

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
October 10, 2023

A regular meeting of the Borough Council of the Borough of Rumson was held on Tuesday, October 10, 2023 at 7:30 p.m.

Pledge of Allegiance.

Mayor Hemphill read the following statement into the record:

“We are all saddened to hear the reports coming out of the Middle East. A conflict spanning decades has once again erupted into unimaginable devastation, with civilians becoming the casualties of targeted attacks. We extend our deepest sympathies to all who are affected or suffering, especially to our Jewish residents who may have personal ties to the region. Rumson joins all people of goodwill throughout the world in calling for peace, empathy, and de-escalation at this time. Thank you”

Present: Mayor Hemphill, Council President Conklin, Casazza, Swikart, Lospinuso.

Absent: Kingsbery, Pomphrey.

Tom Rogers, Municipal Clerk/Administrator, was present.

David Marks, Borough Engineer, was present.

Erik Nolan, Borough Affordable Housing Program Attorney, was present.

Kendra Lelie, Borough Planner, was present.

Mayor Hemphill declared a quorum present and announced that the Notice Requirements of the Open Public Meetings Act have been met for this meeting by:

- The posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2023 to the Asbury Park Press and the Two River Times.
- The posting of the meeting agenda, on the Borough of Rumson Website (www.rumsonnj.gov).

On motion by Councilmember Casazza, seconded by Councilmember Lospinuso, the minutes of the previous meeting on September 19th were approved as written, copies having been forwarded to all Council members.

COMMUNICATIONS:

LETTER FROM THOMAS A ARNONE, COMMISSIONER DIRECTOR OF MONMOUTH COUTY, AWARDING THE BOROUGH OF RUMSON GRANT FUNDING FOR THE MEADOW RIDGE PARK IMPROVEMENT PROJECT.

The Municipal Clerk/Administrator received a letter from Thomas A. Arnone, Commissioner Director, Monmouth County, notifying The Borough of Rumson that the Meadow Ridge Park Improvement Grant Project had been selected for a 2023 Monmouth County Municipal Open Space Grant in the amount of \$331,000.

On motion by Councilmember Swikart, seconded by Councilmember Casazza, this communication was ordered received. All in favor.

LETTER FROM NAJARIAN ASSOCIATES., NOTIFYING THE BOROUGH OF RUMSON OF AN APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF LAND RESOURCE PROTECTION, FOR AN IN-WATER WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT FOR BLOCK 105, LOT 53 ALSO KNOWN AS 15 WARDELL AVENUE.

The Municipal Clerk/Administrator received a letter and a copy of a submitted application to the New Jersey Department of Environmental Protection, Division of Land Resource Protection, from Najarian Associates for an In-Water Waterfront Development Individual Permit for Block 105, Lot 53 also known as 15 Wardell Avenue.

On motion by Councilmember Swikart, thanking him for his service, seconded by Councilmember Casazza, this communication was ordered received. All in favor.

APPLICATION FROM THE OCEANIC HOOK AND LADDER FIRE CO. 1 FOR NORMAN E LONG TO BECOME A NEW ASSOCIATE MEMBER.

The Municipal Clerk/Administrator received a completed application from The Oceanic Hook and Ladder Fire Co. 1 for Norman E. Long to become a new Associate Member.

On motion by Councilmember Casazza, seconded by Councilmember Swikart, this communication was ordered received. All in favor.

LETTERS FROM THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MONMOUTH PROVIDING CERTIFIED COPIES OF AN ADOPTED RESOLUTION ESTABLISHING REVISED NO PASSING ZONES ALONG COUNTY ROUTE 34 (RIDGE ROAD) IN THE BOROUGH OF RUMSON.

The Municipal Clerk/Administrator received a letter, as well as certified copies, regarding the adoption of a resolution by The Board of County Commissioners of The County of Monmouth to establish revised No Passing Zones along County Route 34 (Ridge Road) in The Borough of Rumson.

On motion by Councilmember Casazza, seconded by Councilmember Swikart, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

At this time, Borough Administrator/Municipal Clerk Thomas Rogers introduced Kendra Lelie. Lelie took this time to review the details of Affordable Housing in the state of New Jersey, provide the history of The Council on Affordable Housing, also known as COAH, and provide an overview of the existing Affordable Housing Plan in The Borough of Rumson, including the development of the plan to this point and what the next steps are in meeting the court mandated Affordable Housing requirements for The Borough. In addition, the presentation included the details of how the economic changes in the real estate industry have affected the Rumson Affordable Housing Plan and how the Ordinances up for public hearing and adoption will impact the Rumson Affordable Housing Plan moving forward.

Mayor Hemphill opened up the floor for questions at this time.

Kenneth Dewyngaert of 27 Second Street spoke at this time.

Dewyngaert asked what The Borough's remaining obligation to affordable housing was in the different categories, to which Lelie responded that the requirements being discussed are the minimum requires and that the different categories can support each other to meet the minimum. Lelie stated that of the 51 units, approximately half must be family units.

Dewyngaert continued by asking how many of the remaining units are rental units, to which Lelie replied that all remaining units are rentals and fall under the seniors category which will have The Borough of Rumson maximized its senior requirement for Affordable Housing. Lelie continued by stating that the priority will continue to be creating rental units within the The Borough's Affordable Housing Plan.

Dewyngaert then asked about the new zoning guidelines and the zoning for the 13 units for the development on 49 West River Road, to which Lelie responded that that the zoning ordinance is in place to allow for a certain usage of the property, not an actual project or plan. Lelie stated that it is most likely that through work with non-profit organizations to develop a affordable housing project. The development will be for rental properties as the non-profit organization becomes the owner of the site building, overseeing management and upkeep of the site. Lelie referenced her with Bergen County's United Way and how they've managed projects, including the details of how a project will fit within a certain area of a municipality in order to uphold their required standards for housing and potential funding. Rogers added deeds include that if certain standards are not met, the project could transfer back to The Borough's ownership.

Barbara Mahon of 87 Bingham Avenue spoke at this time. Mahon asked what the future of Affordable Housing may look like in The Borough of Rumson, at the end of the third round in 2025. Lelie responded by stating that while she cannot say specifically what will happen, The Borough's goal is to have a plan in place to propose to the court in July of 2025 for a new set of potential obligations. While there may be an idea of what will come next, there is no way to know exactly until the courts make a decision for a municipality given that the court system is in control of Affordable Housing in the state. Rogers added that The Borough of Rumson will not be the only municipality submitting a plan at that time, so a decision may not be made quickly. Rogers also added that there are municipalities in New Jersey still working with the court system on solidifying their third-round obligations.

