

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
September 22, 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 September 22, 2015 at 4:35 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman Atwell (arrived at 4:37 p.m.), Councilmen Broderick, Conklin, Day, Hemphill and Rubin.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2015 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Rubin, seconded by Councilman Day, 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 CYSTIC FIBROSIS FOUNDATION REQUESTING PERMISSION TO SET UP A MOBILE REST STOP STATION IN THE BOROUGH PARKING LOT ON BINGHAM AVENUE FROM 9:00 A.M. UNTIL 12:00 P.M. DURING THE ALREADY APPROVED 5<sup>TH</sup> ANNUAL CF CYCLE FOR LIFE CHARITY BIKE RIDE ON SATURDAY, OCTOBER 3, 2015:**

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The Municipal Clerk/Administrator advised of a letter dated September 21, 2015 from Stephanie Karlo, Executive Director of Cystic Fibrosis Foundation, requesting permission to set up a rest stop station to provide water to participants in the Borough parking lot on Bingham Avenue from 9:00 a.m. until 12:00 p.m. during the already approved 5<sup>th</sup> Annual CF Cycle for Life charity bike ride.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and permission for the rest stop station for the CF Cycle for Life Bike Ride was granted. All in favor.

**LETTER FROM CHALLONER & ASSOCIATES LLC ADVISING OF AN APPLICATION ON BEHALF OF JAMES PETERKIN TO THE STATE DEP FOR A CAFRA GENERAL PERMIT FOR THE CONSTRUCTION OF A 15' X 35' IN-GROUND SWIMMING POOL AND LEGALIZE THE EXISTING HOME ON PROPERTY LOCATED AT 41 WATERMAN AVENUE:**

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The Municipal Clerk/Administrator advised of a letter dated September 3, 2015 from Challoner & Associates LLC on behalf of James Peterkin. The letter advised of the application submitted to the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation for a CAFRA General Permit to construct a 15' X 35' in-ground swimming pool and legalization of the existing home on property located at 41 Waterman Avenue.

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

**COMMITTEE REPORTS:**

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None.

**UNFINISHED BUSINESS:**

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None.

**NEW BUSINESS:**

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**INTRODUCTION OF ORDINANCE 15-012 G TO AUTHORIZE THE AMENDMENT OF CHAPTER 2, ADMINISTRATION, SECTION 20, BOARD OF RECREATION COMMISSIONERS TO ADD TWO NON-VOTING ALTERNATES AND CREATE A PROCESS FOR MEMBER REMOVAL IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, OCTOBER 27, 2015 AT 7:30 P.M.:**

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

**15-012 G**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER II, ADMINISTRATION 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 II (Administration), 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 II (Administration), Section 20, Board of Recreation Commissioners, to provide for the addition of Alternate Members and define the process for the removal a Commissioner or Alternate Member.

*Chapter II (Administration), 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 II, Administration, shall be amended to as follows:

**CHAPTER II  
ADMINISTRATION**

**2-20 BOARD OF RECREATION COMMISSIONERS.**

**2-20.1 Creation of Board.**

No Change.

**2-20.2 Membership.**

The Board shall consist of seven (7) members and two (2) alternate members who shall be citizens and residents of the municipality.

**2-20.3 Term of Office; Vacancies; Compensation.**

- a. The Commissioners first appointed shall hold office for the following respective terms:
  - 1. Two (2) commissioners for one (1) year;
  - 2. Two (2) commissioners for two (2) years;
  - 3. One (1) commissioner for three (3) years;

4. One (1) commissioner for four (4) years; and
5. One (1) commissioner for five (5) years.

Thereafter, all appointments of members to the Board shall be for a term of five (5) years.

- b. Vacancies in the term of any Commissioner or Alternate Member shall be filled for the unexpired term only.
- c. The Commissioners and Alternate Members shall receive no compensation for their services.

#### **2-20.4 Appointment.**

*Members.* The members of the Board of Recreation Commissioners shall be appointed by the Mayor in accordance with the provisions of N.J.S.A. 40:12-1.

