

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
July 28, 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 July 28, 2015 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 2015 to the *Asbury Park Press* and the *Two River Times*.

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

COMMUNICATIONS:

LETTER FROM ENVIRONMENTAL PROPERTY ASSESSMENTS, LLC ADVISING OF AN APPLICATION ON BEHALF OF CHARLES PUTH TO THE STATE DEP FOR A FRESHWATER WETLANDS GENERAL PERMIT NO. 17 TO ESTABLISH A PRIVATE PEDESTRIAN TRAIL FROM THE RESIDENCE TO THE WATERFRONT, WHICH WAS A CONDITION OF THE WATERFRONT DEVELOPMENT PERMIT FOR THE DOCK, ON PROPERTY LOCATED AT 28 OSPREY LANE:

The Municipal Clerk/Administrator advised of a letter dated July 23, 2015 from Environmental Property Assessments, LLC on behalf of Charles Puth. The letter advised of an application submitted to the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation for a Freshwater Wetlands General Permit No. 17 to establish a private pedestrian trail from the residence to the waterfront, which was a condition of the Waterfront Development Permit for the dock on property located at 28 Osprey Lane.

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

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2015-0728-106 AUTHORIZING THE AWARD OF A CONTRACT FOR BOROUGH ENGINEERING AND PLANNING SERVICES TO DAVID MARKS, PE, CME, STANLEY SLACHETKA, PP, AICP AND T & M ASSOCIATES, INC. FOR A PERIOD OF ONE YEAR EFFECTIVE AUGUST 1, 2015:

The Municipal Clerk/Administrator advised that the Borough solicited Requests for Proposals for the Borough's engineering and planning services for 2015-2016 and received three proposals on Tuesday, July 14, 2015 from the following three (3) New Jersey firms: Najarian Associates of Eatontown, Suburban Consulting Engineers, Inc. of Wall and T & M Associates, Inc. of Middletown. After review of the proposals, the Engineering Committee and Borough Council agreed that the contract be awarded to David Marks, PE, CME, Stanley Slachetka, PP, AICP and T & M Associates, Inc. effective August 1, 2015 through July 31, 2016.

2015-0728-106

BOROUGH OF RUMSON

RESOLUTION

APPOINTING MUNICIPAL CONSULTING ENGINEERS AND PLANNERS

WHEREAS, N.J.S.A 40A:9-140 provides that in every municipality the governing body shall provide for appointment of a municipal engineer and fix his compensation in an annual salary or fixed fee basis or at an hourly rate and based upon actual time and expenses agreed on prior to the rendering of the services; and

WHEREAS, there exists the need for a firm and qualified licensed individuals to provide various engineering and planning services for the Borough of Rumson, County of Monmouth, State of New Jersey; and

WHEREAS, the Borough wishes to award a contract for these services by following a "fair and open process," as defined by N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the retention of such a professional without competitive bidding; however, this contract is being let pursuant to a "fair and open process" for submission of qualifications as per N.J.S.A 19:44A-20.5, with the Borough to determine and select the most advantageous professional with due consideration of qualifications, experience and other factors; and

WHEREAS, the Borough publicly advertised for this contract by posting a Request for Qualifications ten (10) days prior to the award of the contract, in order to qualify persons and/or firms that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) obtain the terms and conditions determined by the Borough to provide the greatest benefit to the taxpayers of the Borough of Rumson; and

WHEREAS, after reviewing the responses to the Request for Qualifications, the Borough has determined that T & M Associates, Inc., specifically David Marks, PE, CME and Stanley Slachetka, PP, AICP, have demonstrated the capability and willingness to provide high quality services to the citizens of the Borough in the manner described in the Request for Qualifications; and

WHEREAS, T & M Associates, Inc. have agreed to provide the necessary Municipal Consulting Engineering and Planning services for a one-year period effective August 1, 2015 through July 31, 2016; and

