

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
March 12, 2024

A regular meeting of the Borough Council of the Borough of Rumson was held on Tuesday, March 12, 2024 at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Hemphill, Council President Conklin, Casazza, Kingsbery, Pomphrey, Smith.

Absent: Lospinuso.

Eric Paone-Hurd, Deputy Municipal Clerk/Communication Coordinator, was present.

David Marks, Borough Engineer, was present.

Mitchell Jacobs, Borough Attorney, 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 2024 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](http://www.rumsonnj.gov)).

On motion by Councilmember Pomphrey, seconded by Councilmember Casazza, the minutes of the previous meeting on February 13<sup>th</sup> were approved as written, copies having been forwarded to all Council members.

**COMMUNICATIONS:**

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None.

**COMMITTEE REPORTS:**

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None.

**UNFINISHED BUSINESS:**

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None.

**NEW BUSINESS:**

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**RESOLUTION AUTHORIZING THE APPOINTMENT OF ROBERT BOYER AS RUMSON POLICE CHIEF**

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**2024-0312-41**

Councilmember Conklin offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE THE APPOINTMENT OF  
ROBERT BOYER AS RUMSON CHIEF OF POLICE

WHEREAS, the Borough of Rumson has the need for a Chief of Police; and

WHEREAS, Robert Boyer was recommended for the position of Chief of Police by the Emergency Services Committee following the interview process; and

WHEREAS, the Borough of Rumson wishes to retain the services of Robert Boyer as Chief of Police; and

WHEREAS, Robert Boyer has agreed to serve as Chief of Police; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that the appointment of Robert Boyer as Rumson Chief of Police effective March 12, 2024; and

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

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

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

#### **MOTION TO CHANGE ORDER OF BUSINESS**

On a motion by Councilmember Conklin, seconded by Councilmember Casazza, the regular order of business was changed to swear in Robert Boyer as new Rumson Police Chief.

#### **SWEARING IN OF NEW RUMSON POLICE CHIEF ROBERT BOYER.**

The Mayor administered the Oath of Office to new Rumson Police Chief Robert Boyer. Mayor Hemphill congratulated Boyer and wished him well in his position. Boyer thanked everyone in attendance for their support and provided a special thanks to the men and women of the Rumson Police Department.

#### **MOTION TO RETURN TO REGULAR ORDER OF BUSINESS**

On motion by Councilmember Casazza, seconded by Councilmember Pomphrey, the order of business was changed back to the regular order of business, following a brief recess.

#### **RESOLUTION AUTHORIZING THE BOROUGH OF RUMSON TO EXTEND THE BOROUGH CONTRACT FOR COLLECTION AND DISPOSAL OF SOLID WASTE RECYCLING.**

**2024-0312-42**

Councilmember Kingsbery offered the following resolution and moved its adoption:

#### **RESOLUTION AUTHORIZING THE BOROUGH OF RUMSON TO EXTEND THE BOROUGH CONTRACT FOR COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLING**

WHEREAS, Resolution #2020-0428-58 awarded a contract for the collection and disposal of solid waste and recycling to Suburban Disposal Inc. of Fairfield, New Jersey; and

WHEREAS, said Contract for the collection and disposal of solid waste and recycling with Suburban Disposal Inc. was for a term of three (3) years commencing May 18, 2020 and terminating on May 17, 2023; and

WHEREAS, the bid specifications and the bid submitted contained an option for two 1-year extensions; and

WHEREAS, Resolution #2023-0411-67 extended the contract with Suburban Disposal Inc, for one (1) year commencing May 18, 2023 and terminating May 17, 2024; and

WHEREAS, the Mayor and Borough Council of the Borough of Rumson has made a determination that it is in the best interest of the Borough to extend the contract for one (1) additional year; and

WHEREAS, Suburban Disposal Inc. will continue to provide the collection and disposal of solid waste and recycling, as described in its bid for Year 5, for the sum of \$621,000 for the one (1) year extension commencing May 18, 2024 and terminating May 17, 2025; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds for the remainder of 2024, in the amount of \$388,125.05, as evidenced on line 1 of the attached copy of Purchase Order #24-00013; and

WHEREAS, certification availability of funds for charges for calendar year 2025 will be provided upon adoption of the 2025 calendar year budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Rumson that it does hereby extend the collection and disposal of solid waste and recycling contract with Suburban Disposal Inc., 54 Montesano Road, Fairfield, New Jersey 07004 for one (1) year effective May 18, 2024 in the amount of \$621,000; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be 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 Labor, Office of Wage and Hour Compliance and the final review and approval of bid documents by the Borough Attorney.