*Alternate Members.* The alternate members of the Board of Recreation Commissioners shall be appointed by the Mayor. The alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2" and be appointed for a term of two (2) years. Alternate members may participate in discussions of the proceedings, but may not vote.

*Officers.* The Board of Recreation Commissioners shall elect a Chairman and Vice Chairman from its regular members at the Re-organization meetings or the first meeting of the year.

#### **2-20.5 Powers and Duties; Funding.**

No Change.

#### **2-20.6 Removal.**

*Board of Recreation Commissioners and Alternate Members.* The Commission shall pass a motion by the majority of membership to have a Commissioner or Alternate Member removed for cause and refer it to the Mayor and Council for review. A Commissioner or Alternate Member may request a public hearing prior to review by the Mayor and Council and prior to the decision and subsequent vote to possibly remove a commissioner or alternate member from the Commission.

### **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, October 27, 2015 meeting of the Borough Council at 7:30 p.m.

**RESOLUTION 2015-0922-125 AUTHORIZING THE APPOINTMENT OF FALL CREW COACHES AMANDA DUBOROW, ANDREW HUDSON AND CHRISTOPHER SESLAR EFFECTIVE SEPTEMBER 8, 2015:**

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#### **2015-0922-125**

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Rumson Recreation is in need of three (3) part-time Coaches for the Fall Recreation Crew Program; and

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

WHEREAS, the Recreation Commission has approved this appointments;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the appointments of Amanda K. Duborow, Andrew Hudson and Christopher Seslar as Crew Coaches for the Fall Recreation Crew Program effective September 8, 2015; and

BE IT FURTHER RESOLVED that the Crew Coaches be paid for the Fall Recreation Crew Program as follows:

Amanda K. Duborow	\$3,000.00
Andrew Hudson	\$ 20.00 per hour
Christopher Seslar	\$2,000.00; and

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

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

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

In the negative: None.

Absent: None.

**RESOLUTION 2015-0922-126 AUTHORIZING THE APPOINTMENT OF DAN SESLAR AS SUBSTITUTE SCHOOL CROSSING GUARD EFFECTIVE SEPTEMBER 1, 2015:**

**2015-0922-126**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the following citizen(s) be appointed as Regular School Crossing Guards and Substitute School Crossing Guards for the 2015-2016 School Year:

SUBSTITUTES

Dan Seslar

BE IT FURTHER RESOLVED that Regular and Substitute School Crossing Guards shall be paid at a rate of \$31.00 per diem for days worked; and

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

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

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

In the negative: None.

Absent: None.

**RESOLUTION 2015-0922-127 AUTHORIZING THE ASSESSMENT OF A LIEN FOR PROPERTY MAINTENANCE FOR PROPERTY LOCATED AT 75 SOUTH WARD AVENUE:**

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**2015-0922-127**

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION ASSESSING A LIEN FOR  
PROPERTY MAINTENANCE AT 75 SOUTH WARD AVENUE**

WHEREAS, the Borough of Rumson adopted a property maintenance code for the purpose of protecting the Borough and its residents from the increasing burden of costs incurred by the Borough in maintaining neglected and/or abandoned properties which have become dangerous and detrimental to the life, health, property and safety of its residents; and

WHEREAS, the Code Enforcement Officer notified the Administrator that the property at 75 South Ward Avenue was found to be in violation of Borough Property Maintenance Codes; and

WHEREAS, the Code Enforcement Officer and Administrator made several attempts to reach a responsible party to clean up the property; and

WHEREAS, the Administrator has determined that it may be necessary to have the Borough hire a contractor to complete the required work; and

WHEREAS, in accordance with the property maintenance code, the costs associated with this work shall be certified to the Tax Collector to be assessed as a lien against the property, such costs to be assessed and levied against the property, the same to bear interest at the same rate as taxes, and shall be collected by the Tax Collector in the same manner as taxes;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rumson that the Administrator and Tax Collector have the right to place a lien on the property located at 75 South Ward Avenue to recoup the costs associated with the required work; and

BE IT FURTHER RESOLVED that the Administrator and Code Enforcement Officer notify the homeowner that he has ten (10) days to complete the work required, and, if the work is not completed in that period of time, the Administrator has the authority to hire a firm to clean up the property; and

BE IT FURTHER RESOLVED that the Administrator is hereby directed to forward a certified copy of this resolution to the Chief Financial Officer and Tax Collector; and

BE IT FURTHER RESOLVED that the Administrator shall send a certified copy of this resolution via certified mail to the owner of record of the affected property.