Jessica Harter of 17 Third Street spoke at this time. Harter asked if there are any other Affordable Housing Projects in The Borough of Rumson that will see a similar density based on properties size compared to the 49 West River Road project, to which Lelie responded that the Carton Street project will see a similar number of units based on space with 12 units planned for the site.

Jeffrey Pedone of 55 West River Road spoke at this time. Pedone asked how the proposed number of units will be permitted at the 49 West River Road property as current zoning standards do not permit the construction of the project based on minimum standards. Lelie responded that the overlay zones in question meet what is called the unmet need requirement. Lelie continued by stating that overlay zones are in place and formed during negotiation with the Fair Share Housing Center, with the understanding that the market to affordable program was something that The Borough would be required to work on based on initial rulings of the court system. This change will allow the area to become a development zone that will meet the requirements to build the proposed number of Affordable Housing units. Pedone also asked how the project capacity can change for nine units to 13 units, to which Lelie responded that the concept of 12 units per acre is a guideline and that measurement is not specific to every piece of property. With the 49 West River Road project being completely affordable housing, without any need to subsidize, allows for the Borough requirements to be met.

Following the presentation and question and answer portion of the meeting, Mayor and Council continued with the order of business to hold the public hearings for the scheduled ordinances.

ORDINANCE #23-003 D TO AMEND CHAPTER XXII "DEVELOPMENT REGULATIONS", TO AMEND THE AH-1 – CARTON STREET AFFORDABLE

HOUSING 1 ZONE

The Borough/Administrator Municipal Clerk stated that an Ordinance entitled:

ORDINANCE #23-003 D TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO AMEND THE AH-1 – CARTON STREET AFFORDABLE HOUSING 1 ZONE

was scheduled for public hearing at this time following the introduction of the ordinance at the September 19, 2023 meeting.

On motion by Councilmember Casazza, seconded by Council President Conklin, the public was given an opportunity to be heard on this Ordinance in final reading. All in favor.

Mayor Hemphill afforded the public an opportunity to speak at this time.

Stuart Sendell of 7D Lafayette Street spoke at this time. Sendell commented on the availability of the meeting agenda prior to the start of the meeting and shared that during the Rumson Planning Board meeting where the consistency review of the ordinances was being held a letter from Fair Share Housing Center was read, stating that the ordinances up for public hearing and adoption were not consistent with the settlement agreement and asked that they not be voted on. Sendell stated that at the time of the meeting, the Rumson Planning Board Attorney stated that the board could proceed with the vote and Sendell asked if this was true. Sendell concluded his statement by asking if all other parties involved in the settlement agreement have approved of the plan proposed.

Erik Nolan, Borough Affordable Housing Attorney, spoke at this time. Nolan stated that The Borough is work on amendments to the fair share housing plan, confirming that not all parties have yet to approve the amendments to the plan at this time. Nolan stated the Borough’s plan is to work with Fair Share Housing during the amendment process.

Council President Conklin then moved to close the public hearing and for the adoption of this Ordinance in final reading. Motion seconded by Councilmember Lospinuso and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso.

In the negative: None.

Abstain: None.

Absent: Kingsbery, Pomphrey.

MOTION FOR PUBLIC HEARING ON ORDINANCE #23-004 D TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, AMENDING THE REQUIREMENTS FOR THE MIXED-USE AND MULTI-FAMILY OVERLAY OPTION IN THE GB, NB AND POB ZONE DISTRICTS IN THE BOROUGH OF RUMSON, ORDINANCE #23-005D TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE AH-2 – WEST RIVER ROAD AFFORDABLE HOUSING 2 ZONE, AND ORDINANCE #23-006 D TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

On motion by Council President Conklin, seconded by Councilmember Lospinuso, the public was given an opportunity to be heard on this Ordinance in final reading. All in favor.

Mayor Hemphill afforded the public an opportunity to speak at this time.

Daniel Mee of 8 Second Street spoke at this time. Mee started by thanking Lelie for her time, stating that Affordable Housing is a confusing topic. Mee, asked if the project is being locked into 13 units, to which Lelie responded that the changes to the ordinance represent the

number of units, along with changes to the Fair Share Housing Plan. Mee asked if that number can be reduced, to which Lelie responded only if there are other mechanisms in place to meet the requirements through the market to affordable program or by providing support to the special need community, but that the likelihood of that happening at this stage is not likely. Mee asked for the source of the market to affordable housing options to which Lelie responded that there is a Affordable Housing Trust Fund developed to provide funds for the development of affordable housing. Rogers also responded to Mee's questions about how much money is currently in the trust fund, stating that The Borough Council passed a motion supporting the purchase of the property and authorizing debt and that a decision to utilize the Affordable Housing Trust Fund that debt has not be made at this time. Rogers continued by stating there are different mechanisms to consider, stating that the market to affordable process, as well as other projects, are all considered when deciding how the property will be paid for.

Mee asked if the other option to cover the purchase of the property is through the tax payers, to which Rogers responded that this may not be the case if The Borough has the ability to commit to a long-term or short-term loan utilizing the proceeds of the trust fund.

Mee stated that according to his research, if the Affordable Housing Trust Fund is used to cover the purchase of the property, there would be minimal funds left to purchase other properties for market to affordable. Rogers responded that this was one of the reasons why The Borough borrowed for the project, providing The Borough flexibility as the project moves forward. For example, if the State Housing Trust Fund awards funding the project, there will be more funds available to do other things. Mee then asked if said mechanism would be available later on should another property or project become available at another time, to which Rogers responded that he does not believe that Market to Affordable projects qualify for the State Housing Trust funding.

Rogers reiterated that all residents should take the time to follow the business of The Borough, attend meetings and ask questions about everything happening in The Borough, when Mee asked if he should be paying attention to how the money to pay for the 49 West River Road property is allocated. Mee stated that he feels 60 days from the initial notice to Ordinance hearing and adoption was not a lot of time and asked Rogers opinion on this, to which Rogers responded that The Borough has held affordable housing focused meetings, sent letters out to the community to explain how The Borough is acting upon its Affordable Housing requirements and held specific public meetings about affordable housing over the years. Lelie encouraged Mee to look into the spending plan, which was proposed by The Borough and approved by the court and explains how the Affordable Housing Trust Fund money is spent, based on the required allocations.

Lelie stated that this phase of the process, which is the public process, is just getting started and could last about a year or more through the negotiation, approval and adoption process.