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

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

**RESOLUTION AUTHORIZING THE BOROUGH OF RUMSON THROUGH THE RUMSON POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM.**

**2024-0312-43**

Councilmember Casazza offered the following resolution and moved its adoption:

**BOROUGH OF RUMSON RESOLUTION AUTHORIZING THE BOROUGH OF RUMSON THROUGH THE RUMSON POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE RUMSON POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT.**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAS); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Rumson that the Rumson Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31<sup>st</sup> of the current calendar year from January 1, 2024 until December 31, 2024.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Rumson Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices, and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this Resolution authorizes, based on the needs of the Rumson Police Department, without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Rumson Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period of time for which this Resolution authorizes: (SEE ATTACHED LIST); and

BE IT FURTHER RESOLVED that the Rumson Police Chief shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Rumson Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this Resolution authorizes; with Program participation and all property request authorization terminating on December 31<sup>st</sup> of the current calendar year from January 1, 2024 to December 31, 2024

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

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

**RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH ADMINISTRATOR  
TO SIGN A DEVELOPERS AGREEMENT FOR 51 CARTON STREET AND 49 WEST  
RIVER ROAD WITH BERGEN COUNTY UNITED WAY**

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**2024-0312-44**

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") and BCUW/Madeline Housing Partners, LLC (hereinafter the "Developer" or "BCUW") entered into a Memorandum of Understanding ("MOU") on February 2, 2021 to create very-low, low- and moderate-income family for-sale, family rental and supportive and special needs units within the Borough as part of the Borough's Compliance Action, with the understanding that a more detailed Transfer and Development Agreement (hereinafter "BCUW Transfer and Development Agreement") would be entered into at a later date; and

WHEREAS, the Borough and the Developer will work together to create affordable housing projects on 62 Carton Street (Block 59, Lot 10), 6 Maplewood Avenue (Block 51, Lot 17), 15 Maplewood Avenue (Block 50, Lot 7), 61 South Ward Avenue (Block 141, Lot 19), 51 Carton Street (Block 59, Lot 10), and 49 West River Road (Block 25, Lot 4); and

WHEREAS, after a properly noticed combined Fairness and Compliance Hearing was held on February 9, 2021, the Court entered a conditional Judgment of Compliance and Repose Order (hereinafter "JOR Order") on February 24, 2021, which required the Borough to enter into the BCUW Transfer and Development Agreement, and said agreement was entered into on April 13, 2021 (hereinafter the "BCUW Development Agreement"); and

WHEREAS, the Borough and Fair Share Housing Center ("FSHC") entered into a Consent Order, which was executed by the Court on January 10, 2022, in which certain adjustments were made to the BCUW projects; and

WHEREAS, Paragraph 3 of the Consent Order requires the Borough to enter into an Amendment to the BCUW Development Agreement (hereinafter "First Amendment"), which is attached hereto as Exhibit A, and has been reviewed and approved by the Borough's professionals, and the attorney and principals of the Developer; and

WHEREAS, the Borough Council finds it to be in the best interest of the Borough to enter into the First Amendment to the BCUW Transfer and Development Agreement;

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 Mayor and the Borough's Administrator/Registered Municipal Clerk are hereby authorized and directed to execute the First Amendment to the BCUW Transfer and Development Agreement, which is attached hereto as Exhibit A.
2. The appropriate Borough officials and professionals are hereby authorized to take all actions necessary to carry out and complete the terms of the BCUW Transfer and Development Agreement as amended.

Councilmember Casazza made a motion to accept this Resolution and the motion was seconded by Councilmember Pomphrey. Carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

**RESOLUTION AUTHORIZING CHANGE ORDER NUMBER 2 FOR THE 2023 ROAD IMPROVEMENT PROGRAM – PHASE I**

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**2024-0312-45**

Councilmember Kingsbery offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE CHANGE ORDER NUMBER 2  
FOR THE 2023 ROAD IMPROVEMENT PROGRAM – PHASE 1**

WHEREAS, Lancha Construction Corp., 3090 Englishtown Road, Jamesburg, New Jersey 08831, was awarded a contract with the Borough of Rumson for the Borough's 2023 Road Improvement Program – Phase 1 on April 11, 2023 in the amount of \$1,423,122.29; and

