

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
March 24, 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 March 24, 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 not 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 THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION ADVISING OF THEIR AERIAL SURVEILLANCE AND TREATMENT PROGRAM TO BEGIN ON OR ABOUT APRIL 1, 2015 AND CONTINUE THROUGH NOVEMBER 30, 2015 AND REQUESTING THAT THE BOROUGH COUNCIL ADOPT A RESOLUTION AUTHORIZING THE AERIAL SURVEILLANCE AND TREATMENT PROGRAM FOR 2015:

The Municipal Clerk/Administrator advised of a letter dated March 10, 2015 from Victoria Thompson, Acting Superintendent of the County of Monmouth Mosquito Control Division (formerly Monmouth County Mosquito Extermination Commission), advising that they will resume their annual aerial surveillance and treatment program in the County on or about April 1st and continue through November 30th for the “congested” areas in the various municipalities. Ms. Thompson requested in her letter that the Borough adopt and forward a copy of a Resolution giving the Division the authority to conduct the surveillance and treatment for Rumson. She noted that each time the Division undertook an application, the local police department would notified beforehand.

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

LETTER FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ADVISING THAT A PUBLIC NOTICE WILL BE PUBLISHED IN THE *ASBURY PARK PRESS* ON MARCH 26TH AND APRIL 2ND AND THE *TWO RIVER TIMES* ON MARCH 27TH AND APRIL 3RD REGARDING THE PROPOSED FLOOD HAZARD DETERMINATIONS AND THE APPEAL PROCESS FOR THE 90-DAY APPEAL PERIOD BEGINNING ON THE DATE OF THE FINAL PUBLICATION ON APRIL 3RD:

The Municipal Clerk/Administrator advised of a letter to Mayor Ekdahl dated March 19, 2015 from the Federal Insurance and Mitigation Administration of the Federal Emergency Management Agency (FEMA) advising of the publication of a Public Notice in the *Asbury Park Press* on March 26th and April 2nd and in the *Two River Times* on March 27th and April 3rd regarding the proposed flood hazard determinations and the appeal process for the 90-day appeal period that begins on the date of the final publication on April 3rd.

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:

INTRODUCTION OF BOND ORDINANCE 15-002 TO AMEND A BOND ORDINANCE FINALLY ADOPTED FEBRUARY 26, 2013 FOR VARIOUS IMPROVEMENTS IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, APRIL 14, 2015 AT 7:30 P.M.:

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

15-002

BOND ORDINANCE AMENDING A BOND ORDINANCE FINALLY ADOPTED FEBRUARY 26, 2013 BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR CHANGES THEREIN

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The bond ordinance of the Borough of Rumson, in the County of Monmouth, New Jersey (the "Borough"), finally adopted February 26, 2013 and entitled, "BOND ORDINANCE APPROPRIATING \$1,500,000 AND AUTHORIZING \$1,425,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY" (the "Original Ordinance"), is hereby amended as follows:

(i) all references in the Original Ordinance to the appropriation of "\$1,500,000" are hereby deleted and "\$2,005,000" is substituted in lieu thereof.

(ii) all references in the Original Ordinance to the authorized principal amount of the bonds of "\$1,425,000" are hereby deleted and "\$1,587,005" is substituted in lieu thereof.

(iii) Section 1 of the Original Ordinance is hereby amended to read in its entirety as follows:

"Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Rumson, New Jersey (the "Borough"). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the respective sums of money therein stated as the appropriation heretofore made thereof and amounting in the aggregate to \$2,005,000 including the (a) aggregate sum of \$75,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in one or more previously adopted budgets of the Borough for down payment or for capital improvement purposes and (b)

aggregate sum of \$342,997.17 from insurance and other sources.”

(iv) The provisions of the chart contained in Section 3 of the Original Ordinance related to the first two Improvements or Purposes are hereby amended to read in their entirety as follows:

“Sanitary Sewer Repairs including but not limited to those as a result of Hurricane Sandy	\$1,080,000	\$716,345	40 years
Building Repairs including but not limited to those as a result of Hurricane Sandy	\$475,000	\$443,160	15 years”

(v) Section 4(b) of the Original Ordinance is hereby amended to read in its entirety as follows:

“(d) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 23.59 years.”

Section 2. All other details of the Original Ordinance shall remain the same.

Section 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Rubin moved the adoption of this ordinance in first reading. 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.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, April 14, 2014 meeting of the Borough Council at 7:30 p.m.

INTRODUCTION OF CAPITAL IMPROVEMENT FUND ORDINANCE 15-003 IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, APRIL 14, 2015 AT 7:30 P.M.:

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

15-003

AN ORDINANCE TO APPROPRIATE FUNDS FOR ACQUISITION AND INSTALLATION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS AND THE APPROPRIATION OF THE COST THEREOF.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, County of Monmouth, State of New Jersey that:

SECTION 1. The Borough shall be authorized to undertake the following improvement projects:

A. Acquisition and Installation of Fuel Tanks & Dispensing System

SECTION 2. That the funding toward said improvements be made for a sum not to exceed Three Hundred and 00/100 (\$300,000.00) Dollars allocated as follows:

A. Acquisition and Installation of Fuel Tanks & Dispensing System...\$300,000.00

SECTION 3. That funding toward the aforementioned projects be made for a sum not to exceed Three Hundred Fifty and 00/100 (\$300,000.00) Dollars or so much thereof as necessary to carry out the terms of this ordinance be and the same is hereby appropriated and dedicated from the Capital Improvement Fund for the purpose of making the aforementioned improvements and acquisitions and paying the expenses in connection therewith.

SECTION 4. This ordinance shall take effect upon its passage and publication according to law.

Councilman Hemphill moved the adoption of this ordinance in first reading. 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.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, April 14, 2014 meeting of the Borough Council at 7:30 p.m.