Conklin stated that the letter was sent in August, and there have been two meetings between the sending of the letter and tonight. Mee stated that he feels The Borough had done the minimum for providing notice to the community.

Mee, referencing Lelie's comments about looking for bus routes and areas of accessibility when considering affordable housing properties, asked if that process is codified or written anywhere. Lelie responded stating that COAH rules reference specific details and things that need to be considered when looking at properties for Affordable Housing units and that there are certain areas of The Borough that fit those rules better than others. Mee, stating that all Rumson Affordable Housing Units have been consolidated to Rumson's "downtown area", as referenced by Lelie, asked how many total units are located in this area of The Borough. Lelie responded saying that 38 is the total number, with two outside of the specified area. Mee asked if there has been any consideration for other properties, to which Lelie responded that while other properties have been considered, commercial sites that are underutilizes or vacant are the focal point right now as with The Borough's structure, it allows The Borough to remain consistent with COAH's rules and the state's plan for affordable housing.

When Mee asked if those living in the Affordable Housing units will have cars, Lelie responded that this is not necessarily true for every family.

Vita Larney of 4 Second Street spoke at this time. Larney asked the process of choosing how many people live within each unit of an Affordable Housing property, to which Lelie responded that COAH rules dictate a certain bedroom distribution, which are one, two and three bedroom units. Larney asked where the new obligations are going to be considered for in 2025, to which Lelie responded that while she can only speak about what is happening now, the hope is that The Borough will have a plan ready to present to the court. Larney asked if the state is seeing how many people are going into each unit, to which Lelie responded that are requirements based on a unit's number of bedrooms. This takes place during the placement process.

Conklin asked Lelie to explain how the placement process works for Affordable Housing. Lelie took this opportunity to explain the process of selecting a family for a Affordable Housing unit, the qualification process and the lottery for available units. Lelie confirmed Conklin's question that The Borough of Rumson has no input in the selection process. Rogers confirmed this, referencing The Borough's experience working with Community Grants & Planning.

Jeffrey Pedone of 55 West River Road spoke at this time. Pedone referenced a meeting he had with Mayor Hemphill and Conklin. Pedone said that handouts were provided, which included assumed increases in traffic based on the number of proposed units for 49 West River Road, potential properties that could be acquired in The Borough, and a list of 50 people that are opposing the 13 units and would like that number reduced. The list was provided to Rogers. Pedone concluded that he would like more involvement in the processing moving forward, stating the hope of identifying other properties and meeting with borough officials on a regular basis to offset the number of units proposed for 49 West River Road. Rogers, at this time, reiterated that the entire process surrounding the development of the 49 West River Road Affordable Housing project will take time, referencing the process similar to working with the community and parties on the Carton Street Affordable Housing project.

Mahon returned to the floor asking whom the owner of 49 West River Road will be following the completion of the project development. Rogers stated that it will be the non-profit organization it works with to complete the development of the project and there will be deed restrictions in place. Rogers also confirmed Mahon's question that the non-profit organization will also be responsible for the taxes. Mahon asked how the increase in students within the school system will affect her taxes. Rogers responded stating that meetings have been had with the school board and that while not all units will have children attending the school district at the same time. Rogers has spoken to Dr. Bormann, Superintendent of the Rumson School District, stating that there is room for growth. Rogers stated that it should not have any effect on taxes.

Michelle Nielsen of 9 Oakwood Lane spoke at this time. Nielsen asked what would happen if The Borough was short its requirement of units because it only developed 9 or 10 units as oppose to the planned 13 units, to which Lelie responded that it could lead to a lot of things, including non-compliance with its Affordable Housing Plan and non-compliance with the judge's order, which could lead to a lawsuit and The Borough having its builders remedy immunity stripped over being short two to three units of its agreed Affordable Housing plan obligation. Lelie said that this could remove The Borough's entire ability to zone and determine the size of a project. Nielsen asked if ordinance 23-005 D can be voted on given a typo in the details of the ordinance. Rogers confirmed that because it is a typographical error and not changing the contents of the ordinance, the ordinance can be voted on. Nielsen asked for the thought process behind reducing the number of units at the Carton Street project given that it is closer to the school buildings, to which Lelie responded that the objective of the project is to leave the existing building intact, combined with the senior community making more sense for that specific project, given that the smaller lot size will be a better fit for the 12, one bedroom units.

Margaret Kellett of 5 Oak Lane spoke at this time. Kellett asked why the number of senior housing units was reduced given the increase of the senior population. Lelie stated that it is a great question but that the decisions come from the affordable housing rules, which allow for no more than 25 percent of an obligation to be allocated to the senior demographic. Any changes would need to take place at the legislative level.

Sendell returned to the floor at this time. Sendell stated that The Borough has not done an effective job communicating its Affordable Housing plans, reiterating that The Borough is in

violation of the settlement agreement by not providing an annual report. Sendell also spoke about the Affordable Housing Committee stating that a member of the committee is a residents of Carton Street and now Carton Street has become a senior only facility and there was no way of anyone knowing of the change. Sendell feels the community deserves to know the decision making process to change the allocation for the Carton Street Project. Sendell referenced the work done in Morris Township during his time there. Sendell stated that there is not one school age child in the units that The Borough is responsible for. In summary, Sendell feels that The Borough does not communicate until it is too late, The Borough is focused on protecting the R-1 Zone and that there is not enough children in the affordable housing units.

Mee returned to the floor at this time. Mee asked if there has been a density and traffic study completed for 49 West River Road. Lelie stated that the study will be complete during the development process and the project is brought before the Planning Board with a completed impact statement. Mee asked how the decision for 13 units can be made without the information being available, to which Lelie responded that the decision is made based on collaboration with the developer and their experience with projects of similar location and scope. Mee stated that he is concerned about the traffic on his street, Lelie said the information will be available when the application is presented to the planning board and that any resident has the opportunity to object the application and its findings with a credible testimony from a professional within the field. Mee asked that the public be notified of all official meetings surrounding 49 West River Road. Rogers stated that he will create a process for members of the public to sign up for a notification system and reiterated the process of the approval for the potential project and that it has to come before the Planning Board. Mee asked for clarification on if there are residents of Carton Street that are part of the Affordable Housing Committee, to which Lelie responded with the details of the meeting in question where she took the time to present Affordable Housing in The Borough to the Affordable Housing Committee and reasons to consider amending the plans for Carton Street, as well as other projects within The Borough. Mee reiterated his concern with the notice process as well as the size of the project. Lelie reiterated that with the new changes since 2019, a lot of the process has become confidential due to negotiation surrounding Affordable Housing and that The Borough of Rumson is following the processes just as other municipalities are. Lelie, referencing the comment of the protection of the R-1 zone, reiterated that the town homes at the corner for Bingham Avenue and Rumson Road being developed are market to affordable units.