WHEREAS, the project consists of the installation of concrete curbs, select sidewalk replacement, driveway apron replacement, installation of ADA accessible curb ramps, drainage pipe replacement, and pavement resurfacing on Wardell Avenue, Riverside Drive and Ivins Place; and

WHEREAS, certain field changes and supplemental work was deemed necessary during the project, and;

WHEREAS, quantities of certain items in the original contract have been adjusted to reflect as-built quantities and actual field conditions; and

WHEREAS, Change Order Number 1 previously increased the total contract amount by \$2,378.74 resulting in a revised total contract amount of \$1,425,501.03;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves Change Order Number 2 of the Borough's contract with Lancha Construction for the 2023 Road Improvement Program – Phase 1, which change order will reflect the addition of certain requested supplemental and extra work resulting in an increase in the amount of \$148,527.10 and certain quantity reductions resulting in a decrease in the amount of \$16,105.92 resulting in a net increase to the contract of \$132,421.18 for a total contract amount of \$1,557,922.21. Said Change Order was recommended by the Borough Engineer in a letter dated March 8, 2024, a copy of which is on file in the Municipal Clerk's office; and

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

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

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

**RESOLUTION Authorizing Payment of a One-Time Stipend To Rumson Police Captain Christopher York For His Service as Officer In Charge In 2023 and 2024**

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**2024-0312-46**

Councilmember Pomphrey offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, the Borough of Rumson operates a multiple member Police Department;  
and

WHEREAS, Jeffrey Nixon was Rumson Chief of Police; and

WHEREAS, Chief Nixon retired November 1, 2023; and

WHEREAS, since October 2023, Captain Christopher York, filled in and acted in the capacity of Officer in Charge; and

WHEREAS, the Mayor and Council recognize Captain Christopher York’s efforts during 2023 and 2024; and

WHEREAS, the Borough Administrator is recommending a one-time stipend in the amount of \$4,042.00 for Captain York;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rumson are in agreement with the Borough Administrator’s recommendation for a stipend of \$4,042.00; and

BE IT FURTHER RESOLVED that Mayor and Council authorize the Borough Administrator to give Captain York a one-time stipend of \$4,042.00; and

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

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

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

**RESOLUTION FOR A TEMPORARY EMERGENCY APPROPRIATION**

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**2024-0312-47**

Councilmember Kingsbery offered the following resolution and moved its adoption:

**TEMPORARY EMERGENCY APPROPRIATION RESOLUTION**

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2024 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2024 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Administration Salary & Wages	\$ 21,000.00
Municipal Clerk Salary & Wages	\$ 9,400.00
Finance Salary & Wages	\$ 12,300.00

Tax Collection – Salary & Wages	\$ 6,400.00
Tax Assessor – Salary & Wages	\$ 5,400.00
Engineering – Salary & Wages	\$ 22,700.00
Engineering – Other Expenses	\$ 60,000.00
Land Use & Development – Salary & Wages	\$ 6,700.00
Fire Protection Official – Salary & Wages	\$ 325.00
Construction – Salary & Wages	\$ 17,000.00
Police – Salary & Wages	\$100,000.00
Police – Other Expenses	\$ 5,000.00
First Aid – Salary & Wages	\$ 550.00
Fire Department – Salary & Wages	\$ 700.00
Municipal Prosecutor – Other & Expenses	\$ 835.00
Streets & Road – Salary & Wages	\$ 75,000.00
Sewer – Salary & Wages	\$ 20,000.00
Sewer – Other Expenses	\$125,000.00
Solid Waste Contractual	\$455,376.00
Recreation – Salary & Wages	\$ 8,200.00
Municipal Court – Salary & Wages	\$ 5,000.00
Public Defender – Other Expenses	\$ 185.00
Utility & Bulk Purchases:	
Street Lighting	\$ 5,000.00
Fire Hydrants	\$ 1,000.00
Electricity	\$ 10,000.00
Gas (Natural or Propane)	\$ 4,000.00
STATUTORY EXPENNDITURES:	
P.E.R.S.	\$524,024.00
P.F.R.S.	\$638,606.00
Shared Service Agreement	
Fair Haven Construction – Salary & Wages	\$ 6,000.00
Fair Haven Court – Salary & Wages	\$ 2,100.00
Little Silver Construction – Salary & Wages	\$ 11,000.00
Fair Haven Fire Prevention – Salary & Wages	\$ 305.00

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

In the affirmative:           Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative:               None.

Absent:                         Lopsinuso.

