

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
October 14, 2014

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on October 14, 2014 and was called to order by Acting Mayor Joseph K. Hemphill at 7:30 p.m.

Pledge of Allegiance.

Present: Acting Mayor Hemphill, Councilmen Day, Rubin and Shanley.

Absent: Mayor Ekdahl, Councilwoman Atwell and Councilman Broderick.

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 Acting 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 2014 to the *Asbury Park Press* and the *Two River Times*.

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

**COMMUNICATIONS:**

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**LETTER FROM CHURCH OF THE HOLY CROSS REQUESTING PERMISSION TO PLACE A TEMPORARY TRAILER ON THEIR PROPERTY PARALLEL TO THE TENNIS COURT HEDGE TO STORE ITEMS COLLECTED DURING THEIR THANKSGIVING FOOD DRIVE AND CHRISTMAS GIFT DRIVE FROM NOVEMBER 13<sup>TH</sup> THROUGH DECEMBER 17<sup>TH</sup>:**

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The Municipal Clerk/Administrator advised of a letter from Church of the Holy Cross requesting permission to place a trailer on the west side of their property parallel to the tennis court fence from November 13<sup>th</sup> through December 17<sup>th</sup> to house the food and gifts collected during their Thanksgiving and Christmas Drives.

On motion by Councilman Shanley, seconded by Councilman Day, this communication was ordered received and permission for the temporary trailer on the Holy Cross property from November 13<sup>th</sup> through December 17<sup>th</sup> was granted. All in favor.

**COMMITTEE REPORTS:**

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None.

**UNFINISHED BUSINESS:**

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None.

**NEW BUSINESS:**

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**RESOLUTION 2014-1014-134 AUTHORIZING THE AWARD OF A CONTRACT FOR THE BOROUGH'S LEAF RECYCLING FOR 2014 TO OVERBROOK FARM:**

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**2014-1014-134**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, only one (1) proposal was received for the 2014-2015 contract to recycle the Borough's leaves; and

WHEREAS, Overbrook Farm, 12 Mineral Springs Lane, Tinton Falls, N.J. was the low bidder at a price of \$3.50 per cubic yard compacted;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves a one-year contract with Overbrook Farm for the recycling of leaves; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized to accept the aforementioned proposal from Overbrook Farm dated September 25, 2014.

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

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

In the negative: None.

Absent: Atwell and Broderick.

**RESOLUTION 2014-1014-135 AUTHORIZING THE ADDITION OF INFORMATION TO THE BOROUGH'S MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS OPEN SPACE TRUST FUND ENABLING RESOLUTION FOR DEVELOPMENT OF PIPING ROCK PARK IMPROVEMENTS—PHASE I:**

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The Municipal Clerk/Administrator advised that the purpose of this Resolution was to note on the Borough's grant application for the Municipal Open Space Program that Piping Rock Park was not just the property known as Block 60, Lot 5, but actually fronts on Forrest Avenue, Carton Street and East River Road.

**2014-1014-135**

BOROUGH OF RUMSON

MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS  
OPEN SPACE TRUST FUND ENABLING RESOLUTION FOR  
DEVELOPMENT OF PIPING ROCK PARK IMPROVEMENTS – PHASE I

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Rumson desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund Piping Rock Park Improvements - Phase I (Block 60, Lot 5, containing frontage on Forrest Avenue, Carton Street and East River Road); and

WHEREAS, the total cost of the project including all matching funds is \$1,225,000.00 for Phase 1; and

WHEREAS, the Borough of Rumson is the owner of and controls the project site.

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

1. Thomas Rogers, Borough Administrator and Clerk, or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and

2. The Borough of Rumson is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted there to, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Thomas Rogers, Borough Administrator and Clerk, or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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: Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: Atwell and Broderick.