INTRODUCTION OF CAPITAL FUND BALANCE ORDINANCE 15-004 IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, APRIL 14, 2015 AT 7:30 P.M.:

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

15-004

AN ORDINANCE TO APPROPRIATE FUNDS FOR ACQUISITION OF VEHICLES AND EQUIPMENT FOR RUMSON EMERGENCY SERVICES AND THE DEPARTMENT OF PUBLIC WORKS AND THE APPROPRIATION OF THE COST THEREOF.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, County of Monmouth, State of New Jersey that:

SECTION 1. The Borough shall be authorized to undertake the following improvement projects:

- B. Acquisition of Emergency Services Equipment
- C. Acquisition of Department of Public Works Vehicles & Equipment

SECTION 2. That the funding toward said improvements be made for a sum not to exceed Seventy Thousand and 00/100 (\$70,000.00) Dollars allocated as follows:

- A. Acquisition of Emergency Services Equipment.....\$20,000.00
- B. Acquisition of Department of Public Works Vehicles & Equipment.....\$50,000.00

SECTION 3. That funding toward the aforementioned projects be made for a sum not to exceed Seventy Thousand and 00/100 (\$70,000.00) Dollars or so much thereof as necessary to carry out the terms of this ordinance be and the same is hereby appropriated and dedicated from the Capital Fund Balance for the purpose of making the aforementioned improvements and acquisitions and paying the expenses in connection therewith.

SECTION 4. This ordinance shall take effect upon its 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 posted and come up for final consideration and public hearing at the Tuesday, April 14, 2014 meeting of the Borough Council at 7:30 p.m.

INTRODUCTION OF ORDINANCE 15-005 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, APRIL 28, 2014 AT 7:30 P.M.:

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

15-005

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 0.50% 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 2015 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 \$366,670.12 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 2015 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 \$366,670.12, and that the Calendar Year 2015 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.

Councilman Broderick 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 posted and come up for final consideration and public hearing at the Tuesday, April 28, 2014 meeting of the Borough Council at 7:30 p.m.

INTRODUCTION OF ORDINANCE 15-006 G TO AMEND THE GENERAL ORDINANCES CHAPTER XVII, FLOOD DAMAGE PREVENTION IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, APRIL 28, 2015 AT 7:30 P.M.:

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

15-006 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XVII, FLOOD DAMAGE PREVENTION ORDINANCE

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 XVII (Flood Damage Prevention) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend Chapter XVII (Flood Damage Prevention), Section 17-2, Definitions, to amend the definitions of *Advisory base flood elevation (ABFE)* and *Base flood*; Section 17-3, General Provisions, to amend the Basis for Establishing the Areas of Special Flood Hazard defining flood hazard boundaries; Section 17-4, Administration, to amend base flood elevation; Section 17-5, Variance Procedure, to change Appeal Board to Zoning Board of Adjustment; and Section 17-6, Provisions for Flood Hazard Reduction, to amend Subdivision Proposals regarding Specific Standards.

Chapter XVII (Flood Damage Prevention Ordinance), 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 XVII, Flood Damage Prevention, shall be amended to as follows:

**CHAPTER XVII
FLOOD DAMAGE PREVENTION ORDINANCE***

***Editor's Note:** Prior ordinance history includes portions of Ordinances 4/13/78, 10/14/82 and 3/26/87.

17-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

No Change.

17-2 DEFINITIONS.

Unless specifically defined below, words or ~~phases~~ phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Advisory base flood elevation (ABFE) shall mean those elevations promulgated by the Federal Office of Emergency Management on December 12, 2012 ~~which more accurately reflect the true one (1%) percent annual change of flood hazard elevations as a result of a large storm event.~~

Appeal through Areas of special flood related erosion hazard No Change.

Base flood shall mean the flood having a one (1%) percent chance of being equaled or exceeded in any given year as identified within the documents referenced in subsection 17-3.2. The Base Flood Elevation ~~used to determine lowest floor elevations~~ shall be the greater of the base flood elevation indicated in the Flood Insurance Study prepared by FEMA; DFIRM prepared by FEMA; or the Advisory Base Flood Elevation Map prepared by FEMA, dated December 12, 2012; or the Preliminary DFIRM prepared by FEMA, dated January 31, 2014.

Basement through Variance No Change..

17-3 GENERAL PROVISIONS.

17-3.1 Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Rumson, Monmouth County, New Jersey.

17-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard for the Borough of Rumson, Community No. 345316, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a. A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated September 25, 2009.

~~1. A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated September 25, 2009.~~

~~b.~~ 2. Digital Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0068F, 34025C0069F, 34025C0088F, 34025C0181F, 34025C0182F, 34025C0184F, 34025C0201F, 34025C0203F; whose effective date is September 25, 2009.

~~c.~~ b. Advisory Base Flood Elevation Map, prepared by FEMA, dated December 12, 2012.

d. A scientific and engineering report Preliminary “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated January 14, 2014.

e. Preliminary Digital Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0068G, 34025C0069G, 34025C0088G, 34025C0181G, 34025C0182G, 34025C0184G, 34025C0201G, 34025C0203G; whose date is January 31, 2014.

For purposes of this Chapter, flood hazard boundaries, including coastal high hazard areas, shall be as identified and defined on the Preliminary Digital Flood Insurance Rate Maps dated January 31, 2014.

The above documents and designations are hereby adopted and declared to be a part of this chapter. The Flood Insurance ~~Study~~ Studies and maps are on file at Borough Hall, 80 East River Road, Rumson, New Jersey, 07760-1526.

17-3.3 Penalties for Noncompliance. through 17-3.6 Warning and Disclaimer of Liability.

No Change.

17-4 ADMINISTRATION.

17-4.1 Establishment of Development Permit. through **17-4.2 Designation of the Local Administrator.**

No Change.

17-4.3 Duties and Responsibilities of the Local Administrator.

Duties of the Construction Official shall include, but not be limited to:

a. *Permit Review.*

1. through 4. No Change.

5. Review plans for walls to be used to enclose space below the ~~greater of the advisory base flood elevation or the base flood level~~ in accordance with subsection 17-6.3b.4.

b. *Use of Other Base Flood and Floodway Data.* When base flood elevation, ~~advisory base flood elevation and/or~~ and floodway data has not been provided in accordance with subsection 17-3.2, Basis for Establishing the Areas of Special Flood Hazard, the Construction Official shall obtain, review, and reasonably utilize any ~~advisory base flood elevation~~, base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsection 17-6.2. Specific Standards, paragraph a., Residential Construction, and paragraph b., Nonresidential Construction.

c. *Information to Be Obtained and Maintained.*

1. Obtain and record an Elevation Certificate indicating the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:

(a) Verify and record an Elevation Certificate indicating the actual elevation (in relation to mean sea level); and

(b) Maintain the floodproofing certifications required in subsection 17-4.1d.

3. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of subsection 17-6.3 paragraph b.1. and b.2. are met.

4. Maintain for public inspection all records pertaining to the provisions of this chapter.

d. *Alteration of Watercourses.* through e. *Interpretation of FIRM Boundaries.*

No Change.