**RESOLUTION APPROVING THE CERTIFIED LIST OF ALL VOLUNTEER FIRE DEPARTMENT MEMBERS WHO QUALIFIED FOR CREDIT UNDER THE LOSAP PROGRAM FOR THE YEAR 2023**

**2024-0312-48**

Councilmember Pomphrey offered the following resolution and moved its adoption:

**RESOLUTION APPROVING THE CERTIFIED LIST OF ALL VOLUNTEER FIRE DEPARTMENT MEMBERS WHO QUALIFIED FOR CREDIT UNDER THE LOSAP PROGRAM FOR THE YEAR 2023**

WHEREAS an ordinance titled “ORDINANCE AUTHORIZING LENGTH OF SERVICE AWARDS PROGRAMS FOR VOLUNTEER FIREFIGHTERS” was passed and approved on August 19, 2004; and

WHEREAS, the Length of Service Award Program (LOSAP) for the Rumson Volunteer Firefighters was passed voters on November 2, 2004 as a public question; and



WHEREAS pursuant to NJSA 40A:14-191, emergency service organizations participating in a Length of Service Award Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS the Governing Body has received and reviewed such certified list from the LOSAP Committee Chairmen for the Rumson Fire Company.

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

1. Per the certified list received, the following Rumson Fire Company members are hereby approved to receive the 2023 LOSAP award:

Paul Arhanic	Darren Berry
Robert Boyer	Justin Bradley
Lawrence Cadman	William DeJulius
Ralph Delia	Robert Eyerkuss
Luke Fanning	Paul Halligan
Robert Halligan	Edward Harrington
Richard Janosko	Norman Long
Nicholas Luiten	Edward Ott, Jr.
Robert Wilson	

2. Per the certified list received, the following Oceanic Hook & Ladder Company No. 1 members are hereby approved to receive the 2023 LOSAP award:

Kevin Anderson	Gordon Hendrickson
Tim Leonard	Raymond Kelly
Edward Krystopowicz	Robert Marass
Kevin McCarthy	James Mellish
Mark Osmulski	Fred Shea
Michael Trivett	Robert Wolkom

3. The amount each qualified member will receive for the 2023 LOSAP award is \$1,377.11.
4. The certified list of members shall be posted at Rumson Borough Hall and at each Fire Company for a period of 30 days to allow sufficient time for membership review.
5. Appeals shall be mailed to the Municipal Clerk of the Borough of Rumson, 80 East River Road, Rumson, NJ 07760, and must be received within 30 days of the posting date of the approved certified list.
6. Payment for service credit shall be processed at a meeting of the Mayor and Borough Council after the 30 day posting requirement has been met.

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

In the affirmative:	Conklin, Casazza, Kingsbery, Pomphrey, Smith.
In the negative:.	None.
Absent:.	Lospinuso.

**RESOLUTION FOR A 2023 RESERVE APPROPRIATION TRANSFER**

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Councilmember Kingsbery offered the following resolution and moved its adoption:

2023 RESERVE APPROPRIATION TRANSFER RESOLUTION

WHEREAS, N.J.S.A. 40A:4-59 states should it become necessary during the first three months of the following year to expend for certain purposes specified in the budget an amount in excess of the respective amounts appropriated therefore and there shall be an excess in one or more appropriations, the Governing Body may, by resolution, adopted by not less than 2/3 vote, transfer the amount of such excess to those appropriations deemed to be insufficient;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following transfers between 2023 Reserve Appropriations be and same are hereby approved:

To:	Fire Department Other Expenses	<u>\$2,000.00</u>
	Total	\$2,000.00
From:	First Aid Other Expenses	<u>\$2,000.00</u>
	Total	\$2,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2023 accordingly.

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

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.  
In the negative: None.  
Absent: Lospinuso.

**CONSENT AGENDA:**

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None.

**ANNOUNCEMENTS BY THE MAYOR:**

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Borough Hall will be closed on Friday, March 29 in observance of Good Friday. However, there will be garbage collection on March 29

We would also like to wish our residents and friends a Happy and Holy Easter on Sunday, March 31st.

The next Regular Meeting of the Rumson Borough Council will be on Tuesday, April 9, 2024 at 7:30 p.m. The meeting agenda will be posted to the Borough of Rumson website at [www.rumsonnj.gov](http://www.rumsonnj.gov) at least 48 hours prior to the start of the meeting.