Harder returned to the floor at this time. From her point of view, given that there are currently 26 single family homes on the street, the proposal for homes on the street could increase by 50 percent. The concern is not against affordable housing, but instead the increase in density and how the study for the impact will be completed following the passing of the ordinance. Harder also shared her concerns for the potential increase of students needing to travel to the schools given that they do not have access to busing. When Harder asked if there is recourse, Hemphill stated that this is something The Borough needs to proceed on in order for the courts to approve the plan. Harder asked if there will be plans for off-site parking, to which Lelie responded that the experts involved in the process have reference points for making these decisions.

Kellett returned to the floor at this time. Kellett asked for clarification for the number of units going into each location, to which Lelie respond that Carton Street will have 12 senior units and 49 West River Road will have 13 family units.

Matthew Haggerty of 12 Second Street spoke at this time. Haggerty asked Lelie to share details of passed projects that were similar in size to the potential development at 49 West River Road. Lelie suggested to research Bergen County United Way for as the website shows past projects that have been developed.

The public comment portion concluded at this time.

Councilmember Casazza then moved to close the public hearing. Motion seconded by Councilmember Swikart. All in favor.

ORDINANCE #23-004 D TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, AMENDING THE REQUIREMENTS FOR THE MIXED-USE AND MULTI-FAMILY OVERLAY

OPTION IN THE GB, NB AND POB ZONE DISTRICTS IN THE BOROUGH OF RUMSON

The Borough/Administrator Municipal Clerk stated that an Ordinance entitled:

ORDINANCE #23-004 D ORDINANCE #23-004 D TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, AMENDING THE REQUIREMENTS FOR THE MIXED-USE AND MULTI-FAMILY OVERLAY OPTION IN THE GB, NB AND POB ZONE DISTRICTS IN THE BOROUGH OF RUMSON

was scheduled for public hearing at this time following the introduction of the ordinance at the September 19, 2023 meeting.

Councilmember Swikart moved for the adoption of this Ordinance in final reading. Motion seconded by Councilmember Lospinuso and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso.

In the negative: None.

Abstain: None.

Absent: Kingsbery, Pomphrey.

ORDINANCE #23-005 D TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE AH-2 – WEST RIVER ROAD AFFORDABLE HOUSING 2 ZONE

The Borough/Administrator Municipal Clerk stated that an Ordinance entitled:

ORDINANCE #23-005 D ORDINANCE #23-003 D TO AMEND CHAPTER XXII “DEVELOPMENT REGULATIONS”, TO CREATE THE AH-2 – WEST RIVER ROAD AFFORDABLE HOUSING 2 ZONE

was scheduled for public hearing at this time following the introduction of the ordinance at the September 19, 2023 meeting.

Councilmember Swikart moved for the adoption of this Ordinance in final reading. Motion seconded by Councilmember Lospinuso and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso.

In the negative: None.

Abstain: None.

Absent: Kingsbery, Pomphrey.

ORDINANCE #23-006 D TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

The Borough/Administrator Municipal Clerk stated that an Ordinance entitled:

ORDINANCE #23-005 D ORDINANCE #23-003 D TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

was scheduled for public hearing at this time following the introduction of the ordinance at the September 19, 2023 meeting.

Councilmember Swikart moved for the adoption of this Ordinance in final reading. Motion seconded by Councilmember Lospinuso and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso.

In the negative: None.

Abstain: None.

Absent: Kingsbery, Pomphrey.

ORDINANCE #23-007 A CAPITAL ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND PURPOSES IN, BY AND FOR THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY

The Borough/Administrator Municipal Clerk stated that an Ordinance entitled:

ORDINANCE #23-007 A CAPITAL ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND PURPOSES IN, BY AND FOR THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY

was scheduled for public hearing at this time following the introduction of the ordinance at the September 19, 2023 meeting.

On motion by Councilmember Lospinuso, seconded by Councilmember Casazza, the public was given an opportunity to be heard on this Ordinance in final reading. All in favor.

Mayor Hemphill afforded the public an opportunity to speak at this time. No one spoke at this time.

Councilmember Swikart then moved to close the public hearing. Motion seconded by Councilmember Lospinuso. All in favor.

Councilmember Casazza then moved to close the public hearing and for the adoption of this Ordinance in final reading. Motion seconded by Councilmember Swikart and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso.

In the negative: None.

Abstain: None.

Absent: Kingsbery, Pomphrey.

NEW BUSINESS:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF RUMSON AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE JANUARY 16, 2020 FAIR SHARE HOUSING CENTER SETTLEMENT AGREEMENT

2023-1010-144

Councilmember Swikart offered the following resolution and moved its adoption:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
RUMSON AUTHORIZING THE EXECUTION OF THE SECOND
AMENDMENT TO THE JANUARY 16, 2020 FAIR SHARE HOUSING CENTER
SETTLEMENT AGREEMENT

WHEREAS, in response to the New Jersey Supreme Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Borough filed a Declaratory Judgment Action on July 2, 2015 with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Borough of Rumson, County of Monmouth, Docket No. MON-L-2483-15 (the "Compliance Action"), seeking a Judgment of Compliance and Repose approving its Housing Element and Fair Share Plan (hereinafter "Affordable Housing Plan") as may be amended; and

WHEREAS, the Borough of Rumson (hereinafter the "Borough") simultaneously sought and ultimately secured an order protecting Rumson from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; which is still in full force and effect as of the date of this Second Amendment; and

WHEREAS, under the supervision of the Court Appointed Special Master, Francis J. Banisch, III, P.P., A.I.C.P. (hereinafter the "Court Master"), the Borough and FSHC entered into a Settlement Agreement dated January 16, 2020 (hereinafter the "FSHC Settlement Agreement"), which was approved by the Court via an order entered on July 29, 2020 after a properly noticed Fairness Hearing was held in June and July of 2020; and

WHEREAS, due to changes to certain affordable housing projects contemplated in the FSHC Settlement Agreement, the Borough and FSHC entered into a First Amendment to the FSHC Settlement Agreement on December 15, 2020 (hereinafter the "First Amendment"); and

WHEREAS, to implement the FSHC Settlement Agreement as amended by the First Amendment, the Borough Planning Board adopted a Round 3 Housing Element and Fair Share Plan in December of 2020 (hereinafter the "Affordable Housing Plan"), which was also endorsed by the Borough Council that same month; and