17-5 VARIANCE PROCEDURE.

17-5.1 Appeal Board.

a. The ~~Construction Board of Appeals~~ Zoning Board of Adjustments as established by the Borough of Rumson shall hear and decide appeals and requests for variances from the requirements of this chapter.

b. The ~~Construction Board of Appeals~~ Zoning Board of Adjustments shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this chapter.

c. Those aggrieved by the decision of the ~~Construction Board of Appeals~~ Zoning Board of Adjustments, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in N.J. Court Rules, 1982, R4:69.

d. In passing upon such applications, the ~~Construction Board of Appeals~~ Zoning Board of Adjustments, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. through 11. No Change.

e. Upon consideration of the factors of subsection 17-5.1d. and the purposes of this chapter, the ~~Construction Board of Appeals~~ Zoning Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

f. No Change.

17-5.2 Conditions for Variances.

a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation level, ~~or advisory base flood level~~, providing items (1.-11.) in subsection 17-5.1d. have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

b. through e. No Change.

f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation ~~or advisory base flood elevation~~ and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

17-6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

17-6.1 General Standards.

In all areas of special flood hazards the following standards are required:

a. *Anchoring.* through c. *Utilities.* No Change.

d. *Subdivision Proposals.*

1. through 3. No Change.

4. ~~Advisory base flood elevation and base~~ Base flood elevation data shall be provided for all subdivision proposals and other proposed development located in a special flood hazard area, which contain at least fifty (50) lots or five (5) acres (whichever is less).

e. *Enclosure Openings.* No Change.

17-6.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data ~~or advisory base flood elevation data~~ has been provided as set forth in subsection 17-3.2, Basis for Establishing the Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood and Floodway Data, the following standards are required:

a. The Base Flood Elevation used to determine the lowest floor elevation of a structure shall be the greater of the base flood elevation indicated in:

1. through 3. No change.

4. A scientific and engineering report Preliminary "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated January 14, 2014.

5. Preliminary Digital Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0068G, 34025C0069G, 34025C0088G, 34025C0181G, 34025C0182G, 34025C0184G, 34025C0201G, 34025C0203G; whose date is January 31, 2014.

b. *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities elevated to or above the ~~greater of the base flood elevation or the advisory base flood elevation;~~ In those areas where the base flood elevation of the Advisory Base Flood Elevation Map dated December 12, 2012 is equal to the Preliminary DFIRM Map dated January 31, 2014, the lowest floor, including basement together with the attendant utilities and sanitary facilities, shall be elevated at least one foot above the base flood elevation; and

Within any AO zone on the Borough of Rumson's FIRM or Preliminary DFIRM ~~the Advisory Base Flood Elevation~~ Map that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

c. *Nonresidential Construction.* In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

1. ~~Either have~~ Have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated to or above the level of the ~~greater of the~~ base flood elevation ~~or the advisory base flood elevation; and, In those areas where the base flood elevation of the Advisory Base Flood Elevation Map dated December 12, 2012 is equal to the Preliminary DFIRM Map dated January 31, 2014, the lowest floor, including basement together with the attendant utilities and sanitary facilities, shall be elevated at least one foot above the base flood elevation; and~~

2. Within any AO zone on the municipality's FIRM or Preliminary DFIRM Map ~~the Advisory Base Flood Elevation Data~~ that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~either~~ have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

1. Be floodproofed so that below ~~the greater of the base flood elevation level or the ABFE level~~, the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 17-4.3c.2.

d. *Manufactured Homes.*

1. Manufactured homes shall be anchored in accordance with subsection 17-4.3.a.2.

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above ~~the greater of the base flood elevation or the advisory base flood elevation.~~

17-6.3 Coastal High Hazard Area.

Coastal high hazard areas (V or VE and Coastal A Zones) are located within the areas of special flood hazard established in subsection 17-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

a. *Location of Structures.* No Change.

b. *Construction Methods.*

1. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above ~~the greater of the~~ base flood elevation ~~or the ABFE base flood level~~, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in paragraph b.4 of this subsection. In those areas where the base flood elevation of the Advisory Base Flood Elevation Map dated December 12, 2012 is equal to the Preliminary DFIRM Map dated January 31, 2014, the bottom of the lowest horizontal structural member of the lowest floor shall be elevated at least one foot above the base flood elevation.

2. Structural Support. through 4. Space Below the Lowest Floor. No Change.

c. *Sand Dunes.* No Change.

17-7 PENALTY CLAUSE. through **17-8 EFFECT.** No Change.

SECTION 2.

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 3.

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 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.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, April 28, 2014 meeting of the Borough Council at 7:30 p.m.

INTRODUCTION OF ORDINANCE 15-007 D TO AMEND THE DEVELOPMENT REGULATIONS CHAPTER XXII, SECTION 7, GENERAL ZONING PROVISIONS IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, APRIL 28, 2015 AT 7:30 P.M.:

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

15-007 D

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XXII, Development Regulations, of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to amend certain portions of the Development Regulations relating to Section 22-7, General Zoning Provisions, Subsection 22-7.25 (Fences and Walls), Schedule 7-2, Maximum Height Restrictions Hedgerows, Fences and Walls, to amend the Schedule to have Walls as a separate category with heights under various circumstances, and Schedule 5-1, Schedule of Zoning District Regulations to amend NOTE (20) within all areas of Special Flood Hazards.

Chapter XXII, Development Regulations, of the Code 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

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.8 Accessory Buildings and Structures shall be amended as follows:

22-7.8 Accessory Buildings and Structures.

Accessory buildings and structures shall conform to this subsection and, when not in conflict with specific provisions of this subsection, to the general requirements set forth in Schedule 5-1, Schedule of Zoning District Regulations.

Editor's Note: Schedule 5-1, referred to herein may be found at the end of this chapter.

- a. Accessory structures which are not subject to general yard requirements include:

1. Any accessory structure subject to specific requirements set forth in Section 22-7.
 2. Bulkheads, piers and docks.
 - ~~3. Retaining walls less than four (4') feet high.~~
 4. ~~3.~~ Walls other than retaining walls, including decorative, screening, and landscaping walls, less than four (4') feet high.
 5. ~~4.~~ Residential accessory lighting, conforming to performance standards in subsections 22-7.22d, 12 and 13.
 6. ~~5.~~ Fountains, sculpture, and decorative ponds, less than four (4') feet high.
- b. *Location of Accessory Buildings.* through k. No Change

SECTION 2

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.25 Fences and Walls, shall be amended as follows:

22-7.25 Fences and Walls.