WHEREAS, funds are available for this purpose and a certification of availability of funds shall be provided by the Borough Chief Financial Officer prior to any funds being expended, and by way of submission of purchase orders/invoices generated as services are rendered; and

WHEREAS, the Borough Attorney is satisfied that said certification is in proper form; and

NOW, THEREFORE, BE IT RESOLVED on this 28th day of July, 2015, by the Borough Council of the Borough of Rumson, County of Monmouth, State of New Jersey, that:

- David Marks, PE, CME and Stanley Slachetka, PP, AICP and T & M Associates, Inc. are appointed as the Municipal Consulting Engineers and Planners for a one-year term, ending July 31, 2016.
- Fees for Municipal Consulting Engineering and Planning Services shall be paid in such amounts as may be authorized by the Borough, to be charged to the appropriate account as services are rendered.

BE IT FURTHER RESOLVED that the Mayor and Borough Administrator are hereby authorized to sign and execute the contract between the Borough of Rumson and David Marks, PE, CME and Stanley Slachetka, PP, AICP and T &M Associates, Inc. for the provision of Consulting Engineering and Planning services as requested by the Borough during the year 2014 pursuant to the terms and conditions as set forth in the Contact with the rates schedule as set forth in the David Marks, PE, CME and Stanley Slachetka, PP, AICP and T &M Associates, Inc. Request for Qualifications; and

BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as a “professional service contract” in accordance with N.J.S.A. 40A:11-5(2) of the Local Public Contracts Law for services performed by persons practicing a recognized profession, that being professional engineering and planning services. This contract is being let pursuant to a “fair and open process” as per N.J.S.A. 19:44A-20.5.

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: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

RESOLUTION 2015-0728-107 AUTHORIZING THE APPROVAL OF THE RENEWAL OF THE RUMSON COUNTRY CLUB PLENARY RETAIL CONSUMPTION LIQUOR LICENSE FOR THE YEAR 2015-2016:

2015-0728-107

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby certifies that it has no objection to and supports the State Division of Alcoholic Beverage Control issuing the renewal of the Plenary Retail Consumption liquor license for the year 2015-2016 for the Rumson Country Club, 163 Rumson Road (at Clubway), Rumson, N.J. (State Assigned License #1342-33-005-009).

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

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

In the negative: None.

Abstain: Broderick and Conklin.

Absent: None.

RESOLUTION 2015-0728-108 AUTHORIZING THE APPROVAL OF THE RENEWAL OF THE EIGHT (8) PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE YEAR 2015-2016:

2015-0728-108

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 renewal of the following Plenary Retail Consumption Liquor Licenses for the year 2015-2016:

1. Sing Song, Inc., T/A Barnacle Bill’s Restaurant, 1 First Street, Rumson, N.J. (State Assigned License #1342-33-004-003);

2. Beefeater, Inc., T/A What's Your Beef, 21-23 West River Road, Rumson, N.J. (State Assigned License #1342-33-013-003);
3. Two River Partners, LLC, T/A Undici, 11 West River Road, Rumson, N.J. (State Assigned License #1342-33-006-005);
4. Ridge Road Restaurant, LLC, T/A David Burke Fromagerie, 26 Ridge Road, Rumson, N.J. (State Assigned License #1342-33-009-002);
5. Trained Monkeys, LLC, T/A Murphy's Tavern, 17 Ward Lane, Rumson, N.J. (State Assigned License #1342-33-007-005);
6. Salt Creek, L.L.C., T/A Salt Creek Grille, 4 Bingham Avenue, Rumson, N.J. (State Assigned License #1342-33-010-005);
7. Round Lake Partners, LLC, T/A Val's Tavern, 123 East River Road, Rumson, N.J. (State Assigned License #1342-33-003-004);
8. Scooter 2, LLC, T/A Molly Maguire's Blackpoint Inn, 132 East River Road, Rumson, N.J. 07760 (State Assigned License #1342-32-002-006).