WHEREAS, a properly noticed combined Fairness and Compliance Hearing was held on February 9, 2021, during which the Court approved the Borough's Affordable Housing Plan and the First Amendment to the FSHC Settlement Agreement; and

WHEREAS, the Court entered a Conditional Judgment of Compliance and Repose (hereinafter "Conditional JOR Order") on February 24, 2021; and

WHEREAS, after a second Compliance Hearing was held on May 20, 2021, the Court entered an order on June 1, 2021, which finalized the Conditional JOR Order (hereinafter "Final JOR Order"); and

WHEREAS, the Final JOR Order was subsequently amended via Consent Orders entered by the Court on January 10, 2022 and May 13, 2022, which altered bedroom mixes and income distributions in some of the Borough's infill affordable housing projects, but did not add any new sites to the plan; and

WHEREAS, the Borough's Affordable Housing Plan has been amended (a) to make still applicable changes contemplated by the Final JOR Order and subsequent Consent Orders that amended same, (b) to make additional changes to the Carton Street One Hundred Percent (100%) Affordable Project, and (c) to add a new One Hundred Percent (100%) Affordable Family Rental project on West River Road; and

WHEREAS, the Borough and FSHC have agreed that a Second Amendment to the January 16, 2020 Settlement Agreement needs to be entered into to address the changes made to the Borough's Round 3 Housing Element and Fair Share Plan; and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; (2) establishes certainty with regard to the overall

obligation of quantity and type of units; (3) continues the Borough’s immunity to all Mount Laurel lawsuits, including Builder’s Remedy Lawsuits; (4) maintains municipal control over land use decisions; and (5) provides for the construction of safe, decent housing for the region’s low- and moderate-income households; and

WHEREAS, in light of the above, the Borough Council finds that it is in the best interest of the Borough to execute a Second Amendment to the January 16, 2020 FSHC Settlement Agreement and to take various other actions delineated below, which will ultimately result in approval of the Borough’s Amended Round 3 Housing Element and Fair Share Plan which, in turn, will maintain the Borough’s immunity from all Mount Laurel lawsuits through July 2, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Rumson, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council hereby authorizes and directs the Mayor to execute the Second Amendment to the January 16, 2020 FSHC Settlement Agreement in a form acceptable to FSHC, the Borough Administrator and the Borough’s Legal Counsel.
2. After the Second Amendment to the January 16, 2020 FSHC Settlement Agreement is finalized and executed, the Borough Council hereby directs the Borough’s Affordable Housing Counsel to (a) file the Second Amendment with the Court for review and approval at a duly-noticed combined Fairness and Compliance Hearing, and (b) take all actions reasonable and necessary to secure an Order approving the Second Amendment.

Resolution seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingsbery, Pomphrey

RESOLUTION OF THE BOROUGH COUNCIL TO ENDORSE AND SEEK COURT APPROVAL OF AN AMENDED ROUND 3 HOUSING ELEMENT AND FAIR SHARE PLAN.

2023-1010-145

Councilmember Swikart offered the following resolution and moved its adoption:

RESOLUTION OF THE BOROUGH COUNCIL TO ENDORSE AND SEEK COURT APPROVAL OF AN AMENDED ROUND 3 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, in response to the New Jersey Supreme Court’s decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015)(“Mount Laurel IV”), the Borough filed a Declaratory Judgment Action on July 2, 2015 with the Superior Court of New Jersey (“Court”), entitled In the Matter of the Application of the Borough of Rumson, County of Monmouth, Docket No. MON-L-2483-15 (the “Compliance Action”), seeking a Judgment of Compliance and Repose approving its Housing Element and Fair Share Plan (hereinafter “Affordable Housing Plan”) as may be amended; and

WHEREAS, the Borough of Rumson (hereinafter the “Borough”) simultaneously sought and ultimately secured an order protecting Rumson from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan, which is still in full force and effect; and

WHEREAS, under the supervision of the Court Appointed Special Master, Francis J. Banisch, III, P.P., A.I.C.P. (hereinafter the “Court Master”), the Borough and FSHC entered into a Settlement Agreement dated January 16, 2020 (hereinafter the “FSHC Settlement Agreement”),

which was approved by the Court via an order entered on July 29, 2020 after a properly noticed Fairness Hearing was held in June and July of 2020; and

WHEREAS, due to changes to certain affordable housing projects contemplated in the FSHC Settlement Agreement, the Borough and FSHC entered into a First Amendment to the FSHC Settlement Agreement on December 15, 2020 (hereinafter the “First Amendment”); and

WHEREAS, to implement the FSHC Settlement Agreement as amended by the First Amendment, the Borough Planning Board adopted a Round 3 Housing Element and Fair Share Plan in December of 2020 (hereinafter the “Affordable Housing Plan”), which was also endorsed by the Borough Council that same month; and

WHEREAS, a properly noticed combined Fairness and Compliance Hearing was held on February 9, 2021, during which the Court approved the Borough’s Affordable Housing Plan and the First Amendment to the FSHC Settlement Agreement; and

WHEREAS, the Court entered a Conditional Judgment of Compliance and Repose (hereinafter “Conditional JOR Order”) on February 24, 2021; and

WHEREAS, after a second Compliance Hearing was held on May 20, 2021, the Court entered an order on June 1, 2021, which finalized the Conditional JOR Order (hereinafter “Final JOR Order”); and

WHEREAS, the Final JOR Order was subsequently amended via Consent Orders entered by the Court on January 10, 2022 and May 13, 2022, which altered bedroom mixes and income distributions in some of the Borough’s infill affordable housing projects, but did not add any new sites to the plan; and

WHEREAS, the Borough’s Affordable Housing Plan has been amended (a) to make still applicable changes contemplated by the Final JOR Order and subsequent Consent Orders that amended same, (b) to make additional changes to the Carton Street One Hundred Percent (100%) Affordable Project, and (c) to add a new One Hundred Percent (100%) Affordable Family Rental project on West River Road; and

WHEREAS, the Planning Board held a public hearing on the Amended Round 3 Housing Element and Fair Share Plan on October 2, 2023 and adopted the Amended Round 3 Housing Element and Fair Share Plan via a resolution on that same night; and

WHEREAS, the Borough Council wishes to endorse the Amended Round 3 Housing Element and Fair Share Plan, and seeks approval of the Amended Round 3 Housing Element and Fair Share Plan by the Court.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Rumson, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council hereby endorses the Amended Round 3 Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the Borough’s Planning Board on October 2, 2023.
2. The Borough Council hereby directs the Borough’s Affordable Housing Counsel to (a) file with the Court the Amended Round 3 Housing Element and Fair Share Plan, along with any additional documents the professionals deem necessary or desirable and (b) seek Court approval of the Amended Round 3 Housing Element and Fair Share Plan at a properly noticed Compliance Hearing or combined Fairness and Compliance Hearing.
3. The Borough reserves the right to further amend the Amended Round 3 Housing Element and Fair Share Plan, should that be necessary.