- a. No Change.
- b. All fences, walls and hedgerows must be erected or installed within the property lines, and no fences, walls and hedgerows shall be erected so as to encroach upon a public right-of-way. ~~The centerline of fences or the face of retaining walls may be located within two (2') feet of a property line or must be at least fifteen (15') feet from property lines, shall be located in compliance with the accessory structure setback requirements found in Schedule 5-1,~~ except: when approved by the Municipal Agency, or within buffers, around refuse areas or when used for dog runs, garden enclosures or similar normal residential accessory uses. Back-to-back fences are permitted at the property line. Hedgerows shall be located so that foliage, at full maturity, shall not extend into the public right-of-way.
- c. through j. No Change.

SECTION 3

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Schedule 7-2, Maximum Height Restrictions, Hedgerows, Fences and Walls (Subsection 22-7.25) shall be amended as follows:

**Schedule 7-2
Maximum Height Restrictions
Hedgerows, Fences, and Walls and Retaining Walls
(Subsection 22-7.25)**

	<i>Within Clear Sight Area</i>	<i>R-1, R-2, R-3 Zone Districts Outside of Clear Sight Area</i>	<i>All Other Zone Districts Outside of Clear Sight Area</i>
Hedgerows	30"	Not regulated if in compliance with subsection 22-7.25	Not regulated if in compliance with subsection 22-7.25
Open and Picket Fences	30"	6' (72") anywhere except 48" in "required river setback" per subsection 22-7.32b,2	48" in required front yard or between principal structure and street 48" in required river setback per subsection 22-7.32b,2 48" in required secondary front yard or between principal structure and secondary front yard street frontage (see subsection 22-7.4) 6' (72") elsewhere
Walls and other fences (not open or picket)	30"	36" in required front yard or between principal structure and street 36" in required river setback per subsection 22-7.32b,2 48" in required secondary front yard or between principal structure and secondary front yard street frontage (see subsection 22-7.4) 6' (72") elsewhere	

<u>Retaining Walls</u>	<u>30"</u>	<u>36" in required front yard or between principal structure and street</u> <u>36" in required river setback per subsection 22-7.32b,2</u> <u>36" between the side accessory structure setback line and the side principal structure setback line</u> <u>36" between the rear accessory structure setback line and the rear principal structure setback line</u> <u>6' (72") elsewhere within the principal structure setback lines</u>
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SECTION 4

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.27 Soil Removal and Fill shall be amended as follows:

22-7.27 Soil Removal and Fill.

a. Borough approval shall be required for any grading or regrading of a property in accordance with the following schedule:

Criteria to Require Borough Approval

	<i>R1 and R2 Zone Districts</i>	<i>All Other Zone Districts</i>
Removing soil from a property	Any removal	Any removal
Fill with soil from outside a property	<u>50</u> 100 cubic yards or more	<u>25</u> 50 cubic yards or more
Soil disturbance	<u>5,000</u> 10,000 square feet or more	<u>2,000</u> 3,000 square feet or more
Height (maximum change in elevation, <u>including retaining walls</u>)	2' or more	1' or more

b. No Change.

c. Unless otherwise permitted by the Municipal Agency, the Construction Official or his designee, a grading plan and/or accompanying information must conform to the following minimum standards:

1. through 12. No Change.

13. Include the name and the qualifications of the person preparing the plan. The plan shall be prepared by a Professional Engineer, Land Surveyor, Landscape Architect or Architect licensed in the State of New Jersey.

14. Soil boring logs or soil pit profiles showing the seasonal high water table based on mottling data must be provided for any application involving the construction of a new home, construction of a substantial addition [(resulting in a twenty-five (25%) percent or greater increase in floor area)] and/or the construction of a stormwater management facility or recharge system. A minimum of one soil boring log or soil pit profile shall be provided within the building footprint. A minimum of one soil boring log or soil pit profile shall also be provided at the location of all proposed infiltration or recharge systems located greater than 50 feet from the building footprint.

15. The grading plan, along with necessary supporting documentation, shall demonstrate compliance with the Borough's Stormwater Management and Control Ordinance where applicable.

d. Wherever grading is to occur, necessary soil erosion prevention and protection measures in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey and consistent with industry best practices should be implemented to ensure work is undertaken with minimum impacts to the existing infrastructure and surrounding properties. As a minimum, a silt fence or barrier of equivalent or better protection must be installed around the limit of disturbance whenever there is a potential to impact an adjacent property or public infrastructure.

e. Grading or other disturbance of property shall be accomplished in accord with approved plans, good industry practice and in a manner to avoid damage to any property including public

