donald Schneider
\$	48.00	Seaboard Welding Supply Inc
\$	351.76	Shore Security Technologies
\$	1,500.00	Suasion Communications Grp LLC
\$	2,195.00	Targeted Technologies LLC
\$	100.00	Tax Collectors & Treasurers
\$	114.96	Timmerman Equipment Company
\$	6,319.33	Treasurer State of NJ
\$	150.00	Treasurer State of NJ
\$	134.99	Verizon Business Fios
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\$	4,699,456.29	Current Fund
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\$	261.70	Novelty Lights
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\$	261.70	Endowment Inc Account
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\$	60.00	Kelly C Senkeleski
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\$	60.00	Recreation Account
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\$	494.00	Michael B Steib PA
\$	201.53	T & M Associates
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\$	695.53	Trust Account
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\$	65,430.99	Current Fund Appropriations
\$	4,634,025.30	Current Fund Appropriations
\$	1,906.00	Animal Control Fund Expenses
\$	261.70	Endowment Disbursements
\$	60.00	Recreation Disbursements
\$	695.53	Trust Fund – Other Expenses
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\$	4,702,379.52	Total Of All Funds

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

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

In the negative: None.

Absent: Atwell.

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 no one responded.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Day, the meeting adjourned at 7:45 p.m. All in favor.

Respectfully submitted,

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