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 2015-0922-128 AUTHORIZING THE ASSESSMENT OF A LIEN FOR PROPERTY MAINTENANCE FOR PROPERTY LOCATED AT 44 WASHINGTON AVENUE:**

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**2015-0922-128**

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION ASSESSING A LIEN FOR  
PROPERTY MAINTENANCE AT 44 WASHINGTON AVENUE**

WHEREAS, the Borough of Rumson adopted a property maintenance code for the purpose of protecting the Borough and its residents from the increasing burden of costs incurred by the Borough in maintaining neglected and/or abandoned properties which have become dangerous and detrimental to the life, health, property and safety of its residents; and

WHEREAS, the Code Enforcement Officer notified the Administrator that the property at 44 Washington Avenue was found to be in violation of Borough Property Maintenance Codes; and

WHEREAS, the Code Enforcement Officer and Administrator made several attempts to reach a responsible party to clean up the property; and

WHEREAS, the Administrator has determined that it may be necessary to have the Borough hire a contractor to complete the required work; and

WHEREAS, in accordance with the property maintenance code, the costs associated with this work shall be certified to the Tax Collector to be assessed as a lien against the property, such costs to be assessed and levied against the property, the same to bear interest at the same rate as taxes, and shall be collected by the Tax Collector in the same manner as taxes;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rumson that the Administrator and Tax Collector have the right to place a lien on the property located at 44 Washington Avenue to recoup the costs associated with the required work; and

BE IT FURTHER RESOLVED that the Administrator and Code Enforcement Officer notify the homeowner that he has ten (10) days to complete the work required, and, if the work is not completed in that period of time, the Administrator has the authority to hire a firm to clean up the property; and

BE IT FURTHER RESOLVED that the Administrator is hereby directed to forward a certified copy of this resolution to the Chief Financial Officer and Tax Collector; and

BE IT FURTHER RESOLVED that the Administrator shall send a certified copy of this resolution via certified mail to the owner of record of the affected property.

Resolution 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.

**RESOLUTION 2015-0922-129 AUTHORIZING THE CANCELLATION OF THE PUBLIC ASSISTANCE TRUST FUND TO THE RUMSON CURRENT FUND BALANCE:**

**2015- 0922-129**

Councilman Broderick offered the following resolution and moved its adoption:

**RESOLUTION CANCELING PUBLIC ASSISTANCE TRUST FUND  
IN THE BOROUGH OF RUMSON  
TO RUMSON CURRENT FUND BALANCE**

WHEREAS, there exists a Public Assistance Fund in the amount of \$839.35 on the Rumson Trust Fund Balance Sheet; and

WHEREAS, it is necessary to formally cancel the Public Assistance Fund on the balance sheet; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Public Assistance Fund in the amount of \$839.35 be cancelled to the Rumson Current Fund; and

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

Resolution seconded by Councilwoman Atwell and carried upon the following roll call vote:

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

In the negative: None.

Absent: None.

**RESOLUTION 2015-0922-130 AUTHORIZING THE REFUND OF THE REDEMPTION MONIES TO TOWER FUND SERVICES AS CUSTODIAN FOR EBURY FUND 1NJ, LLC, FOR TAX SALE CERTIFICATE #14-00002 FOR BLOCK 50, LOT 9 FOR 2013 DELINQUENT SEWER CHARGES:**

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**2015- 0922-130**

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES  
TO EBURY FUND 1NJ, LLC

WHEREAS, at the Municipal Tax Sale held on December 2, 2014, a lien was sold on Block 50, Lot 9, also known as 9 Maplewood Avenue in Rumson, for 2013 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #14-00002, was sold to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, for a \$1,100.00 premium; and

WHEREAS, the property owner, Thomas J. Thornton, has effected redemption of Certificate #14-00002 in the amount of \$1,067.37;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$2,167.37 payable to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, PO Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #14-00002; and

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

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

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

In the negative: None.