- (7) Where the lot width exceeds the minimum prescribed for the zone district, the combined total side yard setback shall be increased 1.5 feet for each full 5 feet by which lot width exceeds the minimum. One side yard shall be increased by at least 1/3 of the additional setback distance required. In the case of a corner lot or a lot with frontage on more than one street, the lot width along the yard line located at the front of the lot shall be used to calculate the required side yard setback. The front of the lot shall be determined in accordance with subsection 22-7.7c. Thereafter any subsequent construction shall be arranged to orient the front of the principal building to the designated front of the lot.
- (8) Each lot shall be able to contain within it the shape of a circle tangent to the front yard setback line and located within the required minimum side and rear yard lines. The diameter of the circle shall be as prescribed for the zone district.
- (9) That portion of a roofed, open-sided porch facing a front yard, which does not exceed 10% of the principal building ground floor area, may be excluded from the calculation of the maximum lot and building coverage for a single-family residential dwelling. The porch may be screened and include porch railing and/or balustrade and, below the floor level, porch lattice or other enclosure around the foundation, but it shall not otherwise be enclosed. Any subsequent enclosing of the porch, which results in exceeding the maximum lot and/or building coverage permitted, shall require approval of a variance pursuant to N.J.S.A. 40:55D-70c. Any subsequent enclosing of the porch, which results in exceeding the maximum floor area permitted, shall require approval of a variance pursuant to N.J.S.A. 40:55D-70d.
- (10) No building shall exceed two stories plus a habitable attic or basement.
- (11) In the R-4, R-5 and R-6 districts, the minimum side yards shall not be placed adjacent to one another, or, alternatively the distance between principal structures on the adjacent lots must be equal to the minimum required combined side yard.
- (12) Lots bordering a river or navigable waterway are subject to the provisions of subsection 22-7.32.
- (13) In the R-4 zone, the minimum rear yard required shall be at least 30% of the lot depth, rounded up to the full foot, or 40 feet, whichever is greater, but not to exceed 50 feet.
- (14) In the R-5 zone, the minimum rear yard required shall be at least 30% of the lot depth, rounded up to the full foot, or 35 feet, whichever is greater, but not to exceed 50 feet.
- (15) In the R-6 zone, the minimum rear yard required shall be at least 35% of the lot depth, rounded up to the full foot, or 35 feet, whichever is greater, but not to exceed 50 feet.
 * See Schedule 5-2
 **See Schedule 5-4 & 5-5
 ***See Schedule 5-3A and 5-3B
- (16) If floor area exceeds eighty-five (85%) percent of the maximum permitted, the minimum side yard shall be the greater of: 1) The minimum yard requirement shown in Schedule 5-1 plus two (2') feet or 2) The minimum yard requirement determined from Note 7, where applicable.
- (17) The minimum rear yard and side yard setback in the R-4, R-5 and R-6 Zone Districts for accessory buildings and structures should be increased one (1) additional foot for each foot of accessory building height in excess of fifteen (15') feet.
- (18) Roofed, open sided, one-story porches may be permitted to extend up to five (5') feet beyond the front yard setback in the R-4, R-5 and R-6 Zone Districts.
- (19) One-half (1/2) of the area of the eaves, for eaves less than 24 inches in width, may be excluded from lot coverage and building coverage for single-family dwellings. For eaves larger than twenty-four (24") inches in width, half (1/2) of the first twenty-four (24") inches of the eaves may be excluded from both lot coverage and building coverage.
- (20) Within all areas of special flood hazards as set forth in subsection 17-3.2, Basis for Establishing Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood Data, unroofed porches, landings, stoops and stairs may be permitted to extend up to ten (10') feet beyond the front set back line and up to five (5') feet beyond the side and rear setback lines of a Residential Zone, but in no event shall be located closer than five (5') feet to a side or rear property line.

SECTION 6

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.39 Basements/Cellars shall be amended as follows:

22-7.39 Basements/Cellars.

The bottom of the floor slab of a basement or cellar shall be a minimum of two (2') feet above the seasonal high water table based on mottling data prior to the construction of a new basement and/or cellar. The bottom of any proposed sump pit shall also be located a minimum of two (2') feet above the seasonal high water table. Soil boring logs and/or soil pit profiles shall be provided to document the seasonal high water elevation to the satisfaction of the Zoning Officer, Construction Official and/or Borough Engineer. The soil borings and/or soil pits shall be located within the footprint of the principal structure.

SECTION 7

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:29-2.1.

SECTION 9

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

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 posted and come up for final consideration and public hearing at the Tuesday, April 28, 2014 meeting of the Borough Council at 7:30 p.m.

TEMPORARY CAPITAL BUDGET RESOLUTION 2015-0324-49:

2015-0324-49

**RESOLUTION
TEMPORARY CAPITAL BUDGET**

WHEREAS, it is desired to adopt a 2015 Temporary Capital Budget;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Rumson, County of Monmouth, that the following 2015 Temporary Capital Budget be adopted:

**CAPITAL BUDGET
2015**

1 Project	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2015					6 To Be Funded In Future Years
				5a 2015 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants-in- Aid & Other Funds	5e Debt Authorized	
Sanitary Sewer Repairs & Replacement	1	494,574.00	164,574.00					330,000.00	
Building Repairs	2	448,488.00	273,488.00					175,000.00	
Fuel Tank Dispensing System	3	300,000.00			300,000.00				
Emergency Services Equipment	4	20,000.00				20,000.00			
DPW Vehicles & Equipment	5	50,000.00				50,000.00			
TOTALS ALL PROJECTS		1,313,062.00	438,062.00		300,000.00	70,000.00	0.00	505,000.00	

**3 YEAR CAPITAL PROGRAM 2015 – 2017
Anticipated PROJECT Schedule and Funding Requirement**

1 Project	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year					
				Budget Year 2015	2016	2017	2018	2019	2020
Sanitary Sewer Repairs & Replacement	1	495,574.00	2015	494,574.00					
Building Repairs	2	448,488.00	2015	448,488.00					
Fuel Tank Dispensing System	3	300,000.00	2015	300,000.00					
Emergency Services Equipment	4	20,000.00	2015	20,000.00					
DPW Vehicles & Equipment	5	50,000.00	2015	50,000.00					
TOTALS ALL PROJECTS		1,313,062.00		1,313,062.00					

**3 YEAR CAPITAL PROGRAM 2015 – 2017
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

1 Project	2 Estimated Total Cost	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants In Aid and Other Funds	7 Bonds and Notes			
		Current Year 2015	Future Years				General	Self- Liquidating	Assessment	School
Sanitary Sewer Repairs & Replacement	494,574.00			0.00	0.00		330,000.00			
Building Repairs	448,488.00			0.00	0.00		175,000.00			
Fuel Tank Dispensing System	300,000.00			300,000.00			0.00			
Emergency Services Equipment	20,000.00			0.00	20,000.00		0.00			
DPW Vehicles & Equipment	50,000.00				50,000.00					
TOTALS ALL PROJECTS	1,313,062.00			300,000.00	70,000.00	0.00	505,000.00			

BE IT FURTHER RESOLVED that two certified copies of this Resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution adopting a 2015 Temporary Capital Budget by the governing body on the 24th day of March 2015.

The above Resolution was moved by Councilman Hemphill, 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 2015-0324-50 AUTHORIZING AN INTERLOCAL SERVICES
AGREEMENT WITH THE BOROUGH OF FAIR HAVEN FOR THE BOROUGH OF
RUMSON TO PROVIDE CERTAIN SERVICES OF THE MUNICIPAL COURT:**

2015-0324-50

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK/ADMINISTRATOR TO SIGN A THREE-YEAR INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF RUMSON AND THE BOROUGH OF FAIR HAVEN FOR CERTAIN SERVICES OF THE RUMSON MUNICIPAL COURT

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 authorizes joint activities among municipalities, and was enacted with the intent to facilitate and promote Interlocal Services Agreements; and

WHEREAS, the Boroughs of Rumson and Fair Haven have agreed that the Interlocal Services Agreement for Municipal Court services will include Court Administrator duties as per agreement; and

WHEREAS, it is in the best interest of the Borough of Rumson and the Borough of Fair Haven to begin the services listed above beginning on or about April 1, 2015 and continue through March 31, 2017; and

WHEREAS, it is agreed by the Borough of Rumson and the Borough of Fair Haven that the Agreement may be extended for two (2) additional terms of three (3) years up to a total of nine (9) years; and

WHEREAS, a copy of the Interlocal Services Agreement is on file in the office of the Municipal Clerk/Administrator; and

WHEREAS, said Agreement is pending approval of Monmouth County Administrative Office of the Courts;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Mayor and Municipal Clerk/Administrator of the Borough of Rumson are hereby authorized to sign said Agreement.