**RESOLUTION 2014-1014-136 AUTHORIZING THE REQUEST FOR AN EXTENSION FOR THE FY 2013 MUNICIPAL AID GRANT THE BOROUGH RECEIVED FROM THE NJ DOT FOR IMPROVEMENTS TO AVENUE OF TWO RIVERS:**

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The Municipal Clerk/Administrator advised that, due to the planned upgrades by New Jersey Natural Gas and New Jersey American Water on Avenue of Two Rivers, the Borough needs to ask for an extension for the Grant so that the work can be done in the spring after the work has been completed by the utility companies.

**2014-1014-136**

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

RESOLUTION REQUESTING AN EXTENSION FOR  
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FY 2013 MUNICIPAL AID GRANT

WHEREAS, the Borough of Rumson received a New Jersey Department of Transportation FY 2013 Municipal Aid Grant for improvements to Avenue of Two Rivers, and these improvements are part of the Borough's 2014 Road Improvement Program; and

WHEREAS, the Borough of Rumson intended on soliciting bids for this project in the late summer of 2014 and begin construction in the fall of 2014; and

WHEREAS, during the preliminary design phase, notification letters were sent out to the various utility companies, and both New Jersey American Water and New Jersey Natural Gas subsequently advised T & M Associates, Inc., Borough Engineer, that they need to replace their respective mains on two of the four streets in the project; and

WHEREAS, the two utility companies also advised that their lead time was fairly long and some of the work could not be done until the winter of 2014/2015; and

WHEREAS, the Borough of Rumson had not anticipated the need for this work to be completed prior to the road improvements; and

WHEREAS, rather than splitting the project into two smaller contracts, the Borough prefers to keep the project as one single project and allow the utilities to perform their work prior to the road improvements; this will also allow the project to be bid during the winter and built in the early spring, which typically yields better bid prices than the rest of the year;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rumson hereby requests that the New Jersey Department of Transportation grant the Borough of Rumson an extension of six (6) months for the FY 2013 Municipal Aid Program for Avenue of Two Rivers due to the circumstances previously stated; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the State of New Jersey Department of Transportation.

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

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

In the negative: None.

Absent: Atwell and Broderick.

**RESOLUTION 2014-1014-137 AUTHORIZING THE REFUND OF THE CASH BOND FOR STREET OPENING PERMITS 43/2014 AND 53/2014:**

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**2014-1014-137**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Megan M. and Nicholas M. Daffan, 7 Ridge Road, Rumson, NJ 07760 paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 43/2014; and

WHEREAS, RBA Development Corp. T/A RBA Homes, 252 Broad Street, Red Bank, NJ 07701 paid the required \$1,000.00 cash bond plus the \$200.00 application fee for Street Opening Permit Number 53/2014; and

WHEREAS, Mark Wellner, Superintendent of Public Works, has inspected the projects listed above and has found them to be satisfactory and therefore recommends the release of the \$1,000.00 bonds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Megan M. and Nicholas M. Daffan, 7 Ridge Road, Rumson, NJ 07760 be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Rumson that RBA Development Corp. T/A RBA Homes, 252 Broad Street, Red Bank, NJ 07701 be issued a refund of the \$1,000.00 bond; and

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

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

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

In the negative: None.

Absent: Atwell and Broderick.

**ANNOUNCEMENTS BY THE MAYOR:**

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Acting Mayor Hemphill made the following Announcements:

1. Rumson Green Day will be held behind Borough Hall on Saturday, October 18<sup>th</sup> from 9:00 a.m. until 1:00 p.m. The DPW will be shredding documents, collecting books for donation or recycling and electronics for recycling.
2. The Rumson Recreation Halloween Parade will be held at Victory Park on Sunday, October 26<sup>th</sup> from 3:30 p.m. until 5:00 p.m. There will be costume judging and various activities for the children following the parade.

Thank you.