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 2015-0728-109 AUTHORIZING THE APPROVAL OF THE RENEWAL OF THE TWO (2) PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR THE YEAR 2015-2016:

2015-0728-109

Councilman Day offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the renewal of the following Plenary Retail Distribution Liquor License for the year 2015-2016:

1. Rumson Wine & Spirits Shop, Inc., T/A Rumson Buy-Rite, 5 West River Road, Rumson, N.J. (State Assigned License #1342-44-011-006);
2. Brennan's Delicatessen at Rumson L.L.C., T/A Brennan's Delicatessen, L.L.C. 42-44 West River Road, Rumson, N.J. (State Assigned License #1342-44-001-005).

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 2015-0728-110 AUTHORIZING THE SEAVIEW AVENUE IN MONMOUTH BEACH LITIGATION SETTLEMENT BETWEEN THE BOROUGH OF RUMSON AND THE TWO RIVERS WATER RECLAMATION:

2015-0728-110

BOROUGH OF RUMSON

SEAVIEW AVENUE LITIGATION SETTLEMENT
AUTHORIZATION RESOLUTION

WHEREAS, Litigation commenced between the Borough of Rumson and the Two Rivers Water Reclamation Authority (TRWRA) in Monmouth Beach due to a pipe and manhole failure on Seaview Avenue in Monmouth Beach; and

WHEREAS, the Borough of Rumson sewage flows through a portion of Sea Bright and Monmouth Beach to the TRWRA facility for treatment; and

WHEREAS, the TRWRA repaired the pipe in question; and

WHEREAS, the Borough of Rumson Administration and the TRWRA Administration recommend that the litigation be settled between the parties; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the litigation between the Borough of Rumson and the Two Rivers Water Reclamation Authority be settled pursuant to the agreed upon terms on file in the Borough Administrator's office; and

BE IT FURTHER RESOLVED that the Borough Attorney be authorized to sign a stipulation of dismissal for the litigation between the Borough of Rumson and the TRWRA for the Seaview Avenue Repair Project; and

BE IT FURTHER RESOLVED that the Borough Administrator and the Chief Financial Officer be authorized to process payment after the Authority approves the Agreement formally; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forward to the Two Rivers Water Reclamation Authority, Borough Attorney Martin M. Barger and the Borough Chief Financial Officer.

The above Resolution was moved for adoption by Councilman Hemphill. Motion 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.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Reports disclosed the following as of June 30, 2015:

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

Analysis of Cash for the Month Ending: June 30, 2015

Funds	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
1. CURRENT FUND				
Current Fund Checking	\$ 21,375,738.06	\$ 619,984.73	\$ (862,718.93)	\$ 21,133,003.86
Change Funds	\$ 300.00	\$ 0.00	\$ 0.00	\$ 300.00
Certificates of Deposit	\$ 0.00	\$ 0.00	\$ 0.00	\$ —
Total Current Fund	\$ 21,376,038.06	\$ 619,984.73	\$ (862,718.93)	\$ 21,133,303.86
2. CAPITAL FUND				
Capital Fund Checking	\$ 3,436,223.78	\$ 0.00	\$ (46,986.00)	\$ 3,389,237.78
2007 Capital Improvement Bond Proceeds	\$ 165,270.83	\$ 0.00	\$ 0.00	\$ 165,270.83
Total Capital Fund	\$ 3,601,494.61	\$ 0.00	\$ (46,986.00)	\$ 3,554,508.61
3. PAYROLL & PAYROLL AGENCY				
Payroll	\$ 2,981.86	\$ 287,282.31	\$ (287,282.31)	\$ 2,981.86
Payroll Agency	\$ 10,905.91	\$ 182,536.47	\$ (182,536.47)	\$ 10,905.91
Total Payroll & Payroll Agency	\$ 13,887.77	\$ 469,818.78	\$ (469,818.78)	\$ 13,887.77