Resolution seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingbery, Pomphrey.

**RESOLUTION TO AUTHORIZE THE AWARD OF CONTRACT
FOR THE BOROUGH’S SHREWSBURY DRIVE RESILIENCY & DRAINAGE
IMPROVEMENTS – PHASE 2 & 3 PROJECT
TO PRECISE CONSTRUCTION INC.**

2023-1010-146

Councilmember Swikart offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE THE AWARD OF CONTRACT
FOR THE BOROUGH’S SHREWSBURY DRIVE RESILIENCY & DRAINAGE
IMPROVEMENTS – Phase 2 & 3 PROJECT
TO PRECISE CONSTRUCTION INC.**

WHEREAS, on October 5, 2023, three (3) sealed bids were received for the Shrewsbury Drive Resiliency & Drainage Improvements Phase 2 & 3 project, which consists of replacing the bulkhead on Shrewsbury Drive, new drainage infrastructure, drainage check valve, pavement resurfacing and various other roadway related improvements on Shrewsbury Drive, Navesink Avenue, Woodmere Avenue, Monmouth Avenue, Avenue of Two Rivers, and Avenue of Two Rivers South; and

WHEREAS, the Borough Council has reviewed the bids and considered the recommendations of the Borough’s Consulting Engineer and Borough Attorney; and

WHEREAS, the Borough Council finds that the lowest most responsive bid from a responsible bidder, Precise Construction Inc., of 1016 Highway 33, Freehold, NJ 07728 for Proposal A in the amount of \$565,880.00, Proposal B in the amount of \$429,780.00, and Proposal C in the amount of \$661,445.00 for a total amount bid for Proposals A, B, and C of \$1,657,105.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract, as shown on the attached copy of Purchase Order Number 23-01045, in the amount of \$1,657,105.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that it does hereby accept the bid of Precise Construction Inc., 1016 Highway 33, Freehold, NJ 07728 for Proposal A in the amount of \$565,880.00, Proposal B in the amount of \$429,780.00, and Proposal C in the amount of \$661,445.00 for a total amount bid for Proposals A, B, and C of \$1,657,105.00 as recommended by the Borough’s Consulting Engineer by memorandum dated October 6, 2023, which is on file in the Municipal Clerk’s Office; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized to execute the contract documents; and

BE IT FURTHER RESOLVED that the contract be awarded subject to approval by the New Jersey Department of Transportation, the New Jersey of Labor, Office of Wage and Hour Compliance and the review and approval of bid documents by the Borough Attorney; and

BE IT FURTHER RESOLVED that the contract be awarded subject to a favorable determination from the New Jersey Department of Transportation Office of Local Aid.

Resolution seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingsbery, Pomphrey

**RESOLUTION ADOPTING AMENDED PERSONNEL POLICIES AND PROCEDURES
MANUAL ALONG WITH A VOLUNTEER HANDBOOK**

2023-1010-147

Councilmember Swikart offered the following resolution and moved its adoption:

**RESOLUTION ADOPTING AMENDED PERSONNEL
POLICIES AND PROCEDURES MANUAL ALONG WITH
A VOLUNTEER HANDBOOK**

WHEREAS, the Borough Council of the Borough of Rumson adopted the Personnel Policies and Procedures Manual on April 27, 2006 in accordance with employment laws and regulations; and

WHEREAS, the Borough Council of the Borough of Rumson adopted Amendments to the Personnel Policies and Procedures Manual on August 3, 2006, April 8, 2008, March 24, 2009, December 8, 2009, June 22, 2010, May 10, 2011, May 8, 2012, April 22, 2014, September 19, 2016, October 1, 2018, and November 1, 2021; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (MEL JIF) requires all JIF members to review and update their Personnel Policies and Procedures Manual every two years; and

WHEREAS, the Safety Committee of the Borough of Rumson has reviewed the Manual, taking into account the recommendation of the MEL JIF, and it has been deemed necessary to make some further changes to the Personnel Policies and Procedures Manual at this time; and

WHEREAS, the changes made are on file with the Municipal Clerk/Administrator;

WHEREAS, the Borough of Rumson has also developed a Volunteer Handbook under the guidance of the Municipal Excess Liability Joint Insurance Fund (MEL JIF) which is effective October 10, 2023;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Personnel Policies and Procedures Manual is hereby adopted as amended, effective October 10, 2023; and

BE IT FURTHER RESOLVED by the Borough Council that the Volunteer Handbook is hereby adopted, effective October 10, 2023; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail; and

BE IT FURTHER RESOLVED that this manual and this handbook are intended to provide guidelines covering public service by Borough employees and volunteers and are not contracts. The provisions may be amended and supplemented from time to time without notice and at the sole discretion of the Borough Council; and

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as “employment at will;” and

BE IT FURTHER RESOLVED that the Municipal Clerk/Administrator and all managerial/ supervisory personnel are responsible for these employment practices. The Deputy

Municipal Clerk and the Borough Attorney shall assist the Municipal Clerk/Administrator in the implementation of the policies and procedures in this manual and this handbook.

Resolution seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingsbery, Pomphrey

**RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION OF
PLAYGROUND EQUIPMENT FOR ROGERS PARK**

2023-1010-148

Councilmember Swikart offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING
PURCHASE AND INSTALLATION OF
PLAYGROUND EQUIPMENT
FOR ROGERS PARK**

WHEREAS, the Borough of Rumson has the need to purchase playground equipment from an authorized vendor under the Educational Services Commission of New Jersey cooperative, ID #65MCESCCPS; and

WHEREAS, Marturano Recreation Company, Inc., PO Box 106, Spring Lake, NJ 07762 has been awarded a contract through bid #ESCNJ 20/21-06 Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment & Related Products, for the period from July 1, 2020 to June 30, 2024; and

WHEREAS, the actual cost for the purchase from Marturano Recreation Company, Inc. is \$88,208.42; and

WHEREAS, using Recreation Trust Funds and donations made to The Rumson Endowment Fund in memory of Harry J. Kegelmann V, the Chief Financial Officer has certified the availability of funds for this contract, as shown on the attached copies of Purchase Order Number 23-1042, in the amount of \$88,208.42:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Marturano Recreation Company, Inc., be awarded a contract for the purchase and installation of Playground Equipment for Rogers Park at a total cost of \$88,208.42; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to proceed with the purchase of said goods.