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

Councilman Day offered the following resolution and moved its adoption:

\$	415.00	Monmouth County SPCA
\$	13.20	NJ Dept Health/Sr Services
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\$	428.20	Animal Control Account
\$	39,661.49	T & M Associates
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\$	39,661.49	Capital Account
\$	100.00	Alan's Rumson Florist
\$	11,612.00	Allied Oil LLC
\$	1,194.60	Americanwear Indust Uniforms
\$	1,548.55	AR Communications
\$	159.79	Builders General Supply Co
\$	64.00	Butch's Auto Car Wash Inc
\$	549.24	Circle Chevrolet Inc
\$	2,586.20	Clayton Block Co Inc
\$	708.66	Cross Over Networks
\$	1,193.00	Custom Tire Associates
\$	950.00	Diane Guidone Garden Design
\$	31.46	Direct Energy Business
\$	224.54	Emergency Medical Products Inc
\$	447.92	Fair Haven Hardware Inc
\$	1,023.73	Fastenal Co
\$	499.51	Joseph Fazzio
\$	250.88	F & C Automotive Supply Inc
\$	180.00	Glenco Supply Inc
\$	122.91	WW Grainger Inc
\$	1,879.85	Hough Petroleum Corp
\$	985.00	Interstate Mobile Care Inc
\$	700.00	Christopher J Isherwood
\$	98.45	Kepwel Natural Spring Water
\$	38.44	Lawes
\$	186.60	Lertch Recycling Co Inc
\$	885.98	Level 3 Communications LLC
\$	3,539.12	Marpal Disposal
\$	56.00	Mazza & Sons Inc
\$	13,054.25	Monmouth County Regional
\$	359.22	Merco Marine Inc
\$	1,377.41	Mid-Atlantic Truck Centre Inc
\$	20,104.89	Treasurer County of Monmouth
\$	100.00	Municipal Clerks Assn NJ Inc
\$	258.96	Naylor's Auto Parts
\$	9,068.80	New Jersey American Water
\$	409.52	NJ Fire Equipment Co
\$	575.38	NJ Natural Gas Co
\$	35.00	NJ Police Traffic
\$	81,432.01	State of NJ Pensions/Active
\$	42,401.25	State of NJ Pensions/Retiree
\$	39.99	Norwood Auto Parts
\$	48,745.00	Nupump Corporation
\$	232.50	Colleen P O'Connor

\$	289.80	One Call Concepts
\$	295.50	PL Custom Emergency Vehicles
\$	39.98	Queen Vacuum Co
\$	259.00	Re-Action Auto Glass
\$	1,845.41	Reussille Law Firm LLC
\$	324.00	Ryser's Landscape Supply
\$	2,929.90	Safe-T
\$	50.00	Robert Savoth
\$	96.00	Seaboard Welding Supply Inc
\$	50.00	Ronald J Sickler
\$	250.00	State Shorthand Reporting Serv
\$	692.51	Staples Advantage
\$	397.72	Stavola Asphalt Co Inc
\$	385.90	Staples Print Solution
\$	585.00	Michael B Steib PA
\$	800.00	Taylor Fence Co Inc
\$	986.70	Timmerman Equipment Company
\$	16,226.28	T & M Associates
\$	4,598.10	Treasurer State of NJ
\$	325.00	Treasurer State of NJ
\$	140.00	Treasurer State of NJ
\$	25,502.76	Treasurer State of NJ/727 GSPT
\$	1,586.57	Trico Equipment Services LLC
\$	58.81	The Two River Times
\$	835,597.50	Two Rivers Water Reclamation
\$	220.73	USA Bluebook
\$	30.29	Verizon
\$	540.36	George Wall Lincoln
\$	635.00	Warshauer Electric Supply
\$	80.73	Mark Wellner
\$	60.48	Werner Automotive
\$	167.89	WH Potter & Son Inc
\$	1,878.75	Wilentz Goldman & Spitzer PA
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\$	1,147,937.28	Current Fund
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\$	480.00	Athlete's Alley
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\$	480.00	Endowment Inc Account
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\$	745.92	All American Mobile Marine
\$	8,648.82	Athlete's Alley
\$	713.46	John Deere Landscaping
\$	700.70	Sam Kuciej
\$	45.00	Cole Lee
\$	249.00	Mad Science of West NJ
\$	100.00	Theodore Montalbano
\$	60.00	William O'Brien
\$	100.00	Ethan Peters
\$	3,787.25	RFH Rowing Inc
\$	25.00	Thomas S Rogers
\$	1,267.50	Rutgers/Youth Sports Council
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\$	16,442.65	Recreation Account
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\$	1,000.00	Megan M & Nicholas M Daffan
\$	1,000.00	Michael Heal
\$	1,000.00	RBA Development Corp
\$	481.00	Michael B Steib PA
\$	1,668.91	T & M Associates
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\$	5,149.91	Trust Account
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\$	1,878.75	Current Fund Appropriations
\$	1,146,058.53	Current Fund Appropriations
\$	428.20	Animal Control Fund Expenses
\$	39,661.49	Capital Fund Disbursements