4. TRUST FUNDS				
Trust Fund Checking	\$ 804,511.01	\$ (993.16)	\$ (600.69)	\$ 802,917.16
Unemployment Trust	\$ 94,012.92	\$ 3,703.39	\$ 0.00	\$ 97,716.31
Recreation Trust	\$ 464,328.94	\$ 46,440.00	\$ (7,531.49)	\$ 503,237.45
C.O.A.H. Trust	\$ 1,868,744.80	\$ 24,369.68	\$ (5,629.72)	\$ 1,887,484.76
Law Enforcement Trust Fund	\$ 434.36	\$.28	\$ 0.00	\$ 434.64
D.A.R.E.	\$ 12,977.92	\$ 7.79	\$ (1,855.25)	\$ 11,130.46
Cafeteria Plan	\$ 10,776.87	\$ 0.00	\$ (727.75)	\$ 10,049.12
Animal Control Trust Fund	\$ 23,918.23	\$ 277.00	\$ (319.40)	\$ 23,875.83
Public Assistance Trust Fund	\$ 839.35	\$ 0.00	\$ 0.00	\$ 839.35
Total Trust Funds	\$ 3,280,544.40	\$ 73,804.98	\$ (16,664.30)	\$ 3,337,685.08
TOTAL ALL FUNDS	\$ 28,271,964.84	\$ 1,163,608.49	\$ (1,396,188.01)	\$ 28,039,385.32

Respectfully submitted by:

Helen L. Graves

Helen L. Graves, Chief Financial Officer

On motion by Councilman Hemphill, seconded by Councilman Day, 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:

\$	7,087.92	Great Openings
\$	5,400.00	Stephan L Green Trailers
<hr/>		
\$	12,487.92	Capital Account
\$	494.00	Michael B Steib PA
\$	2,088.11	Jeffrey R Surenian & Assoc LLC
<hr/>		
\$	2,582.11	COAH Trust Fund
\$	2,405.51	Michael J Conversy Esq &
\$	1,930.53	RS Gasiorowski Esq &
\$	3,101.95	Jason Lustbader Esq &
\$	510.50	Bayshore Fire & Safety LLC
\$	750.00	Becker Tree Service
\$	1,540.00	Central Boiler Repair Co Inc
\$	118.38	Circle Chevrolet Inc
\$	2,806.40	Cleary Giacobbe Alfieri
\$	121.01	Comcast of Monmouth
\$	4,095.36	Delta Dental of New Jersey Inc
\$	80.00	Eastern Surplus & Equip Co
\$	176.86	Fastenal Co
\$	120.00	Jane F Hartman
\$	99.00	Institute for Professional Dev
\$	10,923.59	JCP&L
\$	645.40	Johnny on the Spot Inc
\$	1,323.84	John Deere Landscaping
\$	60.00	Peter Koenig
\$	12.00	Margaret Kristjen
\$	872.43	Level 3 Communications LLC
\$	350.00	McCarter & English LLP
\$	588.34	Mid-Atlantic Truck Centre Inc
\$	108.76	Monmouth Truck Equipment
\$	116.14	Naylor's Auto Parts
\$	85.99	Neopost USA Inc
\$	6,044.90	New Jersey American Water
\$	210.77	NJ Natural Gas Co