Resolution seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingsbery, Pomphrey

**RESOLUTION AUTHORIZING THE REMOVAL OF A PROBATIONARY
EMPLOYEE**

2023-1010-149

Councilmember Swikart offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE REMOVAL OF A PROBATIONARY EMPLOYEE

WHEREAS, T.L. has been serving as a non-permanent/probationary police officer of the Borough of Rumson Police Department since March 1, 2023; and

WHEREAS, the Chief of Police has provided a recommendation to the Appropriate Authority (“Police Committee”) that T.L. be removed from his non-permanent/probationary employment effective October 10, 2023; and

WHEREAS, the Police Committee have further recommended the removal of T.L. from his non-permanent/probationary; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rumson, County of Monmouth, State of New Jersey that T.L. is hereby removed from employment as a non-permanent/probationary police officer with the Borough of Rumson Police Department effective October 10, 2023.

Resolution seconded by Councilmember Lospinuso and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingsbery, Pomphrey

CONSENT AGENDA:

None.

ANNOUNCEMENTS BY THE MAYOR:

I would like to remind all residents that the last day for brush collection will be Friday, October 13th. Also, there will be no bulk pickups during the months of November and December because the Public Works Department will be working on leaf collection.

Election Day is Tuesday, November 7th and we’d like to encourage everyone to vote. A secure Monmouth County Ballot Box is available at Borough Hall for you to drop off your ballot.

You can also vote early at a variety of locations around the County. For more information, please visit monmouthcountyvotes.com.

On Election Day, you may visit your regular voting location to vote in person. Polls will be open from 6:00 a.m. until 8:00 p.m.

The Borough’s Halloween Curfew Ordinance is in effect again this year. The curfew is 6:00 p.m. on Monday, October 30th and 8:00 p.m. on Halloween, Tuesday, October 31st. Anyone under the age of 18 not accompanied by his or her parent or legal guardian after those hours on those two nights will be in violation of the curfew ordinance and subject to a fine. This ordinance was enacted many years ago because of the vandalism problem experienced on those two nights in years prior to its adoption.

There will be a Veterans’ Day Memorial Event held on Saturday, November 11th at 11:00 a.m. at Victory Park. We hope that you will join us.

The next Regular Meeting of the Borough Council will be on Tuesday, November 14th at 7:30 p.m. The meeting agenda will be posted to the Borough of Rumson website at www.rumsonnj.gov at least 48 hours prior to the start of the meeting.

FINANCIAL OFFICER’S REPORT:

The Financial Officer’s Report disclosed the following as of September 30, 2023:

BOROUGH OF RUMSON				
CHIEF FINANCIAL OFFICER REPORT TO THE MAYOR AND COUNCIL				
Analysis of Cash for the Month Ending:		September 30, 2023		
	Beginning	Cash		Ending
FUNDS	Balance	Receipts	Disbursements	Balance
1. CURRENT FUND				
Current Fund Checking	29,397,542.50	2,461,591.67	(8,767,379.66)	23,091,754.51
Change Funds	300.00	0.00	0.00	300.00
Investments Rumson BAN	194,973.00	0.00	0.00	194,973.00
Total Current Fund	29,592,815.50	2,461,591.67	(8,767,379.66)	23,287,027.51
2. CAPITAL FUND				-
Capital Fund Checking	7,099,324.03	0.00	(314,427.05)	6,784,896.98
Total Capital Fund	7,099,324.03	0.00	(314,427.05)	6,784,896.98
3. PAYROLL & PAYROLL AGENCY				
Payroll	2,981.86	305,308.37	(305,308.37)	2,981.86
Payroll Agency	10,981.57	185,100.72	(185,100.72)	10,981.57
Total Payroll & Payroll Agency	13,963.43	490,409.09	(490,409.09)	13,963.43
4. TRUST FUNDS				
Trust Fund Checking	1,113,083.98	1,200.00	(3,428.11)	1,110,855.87
Unemployment Trust	97,270.88	299.12	(2,209.80)	95,360.20
Recreation Trust	751,007.98	9,480.00	(26,523.99)	733,963.99
C.O.A.H. Trust	2,958,120.68	29,199.82	(1,211.00)	2,986,109.50
Law Enforcement Trust Fund	464.85	1.53	0.00	466.38
LEAD (formerly DARE)	11,901.30	42.89	0.00	11,944.19
Cafeteria Plan	7,895.17	0.00	(46.60)	7,848.57
Animal Control Trust Fund	33,243.94	79.00	(3,761.70)	29,561.24
Total Trust Funds	4,972,988.78	40,302.36	(37,181.20)	4,976,109.94
TOTAL ALL FUNDS	41,679,091.74	2,992,303.12	(9,609,397.00)	35,061,997.86
Respectfully submitted by:				
Helen L. Graves				
Helen L. Graves, Chief Financial Officer				

On motion by Council President Conklin, seconded by Councilmember Casazza, the Financial Officer’s Report was ordered received and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingsbery, Pomphrey

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Council President Conklin offered the following Resolution and moved its adoption:

Vendor Name	Amount
LANCHA CONSTRUCTION CORP	86,892.23
LANCHA CONSTRUCTION CORP	86,892.23
TWO RIVERS TITLE COMPANY, LLC	3,800.32