Absent: None.

**RESOLUTION 2015-0922-131 AUTHORIZING THE MAYOR AND MUNICIPAL CLERK/ ADMINISTRATOR TO SIGN THE AGREEMENTS WITH THREE (3) WASHINGTON STREET RESIDENTS TO EXPAND THE BOROUGH RIGHT-OF-WAY:**

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**2015-0922-131**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, in the course of installing sidewalks on the west side of Washington Street, it is necessary for the Borough to install the sidewalk around large existing Borough shade trees on three (3) properties on Washington Street; and

WHEREAS, it has been recommended by the project engineer that the Borough of Rumson obtain a temporary sidewalk easement of three (3') feet in order to preserve the trees where possible from the following:

Elizabeth Waters of 62 Washington Street (a portion of Block 34, Lot 4)  
Michael and Vanessa Schorr of 70 Washington Street (a portion of Block 34, Lot 8)  
Robert and Kristin Schweitzer of 100 Washington Street (a portion of Block 34, Lot 22); and

WHEREAS, said easements shall be for the life of the trees and life of the sidewalk; and

WHEREAS, if agreed, the sum of One Dollar (\$1.00) for granting permission for the easement will be given to Elizabeth Waters, Michael and Vanessa Schorr, and Robert and Kristin Schweitzer;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the easement agreements with Elizabeth Waters, Michael and Vanessa Schorr, and Robert and Kristin Schweitzer and authorizes the Borough Attorney to record the transactions with Monmouth County officials.

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 2015-0922-132 AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR RIVER ROAD HOLDINGS LLC AND PRESTIGE REALTY HOLDINGS PROJECTS:**

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**2015- 0922-132**

Councilman Broderick offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, River Road Holdings LLC obtained Preliminary and Final Major Subdivision from the Borough of Rumson Zoning Board to demolish an existing structure and to construct a two-story 5,000 square foot mixed-use building which included retail on the first floor and affordable housing on the second floor; and

WHEREAS, River Road Holdings has posted a Performance Bond and a Performance Cash Bond in the amount of \$6,395.86 in conjunction with this project; and

WHEREAS, River Road Holdings did not proceed with the project and the Borough has a contract to acquire the property; and

WHEREAS, the Borough Engineer in a letter dated October 21, 2014 and last revised September 16, 2015 advised that their office has the following outstanding invoices posted in conjunction with the River Road Holdings project as well as those held by Prestige Realty Holdings and Prestige Equities:

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>
<i>RMZBR0830: RIVER RD HLDGS LLC SITE PLAN B45 L5</i>		
JMB261382/LES73017	5/31/2005	\$604.75
JMB261383/LES76219	7/29/2005	\$192.00
JMB261384/LES77717	8/24/2005	\$640.00
JMB261385/LES78443	9/9/2005	\$39.75
JMB261386/LES79385	9/29/2005	\$749.25
JMB261388/LES87429	3/10/2006	\$384.00
JMB261389/LES88144	3/24/2006	\$53.00
JMB261390/LES93991	7/11/2006	\$320.00
HN266745	12/30/2014	\$196.25
HN279287	7/7/2015	\$78.50

**Total Amount Due: \$3,257.50**

*RMPBR0810: PRESTIGE REALTY MINOR SUBDIVISION BLOCK 132, LOT 6*

JMB261378/LES48724	9/25/2003	\$60.00
JMB261379/LES52112	12/19/2003	\$65.00
<b>Total Amount Due</b>		<b>\$125.00</b>