\$	105.00	PEP Express Parts
\$	299.14	PFRS
\$	2,466.00	Realty Data Systems LLC
\$	1,209.49	Republic Services of NJ LLC
\$	21,345.00	Reussille Law Firm LLC
\$	721.67	Ricoh USA Inc
\$	170.40	Sickles Market
\$	5,500.00	Spatial Data Logic Inc
\$	250.00	State Shorthand Reporting Serv
\$	125.90	Stavola Asphalt Co Inc
\$	733.80	State of NJ Treasurer
\$	39.00	Michael B Steib PA
\$	350.00	Stewart's Plumbing
\$	255.00	Stewart Business Systems
\$	6,834.00	Targeted Technologies LLC
\$	795.05	Timmerman Equipment Company
\$	12.09	The Two River Times
\$	2,500.00	United States Postage Service
\$	285.21	Verizon
\$	2,510.06	Verizon Wireless
\$	134.99	Verizon Business Fios
\$	50.00	Wageworks
\$	394.41	George Wall Lincoln
\$	252.88	Warshauer Electric Supply
\$	360.00	Thomson Reuters – West
\$	666.28	Winter Equipment Co
\$	38.16	World Jeep Chrysler
<hr/>		
\$	87,601.19	Current Fund
<hr/>		
\$	1,133.19	James D Boyce Associates
<hr/>		
\$	1,133.19	Endowment Inc Account
<hr/>		
\$	394.50	Athlete's Alley
\$	5,000.00	Bucknell University
\$	59.02	Fair Haven Hardware Inc
\$	7,560.00	New Logic LLC
\$	162.50	NJ Wildcats
\$	369.15	Oriental Trading Company Inc
\$	181.88	Sarah Orsay
\$	2,841.25	Kevin T Pfister
\$	3,000.00	Play-Well Teknologies
\$	1,596.30	S & S Worldwide Inc
\$	1,365.00	Alex Stein
\$	4,437.00	Julia A Vaccarelli
\$	250.00	John Werner Jr
\$	48.04	Zachary Wilson
<hr/>		
\$	27,264.64	Recreation Account
<hr/>		
\$	1,073.87	T & M Associates
<hr/>		
\$	1,073.87	Trust Account
<hr/>		
\$	3,283.58	NJ Department of Labor
<hr/>		
\$	3,283.58	Unemployment Account
<hr/>		
\$	2,806.40	Current Fund Appropriations
\$	84,794.79	Current Fund Appropriations
\$	12,487.92	Capital Fund Disbursements
\$	1,133.19	Endowment Disbursements
\$	27,264.64	Recreation Disbursements
\$	3,655.98	Trust Fund – Other Expenses
\$	3,283.58	Unemployment Disbursements
<hr/>		
\$	135,426.50	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:

John Sullivan of 100 Bingham Avenue stated that he wanted to thank Tom Rogers and Dave Marks for supplying the copy of the Arborist's report on the Washington Street trees to his wife and him. He stated that it was his understanding that the Borough would be sending out the letter discussing the final disposition on the trees and easements this week.

Municipal Clerk/Administrator Tom Rogers stated that he hoped to get the letters out. He added that the contractor would be completing the work on Center Street this week and has requested that the Borough allow him to complete a project in another town before school opens and then begin work on Washington Street after that completion. The Municipal Clerk/Administrator stated that the Borough had agreed to the contractor's request, which would allow the Borough Attorney and him to work with the Borough Engineer to complete the preparation of the easements for certain residents.

The Municipal Clerk/Administrator reported on the status of the Borough Paving Project and the parts that the contractor would complete prior to going to the project in the other town:

- Avenue of Two Rivers was final paved today
- Ward Lane has been final paved
- Center Street would be finished
- Deane-Porter School parking lot would be finished

He added that Washington Street would be completed when the contractor returned in September and that would allow the time needed to work with the residents for the easements.

Mr. Sullivan stated that the possibility had been discussed of having appropriately small replacement trees planted and he hoped that the offer was still on the table.

Mayor Ekdahl stated that the Rumson Shade Tree Commission would decide what species of tree would be appropriate for planting in the area between the sidewalk and curb and then a create a list of five (5) or so types of trees that would work on the property for those residents who requested them.

Mr. Sullivan stated his concern was for the properties that front on Bingham Avenue and have their rear yard on Washington Street, as in his case, to be able to plant a small tree on Washington. He thanked the Mayor and Council.

Mayor Ekdahl thanked Mr. Sullivan.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Hemphill, the meeting adjourned at 7:38 p.m. All in favor.

Respectfully submitted,

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