BIS DIGITAL,INC	1,045.00
ACTION DATA SERVICES,INC	340.43
ALL IN ONE SERVICES	800.00
AMERICANWEAR INDUST UNIFORMS	1,166.65
AMERICAN RED CROSS	132.00
A N J E C	100.00
APPALACHIA HYDROGEOLOGIC &	156.25
RICHARD & JOANN APRIL	989.40
AYERS DISTRIBUTING COMPANY	290.00
BANISCH ASSOCIATES, INC.	150.00
BARTLETT TREE EXPERTS	591.00
BARGER & GAINES	2,000.00
BARGER & GAINES	9,999.79
BAYSHORE FIRE & SAFETY LLC	180.00
BAYSHORE FIRE & SAFETY LLC	228.00
BLOODGOOD LAW ENFORCEMENT	350.00
BOB'S UNIFORM SHOP	550.00
BOB'S UNIFORM SHOP	149.00
BOROUGH OF EATONTOWN	1,000.00
PATRICIA L BOUTHILLIER	494.70
BOXWOOD GARDENS	340.00
FREDERIC S BRADLEY	494.70
DZINTRA L. BRUSH	494.70
RICHARD & LINDA CAMPANELLA	989.40
CGP&H,LLC	94.99
LORETTA & HARRY CHEBOOKJIAN	989.40
CINTAS FIRST AID & SAFETY	41.38
COASTAL REFRIGERATION CORP	354.93
COLLIERS ENGINEERING & DESIGN	8,522.70
COMCAST	2,178.62
MARK CONLEY	494.70
MARIE CONNEELY	293.06
COPS	318.00
DOUGLAS & JUDITH CUJE	1,384.80
CUPS AND CAKES	240.00
REGINA DAVIDSON	494.70
WILLIAM & CAROL ANN DICE	989.40
LYNDA D. DOYLE	692.40
DYNAMIC TESTING SERVICE	90.00
EMPLOYERS ASSOCIATION OF NJ	1,250.00
FAIR HAVEN HARDWARE INC	45.70
FAIR HAVEN HARDWARE INC	30.20
FAIR HAVEN HARDWARE INC	67.80
FASTENAL CO	778.39
HARDEN W. FOWLER	1,285.80
JAMES F & LINDA L GALLAGHER	989.40
WW GRAINGER INC	164.04
WW GRAINGER INC	281.98
WW GRAINGER INC	103.00
JOHN & MARGARET HENDRICKS	989.40
JANE HOFFMAN	692.40
HOLMAN FRENIA ALLISON, PC	3,600.00
HOUGH PETROLEUM CORP	1,827.20
INTERSTATE MOBILE CARE INC	1,217.00
JASPAN HARDWARE	382.08
JCP&L	4,521.53
JESCO, INC.	8,143.74

J.N.M. HOLDINGS, INC.	1,888.62
GERALD P & HELEN M KELLY	890.40
KYLE MCMANUS ASSOCIATES LLC	9,567.75
LAWN GIANT,INC	3,848.00
LIFE SAVERS INC.	408.00
NORMAN & JOANNE B. LONG	989.40
MICHELE A MACPHERSON	185.00
MAZZA RECYCLING SERVICES, LTD	4,050.71
MAZZA MULCH,INC	14,304.00
MCAA OF NJ	120.00
MCCARTER & ENGLISH, LLP	75.00
MONMOUTH COUNTY REGIONAL	19,110.51
JAMES MELLISH	494.70
ROYAL E. & VIRGINIA MOSS	989.40
MR JOHN INC	465.80
JOSEPH MURPHY	494.70
NATIONAL CENTER FOR SAFETY	123.00
NAYLOR'S AUTO PARTS	1,481.19
NAYLOR'S AUTO PARTS	166.97
NJ DEPT HEALTH/SR SERVICES	6.60
NEXVORTEX, INC	433.94
NJ FIRE EQUIPMENT CO	1,240.00
NJ NATURAL GAS CO.	675.33
NJ LEAGUE OF MUNICIPALITIES	70.00
NJ LEAGUE OF MUNICIPALITIES	75.00
NJ STATE ASSN CHIEFS OF POLICE	125.00
STATE OF NJ PENSIONS/ACTIVE	109,715.70
STATE OF NJ PENSIONS/RETIREE	60,662.64
ONE CALL CONCEPTS	215.20
OSWALD ENTERPRISES, INC.	2,950.00
JAMES & SHERRY PELUSO	989.40
RICHARD PETRUCELLI	494.70
POWERHOUSE SIGNWORKS	555.00
POWERHOUSE SIGNWORKS	1,480.00
PRI MANAGEMENT GROUP	577.00
PRO CRAFT AUTO BODY	1,742.01
PULSE WAVE WELDING	200.00
QBE SPECIALTY INSURANCE CO	6,183.22
QBE SPECIALTY INSURANCE CO	-5,287.22
RAYMOND A RAYA	233.33
RCLE,INC	1,475.00
THOMAS S ROGERS	422.27
THOMAS S ROGERS	33.00
EDWARD RUMOLO	692.40
RYSER'S LANDSCAPE SUPPLY YARD	151.90
JAMES SCALZO	494.70
DONALD SCHNEIDER	60.00
JOY SHEA	494.70
SICILIANO LANDSCAPE CO LLC	600.00
SIP'S PAINT & HARDWARE	382.82
SIP'S PAINT & HARDWARE	2,328.13
MICHELE SMALLZE	25.00
JOANN SORRENTINO	494.70
STATE TOXICOLOGY LABORATORY	90.00
STEWART'S PLUMBING	1,257.70
STEVE'S MOBILE MARINE LLC	428.00
SURENIAN, EDWARDS & NOLAN LLC	3,676.50

JAMES TANNER	494.70
TREASURER, STATE OF NJ	7,707.00
TREASURER, STATE OF NJ	250.00
TREASURER STATE OF NJ/727 GSPT	25,502.76
JOSEPH E. TUZIK SR.	494.70
TWO RIVERS WATER	396,680.24
UGI ENERGY SERVICES,LLC	38.56
UpCODES, INC	468.00
ANTHONY J. VECCHIO	1,082.50
VERIZON WIRELESS	543.89
VERIZON WIRELESS	121.61
WAGEWORKS	100.00
GEORGE WALL LINCOLN	356.99
WARSHAUER ELECTRIC SUPPLY	97.75
LORRAINE J WATSON	692.40
MARK WELLNER	75.54
THOMSON REUTERS - WEST	192.00
DONALD & KAREN YORK	989.40
ZEP SALES & SERVICE	1,279.00
	937,428.40

Resolution seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Swikart, Lospinuso

In the negative: None

Absent: Kingsbery, Pomphrey

COMMENTS FROM COUNCIL:

Councilmember Lospinuso spoke at this time. Lospinuso thanked Lelie for all her efforts, insight and time this evening. Mayor Hemphill seconded this statement.

Conklin asked to note that the Resolution to purchase and install the new playground equipment in Rogers Park was due to contributions in memory of Henry Joseph Kegelman V, the son-in-law of former Councilmember Frank Shanley.

COMMENTS FROM THE PUBLIC:

None.

ADJOURNMENT:

Councilmember Casazza made a motion to adjourn the meeting which was seconded by Councilmember Lospinuso. The meeting adjourned at 9:30 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers
Municipal Clerk/Administrator