*RMSNI0550: CARTON ST. COMMERCIAL SITE PLAN B59 L10*

LES79383	9/29/2005	\$77.25
JMB261381/LES93853	7/6/2006	\$750.75
HN252374	5/27/2014	\$157.00
HN255538	7/15/2014	\$274.75
HN261989	10/16/2014	\$235.50
HN265889	12/11/2014	\$878.54
<b>Total Amount Due</b>		<b>\$2,373.79</b>

WHEREAS, the Planning Board Attorney advised that their office has the following outstanding invoices posted in conjunction with Prestige Realty Holdings project at 125 Blackpoint Road (Block 67, Lot 8):

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>
#15613	07/12/04	\$46.00
#15722	08/09/04	\$23.00
#15820	09/13/04	\$115.00
#15923	10/06/04	\$23.00
#16023	11/08/04	\$115.00

**Total Amount Due: \$322.00**

WHEREAS, Richard J. Pepsny Esq. forwarded a letter to Zoning Officer Fred Andre advising that his client has authorized the use of monies posted in conjunction with the River Road Holdings LLC Project at Block 45, Lot 4 be used to satisfy the outstanding obligations of his client;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rumson that the performance bond and performance cash bonds posted in conjunction with the River Road Holdings, LLC Preliminary and Final Major Site Plan be released, subject to the payment of any outstanding fees. Said bonds release was recommended by the Borough Engineer in a letter dated October 21, 2014, last revised September 16, 2015, a copy of which is on file in the Borough Clerk’s office; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Rumson that the cash performance bond be used to pay the outstanding engineering escrow fees for this project in amount of \$3,257.50, as well as the outstanding invoices for the Carton Street project, in the amount of \$2,373.79 and the Prestige Realty project, in the amount of \$125.00 and the outstanding attorney escrow fees in the amount of \$332.00 for the Prestige Realty Holdings project; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Rumson that the maintenance guarantee for this project be waived as further recommended by the Borough Engineer in a letter dated October 21, 2014, last revised September 16, 2015.

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

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

In the negative: None.

Absent: None.

**RESOLUTION 2015-0922-133 AUTHORIZING THE RELEASE OF THE MAINTENANCE GUARANTEE AND CASH BONDS TO WELLS FARGO BANK:**

**2015- 0922-133**

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, by Resolution dated April 2, 2012, the Zoning Board of Adjustment granted amended Preliminary and Final Major Site Plan Approval to Wells Fargo Bank; and

WHEREAS, the Borough Engineer in their letter dated September 28, 2012 prepared a Performance Guarantee Estimate for the proposed ADA improvements at the bank; and

WHEREAS, in accordance with Section 22-10 of the Borough Ordinance, the Performance Guarantee Estimate for the bondable site improvements is \$17,920.00, of which 10 percent (or \$1,792.00) must be posted in cash and the remaining 90 percent (or \$16,128.00) may be posted in the form of surety bond acceptable to the Borough; and

WHEREAS, Wells Fargo Bank posted the required bonds to guarantee the completion of the bonded improvements in accordance with the Performance Guarantee Estimate dated September 28, 2012; and

WHEREAS, Wells Fargo Bank satisfactorily completed the approved ADA improvements and in a letter dated September 20, 2013 the Borough Engineer's Office recommended the release of the performance bonds subject to the posting of a two-year maintenance guarantee; and

WHEREAS, Wells Fargo Bank posted the required maintenance guarantee in October 2013 and kept a \$350.00 cash bond on open with the Borough of Rumson; and

WHEREAS, Wells Fargo Bank has requested a release of the maintenance bonds posted in conjunction with this project; and

WHEREAS, in response to the applicant's request the Borough Engineer's Office conducted an inspection of the property on September 17, 2015 and the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition; and

WHEREAS, the Borough Engineer's Office in their letter dated September 22, 2015 recommend that the maintenance guarantees be release by formal resolution;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the Maintenance Guarantee in the amount of \$2,240.55, and cash bond in the mount of \$350.00 and any remaining inspection fees, subject to the payment of any outstanding fees, in accordance with the Borough Engineer's September 22, 2015 letter.

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

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

In the negative: None.

Absent: None.