The above Resolution was moved for adoption by Councilman Day. Motion 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 2015-0324-51 AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT WITH RUMSON-FAIR HAVEN REGIONAL HIGH SCHOOL FOR THE 2015 SPRING CREW PROGRAM:

2015-0324-51

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE AN AGREEMENT BETWEEN THE BOROUGH OF RUMSON AND RUMSON-FAIR HAVEN REGIONAL HIGH SCHOOL FOR THE SPRING CREW PROGRAM

WHEREAS, the Boroughs of Rumson and Fair Haven have had a Spring Crew Program for a number of years that has been run through Rumson Recreation in the past; and

WHEREAS, a number of the Spring Crew regattas require the team to be directly affiliated with a high school; and

WHEREAS, Rumson-Fair Haven Regional High School had agreed to host a team for the residents of Rumson and Fair Haven in 2014; and

WHEREAS, Rumson-Fair Haven Regional High School needs to use the Borough of Rumson's equipment to field the team in the spring of 2015; and

WHEREAS, it makes economic sense to lease the Borough owned equipment for the Rumson-Fair Haven Regional High School spring season team; and

WHEREAS, the Administrators of both the Borough of Rumson and Rumson-Fair Haven Regional High School have developed an agreement to facilitate the spring season lease;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Mayor and Borough Administrator be authorized to sign an agreement with the High School for the spring 2015 season.

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 2015-0324-52 AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF RUMSON:

2015-0324-52

Councilman Rubin offered the following resolution and moved its adoption:

BOROUGH OF RUMSON

**RESOLUTION AUTHORIZING
THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION
TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS
WITHIN THE BOROUGH OF RUMSON**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting the aerial dispensing operations over a designated "congested area," the County is requires, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Rumson is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

- a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
- b. such operations will be performed in compliance with applicable Federal and State regulations, and
- c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

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 2015-0324-53 AUTHORIZING THE BOROUGH OF RUMSON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION (MRESC):

2015-0324-53

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE BOROUGH OF RUMSON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on March 24, 2015 the governing body of the Borough of Rumson, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rumson as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Rumson.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

The above Resolution was moved for adoption by Councilman Rubin. 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.

RESERVE APPROPRIATIONS TRANSFER RESOLUTION 2015-0324-54:

2015-0324-54

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 2014 Reserve Appropriations be and same are hereby approved:

To:	Police Department – Other Expenses	\$ 10,000.00
	Total	\$ 10,000.00
From:	Police Department – Salary & Wages	\$ 10,000.00
	Total	\$ 10,000.00

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 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.

PROCLAMATION DESIGNATING APRIL 2015 TO BE “ALCOHOL AWARENESS MONTH:”

**BOROUGH OF RUMSON
PROCLAMATION
IN RECOGNITION OF
“ALCOHOL AWARENESS MONTH – APRIL 2015”**

WHEREAS, each April since 1987, the National Council on Alcoholism and Drug Dependence has designated April as “Alcohol Awareness Month;” and

WHEREAS, Alcohol Awareness Month was established as a nationwide effort to provide the American public with information about the disease of alcoholism and the serious problem of alcohol abuse; and

WHEREAS, underage drinking is a growing problem with devastating consequences; and

WHEREAS, alcohol use by young people is extremely dangerous, not only to themselves, but to society as a whole; and

WHEREAS, alcohol is the number one drug of choice for America’s young people and is associated with traffic fatalities, violence, unsafe sex, suicide, educational failure and other behavioral problems; and

WHEREAS, those who start drinking before the age of 15 are four times more likely to become alcoholics than those who begin at age 21; and

WHEREAS, the 2015 Alcohol Awareness Month theme is “For the Health of It: Early Education on Alcoholism and Addiction” and will serve to remind us that alcohol is a major factor in motor vehicle crashes, homicides, suicides and unintentional injuries which are some of the leading causes of death among youth; and

WHEREAS, in order to support Rumson-Fair Haven Regional High School and the Rumson and Fair Haven Community Alliance, we ask parents and other adults to consider participating in an Alcohol-Free Weekend by abstaining from drinking alcoholic beverages for a 72-hour period (April 3-5), demonstrating that alcohol is not necessary to enjoy life;

NOW, THEREFORE, I, Honorable John E. Ekdahl, Mayor of the Borough of Rumson, joined with the National Council on Alcoholism and Drug Dependence, Inc, (NCADD) and the New Jersey Division of Alcohol Beverage Control, do hereby Designate and Proclaim that

April 2015 be Alcohol Awareness Month and ask that parents and other adults consider supporting an Alcohol-Free Weekend, April 3-5, 2015.

Councilman Day moved the above Proclamation. 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.

MOTION TO AUTHORIZE THE BOROUGH ADMINISTRATOR TO SOLICIT BIDS FOR A 2013 OR NEWER MINI EXCAVATOR:

Councilwoman Atwell made a motion that the Borough Administrator be authorized to solicit sealed bids for one 2013 or newer Mini Excavator.

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.

In answer to a question by the Mayor, the Municipal Clerk/Administrator advised that the purchase of the Mini Excavator would not be a shared service.

ANNOUNCEMENTS BY THE MAYOR:

Mayor Ekdahl made the following Announcements:

1. Borough Hall will be closed on Friday, April 3rd in observance of Good Friday. However, there **will** be garbage collection on April 3rd.
2. We would like to wish our residents and friends a happy and holy Passover on April 4th and Easter on April 5th.

Thank you.