\$	480.00	Endowment Disbursements
\$	16,442.65	Recreation Disbursements
\$	5,149.91	Trust Fund – Other Expenses
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\$	1,210,099.53	Total Of All Funds

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

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

In the negative: None.

Absent: Atwell and Broderick.

**COMMENTS FROM THE COUNCIL:**

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

**COMMENTS FROM THE PUBLIC:**

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

Rob Eyerkuss of 21 Lennox Avenue distributed copies to the Acting Mayor and Council of a letter that he had sent to the Borough over the weekend requesting permission to use Victory Park on Saturday, May 30, 2015 for his wedding ceremony. He stated that the Municipal Clerk/Administrator had e-mailed him advising that the request had been denied because of the concern that having chairs at the ceremony would damage the lawn area. Mr. Eyerkuss requested that the Council reconsider this decision. He stated that the following would be done:

- Obtain the required liability insurance
- Have his wedding planner on site before and after the chairs are used
- The same chairs would be used at his reception at the Rumson Country Club River House, so no chairs would be left in the park
- Hire a private duty police officer to be in Victory Park before, during and after the ceremony to insure that there would not be any issues
- No alcohol would be at the ceremony

Mr. Eyerkuss stated that he hoped that his reputation as a long-time resident and member of Rumson EMS and Fire Department, as well as his fiancée’s as a member of Rumson EMS, along with the above stated would be enough for the Council to reconsider the decision. He added that they would keep the number of chairs to 150 and that a number of the guests were long-time Rumson residents—some elderly and in need of seating.

Mr. Eyerkuss stated that Victory Park holds a special meaning to him and his family and he would really appreciate the Council’s decision to allow the ceremony in Victory Park.

In answer to a question from the Council, Mr. Eyerkuss stated that there was nothing scheduled in Victory Park on that day. He added that they would leave the park in the same condition that it was prior to the ceremony, removing the chairs, potted plants and decorations.

In answer to additional questions, Mr. Eyerkuss advised that the ceremony was scheduled for 4:30 p.m., the wedding planner, chairs and police officer would arrive at 4:00 p.m. He added that the chairs would be removed immediately following the ceremony and they should be out by approximately 5:30 p.m. Mr. Eyerkuss added that May 30<sup>th</sup> was also his birthday.

Acting Mayor Hemphill stated that the Council would take his points under advisement and a decision would be made at the next Council meeting on October 28<sup>th</sup> when the Mayor and full Council would be present.

Mr. Eyerkuss thanked the Council for their time and consideration and stated that perhaps he would attend the October 28<sup>th</sup> Council meeting in case the Mayor and other members had questions.

The Acting Mayor and Council thanked Mr. Eyerkuss.

**ADJOURNMENT:**

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On motion by Councilman Rubin, seconded by Councilman Shanley, the meeting adjourned at 7:40 p.m. All in favor.

Respectfully submitted,

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