**RESOLUTION 2015-0922-134 AUTHORIZING THE AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT TO TERMINATE THE RESEARCH AGREEMENT WITH RUTGERS UNIVERSITY AND DR. ROBERT BURCHELL AND RETAIN THE SERVICES OF ECONSULT SOLUTIONS, INC.:**

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**2015-0922-134**

**BOROUGH OF RUMSON**

**RESOLUTION  
TO AMEND THE MUNICIPAL SHARED SERVICES  
DEFENSE AGREEMENT (MSSDA)**

**WHEREAS**, the Borough Council of the Borough of Rumson entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

**WHEREAS**, the Borough Council of the Borough of Rumson recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Borough Council of the Borough of Rumson has determined that it is in the best interests of the citizens of the Borough of Rumson to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Rumson hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Rumson with Econsult Solutions, Inc.
4. The Borough Council of the Borough of Rumson hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Rumson with the approval of the Borough’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
5. The Borough Council of the Borough of Rumson further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Rumson shall only be responsible for such funding if it authorizes same.

6. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
7. This Resolution shall take effect immediately.

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

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

In the negative: None.

Absent: None.

**RESOLUTION 2015-0922-135 AUTHORIZING THE REFUND OF THE CASH BOND FOR STREET OPENING PERMIT 125/2014:**

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**2015- 0922-135**

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, Randolph J. Rosen DDS, AKA Family Dentistry of Eatontown, 2 Broadmoor Drive, Rumson, NJ 07760 paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 125/2014; and

WHEREAS, Mark Wellner, Superintendent of Public Works, has inspected the project listed above and has found it 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 Randolph J. Rosen DDS, AKA Family Dentistry of Eatontown, 2 Broadmoor Drive, Rumson, NJ 07760 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 Hemphill and carried upon the following roll call vote:

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

In the negative: None.

Absent: None.

**ANNOUNCEMENT BY THE MAYOR:**

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Mayor Ekdahl made the following Announcement:

On behalf of the Borough Council, I would like to wish all of our Jewish residents and friends best wishes on Yom Kippur, which begins at sundown on September 22<sup>nd</sup>.

Thank you.

**FINANCIAL OFFICER’S REPORT:**

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The Financial Officer’s Reports disclosed the following as of August 31, 2015:

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

Analysis of Cash for the Month Ending: August 31, 2015

<b>Funds</b>	<b>Beginning Balance</b>	<b>Cash Receipts</b>	<b>Disbursements</b>	<b>Ending Balance</b>
1. CURRENT FUND				
Current Fund Checking	\$ 15,245,182.08	\$15,569,477.84	\$ (8,489,246.79)	\$ 22,325,383.13
Change Funds	\$ 300.00	\$ 0.00	\$ 0.00	\$ 300.00
Certificates of Deposit	\$ 0.00	\$ 0.00	\$ 0.00	\$ —
Total Current Fund	\$ 15,245,482.08	\$15,569,477.84	\$ (8,489,246.79)	\$ 22,325,683.13
2. CAPITAL FUND				
Capital Fund Checking	\$ 3,131,483.66	\$ 0.00	\$ (557,829.23)	\$ 2,573,654.43
2007 Capital Improvement	\$ 165,270.83	\$ 0.00	\$ 0.00	\$ 165,270.83