FINANCIAL OFFICER’S REPORT:

The Financial Officer’s Reports disclosed the following as of February 28, 2015:

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

Analysis of Cash for the Month Ending: February 28, 2015

Funds	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
1. CURRENT FUND				
Current Fund Checking	\$ 16,738,187.92	\$ 8,758,023.99	\$ (3,498,996.30)	\$ 21,997,215.61
Change Funds	\$ 300.00	\$ 0.00	\$ 0.00	\$ 300.00
Certificates of Deposit	\$ 0.00	\$ 0.00	\$ 0.00	\$ —
Total Current Fund	\$ 16,738,487.92	\$ 8,758,023.99	\$ (3,498,996.30)	\$ 21,997,515.61
2. CAPITAL FUND				
Capital Fund Checking	\$ 3,566,600.20	\$ 0.00	\$ (36,553.05)	\$ 3,530,047.15
2007 Capital Improvement Bond Proceeds	\$ 165,270.83	\$ 0.00	\$ 0.00	\$ 165,270.83
Total Capital Fund	\$ 3,731,871.03	\$ 0.00	\$ (36,553.05)	\$ 3,695,317.98
3. PAYROLL & PAYROLL AGENCY				
Payroll	\$ 2,981.86	\$ 271,886.68	\$ (271,886.68)	\$ 2,981.86
Payroll Agency	\$ 10,905.91	\$ 171,896.46	\$ (171,896.46)	\$ 10,905.91
Total Payroll & Payroll Agency	\$ 13,887.77	\$ 443,783.14	\$ (443,783.14)	\$ 13,887.77
4. TRUST FUNDS				
Trust Fund Checking	\$ 810,813.06	\$ 4,049.50	\$ (8,174.77)	\$ 806,687.79
Unemployment Trust	\$ 105,952.87	\$ 64.42	\$ (2,580.88)	\$ 103,436.41
Recreation Trust	\$ 347,194.72	\$ 7,655.00	\$ (706.68)	\$ 354,143.04
C.O.A.H. Trust	\$ 1,702,188.73	\$ 24,058.44	\$ 0.00	\$ 1,726,247.17
Law Enforcement Trust Fund	\$ 433.22	\$.26	\$ 0.00	\$ 433.48
D.A.R.E.	\$ 12,943.84	\$ 7.94	\$ 0.00	\$ 12,951.78
Cafeteria Plan	\$ 18,253.67	\$ 0.00	\$ (6,066.78)	\$ 12,186.91
Animal Control Trust Fund	\$ 19,085.51	\$ 3,055.00	\$ (633.60)	\$ 21,506.91
Public Assistance Trust Fund	\$ 839.35	\$ 0.00	\$ 0.00	\$ 839.35
Total Trust Funds	\$ 3,017,704.97	\$ 38,890.56	\$ (18,162.69)	\$ 3,038,432.84
TOTAL ALL FUNDS	\$ 23,501,951.69	\$ 9,240,697.69	\$ (3,997,495.18)	\$ 28,745,154.20

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:

\$	219.34	Red Bank Veterinary Hospital
\$	219.34	Animal Control Account
\$	15,514.32	JCP&L
\$	45.82	Acme Locksmith Service
\$	9,097.25	Allied Oil LLC
\$	35.00	AR Communications
\$	327.00	Buy Now Office Supplies
\$	267.00	Ceunion
\$	132.80	Circle Chevrolet Inc
\$	1,861.20	Cleary Giacobbe Alfieri
\$	121.01	Comcast of Monmouth
\$	314.70	Regina Davidson
\$	3,943.68	Delta Dental of New Jersey Inc
\$	720.00	Eastern Surplus & Equip Co
\$	199.95	East Coast Energy Products
\$	51.30	Emergency Medical Products Inc
\$	539.65	Fastenal Co
\$	535.00	Fire & Safety Systems Co
\$	166.00	Gann Law Books
\$	133.24	WW Grainger Inc
\$	20,778.08	Indian Harbor Insurance Co
\$	99.00	Institute for Professional Dev
\$	4,138.86	JCP&L
\$	280.20	Johnny on the Spot Inc
\$	587.40	Gerald P Kelly
\$	504.00	Kencor Inc
\$	636.08	Peter Koenig
\$	37.45	Robert J Marass
\$	1,333.00	MGL Printing Solutions
\$	540.00	Mid Monmouth Mutual Aid Assoc
\$	4,091.16	Morton Salt
\$	254.29	Naylor's Auto Parts
\$	219.92	NJ Natural Gas Co
\$	1,233.75	NJ Gravel & Sand Co
\$	165.00	NJ State League of Municipalities
\$	108.02	One Call Concepts
\$	295.58	PEP Express Parts
\$	250.00	Powerhouse Signworks
\$	721.67	Ricoh USA Inc
\$	250.00	State Shorthand Reporting Serv
\$	207.20	Stavola Asphalt Co Inc
\$	1,500.00	Suasion Communications Grp LLC
\$	2,747.25	Targeted Technologies LLC
\$	727.00	T & M Associates
\$	116.00	Trico Equipment Services LLC
\$	218.04	Trius Inc
\$	9.92	The Two River Times
\$	400,988.25	Two Rivers Water Reclamation
\$	1,000.00	United States Postage Service
\$	313.96	Verizon
\$	160.08	Verizon Wireless
\$	134.99	Verizon Business Fios
\$	50.00	Wageworks
\$	59.69	WH Potter & Son Inc
\$	525.00	Wireless Communications
\$	479,285.76	Current Fund
\$	5,120.00	Croker Oars USA
\$	950.00	C's Tees
\$	6,070.00	Endowment Inc Account
\$	9,000.00	All American Mobile Marine

\$	12,061.81	Athlete's Alley
\$	64.00	Austin Davis
\$	32.00	Laurence N Davis
\$	2,840.00	John Gill
\$	1,750.00	Andrew Hudson
\$	803.10	John Deere Landscaping
\$	3,570.00	Paul J Keany
\$	89.08	Lowe's
\$	24.20	Michael Magarro
\$	90.00	Nelson Press
\$	659.00	New Jersey Recreation &
\$	45.00	William P O'Connor
\$	52.50	William J O'Connor
\$	48.75	Mary-Kate O'Connor
\$	32.00	Gary V Olsen
\$	483.21	Sarah Orsay
\$	650.00	Christopher Seslar
\$	32.00	Gary Sfraga
\$	9,480.00	Two Rivers Little League
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\$	41,806.65	Recreation Account
\$	156.00	Michael B Steib PA
\$	3,561.08	T & M Associates
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\$	3,717.08	Trust Account
\$	23,302.28	Current Fund Appropriations
\$	455,983.48	Current Fund Appropriations
\$	219.34	Animal Control Fund Expenses
\$	6,070.00	Endowment Disbursements
\$	41,806.65	Recreation Disbursements
\$	3,717.08	Trust Fund – Other Expenses
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\$	531,098.83	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:

Richard Jones of 37 Navesink Avenue commented that there had been a great deal of discussion at the last Planning Board meeting regarding the stormwater issue and he wondered if there were documents that he could review.