Bond Proceeds					
Total Capital Fund	\$ 3,296,754.49	\$ 0.00	\$ (557,829.23)	\$ 2,738,925.26	
3. PAYROLL & PAYROLL AGENCY					
Payroll	\$ 2,981.86	\$ 264,977.11	\$ (264,977.11)	\$ 2,981.86	
Payroll Agency	\$ 10,905.91	\$ 162,550.59	\$ (162,550.59)	\$ 10,905.91	
Total Payroll & Payroll Agency	\$ 13,887.77	\$ 427,527.70	\$ (427,527.70)	\$ 13,887.77	
4. TRUST FUNDS					
Trust Fund Checking	\$ 805,917.62	\$ 2,914.50	\$ (446.75)	\$ 808,385.37	
Unemployment Trust	\$ 96,233.17	\$ 65.62	\$ 0.00	\$ 96,298.79	
Recreation Trust	\$ 440,804.95	\$ 35,392.00	\$ (111,913.37)	\$ 364,283.58	
C.O.A.H. Trust	\$ 1,897,428.56	\$ 23,666.31	\$ (1,971.11)	\$ 1,919,123.76	
Law Enforcement Trust Fund	\$ 434.94	\$ .30	\$ 0.00	\$ 435.24	
D.A.R.E.	\$ 11,138.03	\$ 7.57	\$ 0.00	\$ 11,145.60	
Cafeteria Plan	\$ 9,929.22	\$ 0.00	\$ (579.14)	\$ 9,350.08	
Animal Control Trust Fund	\$ 21,186.25	\$ 216.00	\$ (62.60)	\$ 21,339.65	
Public Assistance Trust Fund	\$ 839.35	\$ 0.00	\$ 0.00	\$ 839.35	
Total Trust Funds	\$ 3,283,912.09	\$ 62,262.30	\$ (114,972.97)	\$ 3,231,201.42	
TOTAL ALL FUNDS	\$ 21,840,036.43	\$ 16,059,237.84	\$ (9,589,576.69)	\$ 28,309,697.58	

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:

\$	300.00	Monmouth County SPCA
\$	17.64	Robert Savoth
<hr/>		
\$	317.64	Animal Control Account
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\$	19,521.90	Woodward Construction Co
\$	19,521.90	Capital Account
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\$	365.20	Johnny on the Spot Inc
\$	2,638.59	Allied Oil LLC
\$	80.00	ANJR
\$	629.40	Richard & Joann April
\$	94.00	AR Communications
\$	294.10	Atlantic Coast Fibers LLC
\$	1,600.00	Becker Tree Service
\$	25.00	Bob's Uniform Shop
\$	314.70	Frederick S Bradley
\$	629.40	William & Dzintra L Brush
\$	693.36	Carrot-Top Industries
\$	67.29	Clayton Block Co Inc
\$	1,230.00	Cleary Giacobbe Alfieri
\$	4,800.00	Coded Systems LLC
\$	137.66	Comcast of Monmouth
\$	314.70	Mark Conley
\$	768.00	Cross Over Networks
\$	314.70	Regina Davidson
\$	3,943.68	Delta Dental of New Jersey Inc
\$	10.00	Carol Ann Dice
\$	170.00	Dynamic Testing Service
\$	2,167.37	Ebury Fund 1NJ LLC

\$	452.16	Edward Tire Co Inc
\$	1,339.05	David Farhi
\$	881.30	Fastenal Co
\$	30.49	FedEx Techconnect Revenue Serv
\$	477.60	Harden W Fowler
\$	629.40	James F & Linda L Gallagher
\$	580.00	Glenco Supply Inc
\$	35.00	Helen L Graves
\$	314.70	John C Hendricks
\$	955.20	Robert & Jane Hoffman
\$	314.70	Barbara M Hoffman
\$	9,280.75	JCP&L
\$	365.20	Johnny on the Spot Inc
\$	587.40	Gerald P & Helen M Kelly
\$	504.00	Kencor Inc
\$	724.80	Iris O Kirkpatrick
\$	2,800.00	Roto-Rooter
\$	86.62	Lawes
\$	883.87	Level 3 Communications LLC
\$	629.40	Norman & Joanne B Long
\$	5,031.01	Treasurer County of Monmouth
\$	629.40	Royal E & Virginia Moss
\$	314.70	Elizabeth N Murphy
\$	629.40	M Patricia & Joseph Murphy
\$	184.52	Naylor's Auto Parts
\$	149.20	Nelson Press
\$	200.99	Neopost USA Inc
\$	211.38	NJ Natural Gas Co
\$	203.70	One Call Concepts
\$	314.70	James J Peluso
\$	35.69	PEP Express Parts
\$	314.70	Joseph Ranieri
\$	340.00	Realty Data Systems LLC
\$	2,221.67	Republic Services of NJ LLC
\$	1,845.41	Reussille Law Firm LLC
\$	721.67	Ricoh USA Inc
\$	320.00	Roy Press Printers
\$	724.80	Edward Rumolo
\$	112.00	Ryser's Landscape Supply
\$	477.60	J Gary Sammon
\$	629.40	James & Evelyn Scalzo
\$	96.78	Seaboard Welding Supply Inc
\$	667.82	Sherwin-Williams Co
\$	314.70	Joan C Shea
\$	500.00	Thomas J Smith III
\$	629.40	Joseph J & Joann Sorrentino
\$	250.00	State Shorthand Reporting Serv
\$	547.38	Staples Advantage
\$	1,796.46	Stavola Asphalt Co Inc
\$	78.00	Michael B Steib PA
\$	43,734.21	Suburban Disposal Inc
\$	629.40	James & Pauline Tanner
\$	2,582.50	Targeted Technologies LLC
\$	399.10	Traffic Safety Services
\$	314.70	Joseph E Tuzik Sr
\$	275.31	Verizon
\$	134.99	Verizon Business Fios
\$	561.20	George Wall Lincoln
\$	314.70	Lorraine J Watson
\$	120.00	Weights and Measures Fund
\$	22,524.15	Wilentz Goldman & Spitzer PA
\$	10,986.86	Nathan P Wolf LLC and
\$	314.70	Donald York
\$	1,262.15	ZEP Sales & Service