Councilman Rubin stated that the Ordinance introduced at this meeting regarding Flood Damage Prevention was what the Planning Board had discussed and that Mr. Jones was welcome to view the Ordinance.

In response to a question from Mr. Jones regarding the T & M Associates reports, the Municipal Clerk/Administrator advised that the Master Plan would be available to the public after April 13th Planning Board meeting. The Planning Board will introduce it and there will be time for public review before the public hearing that will be scheduled in May, at which time it will be

adopted if there are no objections. He added that the Master Plan would be posted to the Borough Website after the April 13th Planning Board meeting.

Mr. Jones stated that he had a personal matter that he wanted to put before the Council; he has been told that he has been told at Planning and Zoning Board meetings that if there is a problem with a decision after the fact, the usual answer has been to go to the Borough Council. He stated that he thought this was a good test to see if the Mayor and Council could do something after the engineers have signed off and the CO has been granted. He stated that there is a residential development next to his property and he has attended a lot of meetings voicing his concerns with stormwater runoff from the neighbor's driveway that is out of control. He would like to request a meeting with the Borough Engineer to discuss the current situation.

Councilman Hemphill asked Mr. Jones if he had discussed the problem with the Borough Code Enforcement/Zoning Officer.

Mr. Jones stated that he thought from attending the meetings that the next step would be to go before the Council.

Councilman Hemphill advised Mr. Jones that he should see the Code Enforcement/Zoning Officer to contact the Borough Engineer to meet with you to discuss the problem.

The Municipal Clerk/Administrator advised Mr. Jones that there were two different issues, first that he had an issue on his property that he needed to contact the Code Enforcement/Zoning Officer to look at because the Council was not responsible for work that was done on the property next to him; it should be referred to the Code Enforcement/Zoning Officer. He stated that the second issue was that he had been before the Borough Council before and it was explained to him that the Borough Ordinances were some of the strictest in this area and actually exceed State requirements. The Municipal Clerk/Administrator stated that Mr. Jones had been advised that if he had recommendations for ordinance changes he could submit them to the Council for their review and consideration, but to his knowledge nothing has been submitted. He stated that the Council was responsible for the ordinances, not the work on the property next door or his property.

Mayor Ekdahl asked if Mr. Jones had engaged a professional to substantiate his claims or if it was just his personal observation, because he would be going up against an engineer.

Mr. Jones stated that was why he had requested the Borough Engineer to stop by and personally look at the situation on site rather than on paper to witness that the gravel trench in the driveway next door wasn't doing what it was engineered to do.

Councilman Rubin stated that the Planning Board had looked at it in great detail and that the first thing that Mr. Jones needed to do was speak to the Code Enforcement/Zoning Officer to have the Borough Engineer go to the site to see if there was something obvious, perhaps something changed or wasn't done correctly. He added that we would get a report back and maybe the Borough could take it further, but without the Borough Engineer looking at it, it wasn't appropriate to discuss at a Council meeting.

Councilman Broderick stated that this was the wrong forum for Mr. Jones and the Council couldn't do anything for him because the project had been signed off, T & M Associates had approved it, and the people were living in the house. He added that if Mr. Jones had an issue he had to go to the Code Enforcement/Zoning Officer and perhaps take legal action if necessary.

Mr. Jones said that he was proceeding on what the Planning and Zoning Boards have recommended in the past. He said that in the case of the Edgewood Development, residents had questioned whether or not the gravel basin would be able to recharge the water and whether it would work ten years from now. Mr. Jones stated that the Board had said that if it didn't work the matter would have to be taken up with the Council.

The Municipal Clerk/Administrator stated that the Edgewood Development didn't have anything to do with Mr. Jones' property. He stated that if in that case Mr. Jones provided an expert opinion and stated to the Council that there was an ordinance that we should consider adopting prohibiting those types of drainage, then the Council would review his claim. The Municipal Clerk/Administrator stated that he should not confuse that with what is happening on his property.

Councilman Rubin stated that anything done now with ordinance amendments would not be retroactive to Mr. Jones' situation because that construction has been completed; but if there is something wrong, we should look at it.

Mayor Ekdahl stated that he thought that Mr. Jones to pursue it and would encourage him to hire an engineering firm to substantiate his case.

The Municipal Clerk/Administrator stated that he would take it a step further and ask the Borough Attorney; the fact that the Board refers residents to the Council was because the Council was the one who adopts the ordinances and the Planning Board reviews the Ordinances prior to adoption to make sure they are compliant with the Borough's Master Plan. He added that short of that, the Council has no control over the development of the town, which is up to the Planning and Zoning Boards for how it is developed and how the ordinances are applied; and if the ordinances meet or exceed State requirements, as ours do, those are the ordinances we follow and there isn't much the Council can do, other than change the ordinances.

Mr. Barger, the Borough Attorney, stated that the Council was not the enforcing agency, it was a legislative body to pass the laws. The Code Enforcement/Zoning Officer was the person that Mr. Jones would need to see as the first step and he would be the one to decide if the Borough Engineer should be called. Mr. Barger stated that the enforcement was not with the Borough Council.

When asked if he had spoken with the Code Enforcement/Zoning Officer regarding the matter, Mr. Jones stated that he had not.

Mr. Barger stated that he needed to do so because he was the one to enforce Borough Ordinances.

Mr. Jones stated that he had a question on another matter. He wanted to know if the Borough was going to defend the Borough in the lawsuit by the Edgewood Development to try to overturn the Planning Board's decision.

Mr. Barger stated that the Planning Board Attorney, Michael Steib, would defend the decision.

Mr. Jones asked if the decision would be overturned immediately if Edgewood prevailed.

Mr. Barger stated that he did not know and that Mr. Jones would have to ask the Planning Board Attorney that question. In answer to another question, Mr. Barger advised that the matter was filed in Superior Court with Judge Thornton. He added that a case management conference had been scheduled for Monday, March 30th between the Judge and attorneys only, but no public court date had been scheduled.

Mr. Jones thanked Mr. Barger and the Mayor and Council.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Broderick, the meeting adjourned at 7:55 p.m. All in favor.

Respectfully submitted,

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