\$	314.70	Robert Zerr
\$	148,119.94	Current Fund
\$	400.00	Siciliano Landscape Co LLC
\$	400.00	Endowment Inc Account
\$	5,320.00	Incrediflix Inc
\$	598.50	John Deere Landscaping
\$	24.00	Powerhouse Signworks
\$	9.92	Staples Advantage
\$	5,952.42	Recreation Account
\$	672.79	Phil DePaulis
\$	1,000.00	Randolph J Rosen DDS
\$	1,154.00	Michael B Steib PA
\$	10,855.59	T & M Associates
\$	13,682.38	Trust Account
\$	1,230.00	Current Fund Appropriations
\$	146,889.94	Current Fund Appropriations
\$	317.64	Animal Control Fund Expenses
\$	19,521.90	Capital Fund Disbursements
\$	400.00	Endowment Disbursements
\$	5,952.42	Recreation Disbursements
\$	13,682.38	Trust Fund – Other Expenses
\$	187,994.28	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 residents responded:

Arthur Sorensen of 7 North Ward Avenue stated that he had a couple issues he would like to discuss. He stated that he had been in contact with the Borough Engineers, T & M Associates, to request that they check the drainage of the property next to his where a house is being built at 9 North Ward Avenue. Mr. Sorensen stated that T & M Associates has not done so as yet and wondered if they would be able to check the drainage.

David Marks apologized to Mr. Sorensen and told him that T & M Associates would take care of it.

Mr. Sorensen stated that his other concern was for a subdivision application on Clover Lane that had gone before the Planning Board; it was a totaling conforming subdivision and the Board had no choice but to approve it. He stated that the neighbors at the Planning Board meeting commented that bigger houses on the lots on that small street would upset the character of the neighborhood, and his reaction to that was that the Zone should be changed.

Mayor Ekdahl stated that Clover Lane divides two different Zones—on the southern side there are larger lots and on the northern side there are smaller lots.

Mr. Sorensen stated that the Council has the power to change the Zones.

Mayor Ekdahl stated that the Council could make a change to the Zones, but the homes on either side of Clover Lane conform to the particular Zone for that side of the street. He added that there were probably more than a dozen places in Rumson where Zones collide and that re-zoning wouldn't solve the problem.

Mr. Sorensen stated that the lot size requirement for larger houses could be expanded and in the case of the subdivision on Clover Lane only three lots would have been allowed instead of four.

Mayor Ekdahl stated that others could argue the other way just as easily.

**ADJOURNMENT:**

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On motion by Councilman Rubin, seconded by Councilman Hemphill, the meeting adjourned at 4:45 p.m. All in favor.

Respectfully submitted,

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