**FINANCIAL OFFICER’S REPORT:**

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The Financial Officer’s Report disclosed the following as of January 31, 2024:

BOROUGH OF RUMSON				
CHIEF FINANCIAL OFFICER REPORT TO THE MAYOR AND COUNCIL				
Analysis of Cash for the Month Ending:		January 31, 2024		
FUNDS	Beginning Balance	Cash Receipts	Disbursements	Ending Balance

1.	CURRENT FUND				
	Current Fund Checking	17,766,086.63	3,389,066.41	(5,408,877.88)	15,746,275.16
	Change Funds	300.00	0.00	0.00	300.00
	Investments Rumson BAN	2,575,925.00	0.00	0.00	2,575,925.00
	<i>Total Current Fund</i>	<i>20,342,311.63</i>	<i>3,389,066.41</i>	<i>(5,408,877.88)</i>	<i>18,322,500.16</i>
2.	CAPITAL FUND				-
	Capital Fund Checking	9,285,851.09	0.00	0.00	9,285,851.09
	<i>Total Capital Fund</i>	<i>9,285,851.09</i>	<i>0.00</i>	<i>0.00</i>	<i>9,285,851.09</i>
3.	PAYROLL & PAYROLL AGENCY				
	Payroll	2,981.86	335,506.81	(335,506.81)	2,981.86
	Payroll Agency	10,981.57	199,503.15	(199,503.15)	10,981.57
	<i>Total Payroll &amp; Payroll Agency</i>	<i>13,963.43</i>	<i>535,009.96</i>	<i>(535,009.96)</i>	<i>13,963.43</i>
4.	TRUST FUNDS				
	Trust Fund Checking	646,003.47	0.00	(588.00)	645,415.47
	Unemployment Trust	82,724.25	308.48	(42.35)	82,990.38
	Recreation Trust	652,258.54	39,423.88	(2,228.85)	689,453.57
	C.O.A.H. Trust	3,349,239.97	84,442.82	(3,347.50)	3,430,335.29
	Law Enforcement Trust Fund	472.17	1.76	0.00	473.93
	LEAD (formerly DARE)	14,794.21	54.31	0.00	14,848.52
	Cafeteria Plan	1,553.32	13,180.08	(1,381.13)	13,352.27
	Animal Control Trust Fund	29,226.60	6,624.00	0.00	35,850.60
	<i>Total Trust Funds</i>	<i>4,776,272.53</i>	<i>144,035.33</i>	<i>(7,587.83)</i>	<i>4,912,720.03</i>
	<b>TOTAL ALL FUNDS</b>	<b>34,418,398.68</b>	<b>4,068,111.70</b>	<b>(5,951,475.67)</b>	<b>32,535,034.71</b>

Respectfully submitted by:

*Helen L. Graves*

Helen L. Graves, Chief Financial Officer

On motion by Councilmember Kingsbery, 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 Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

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

Councilmember Kingsbery offered the following Resolution and moved its adoption:

Vendor Name	Amount
DELL INC.	6,519.68
DIRECT ENERGY BUSINESS	7,147.05

HELEN L.GRAVES	107.68
JCP&L	4,508.99
JCP&L	4,059.70
JERSEY SHORE REGIONAL HEALTH	21,499.31
MCKESSON MEDICAL-SURGICAL	205.53
MCKESSON MEDICAL-SURGICAL	389.49
MONMOUTH & OCEAN TCTA	160.00
NAYLOR'S AUTO PARTS	1,735.98
NEW JERSEY AMERICAN WATER	3,114.05
STATE OF NJ - DEP	3,000.00
NJ NATURAL GAS CO.	299.12
NJ NATURAL GAS CO.	299.12
NEW JERSEY RECREATION &	475.00
ERIC PAONE-HURD	895.58
POWERDMS	3,180.00
QUALITY ELECTRICAL CONST CO.	701.00
RICOH USA, INC.	529.03
ROSARIO CONTRACTING CORP	5,159.86
RUMSON ELEMENTARY SCHOOL DIST	2,003.30
RUMSON ELEMENTARY SCHOOL DIST	1,998.70
DONALD SCHNEIDER	180.00
SIP'S PAINT & HARDWARE	764.04
STEWART'S PLUMBING	3,500.00
STEWART'S PLUMBING	462.80
SUBURBAN DISPOSAL INC.,	47,166.66
SUBURBAN DISPOSAL INC.,	28,725.43
TCTA OF NEW JERSEY	200.00
UGI ENERGY SERVICES,LLC	1,639.21
ACE AUTO TOPS & SEAT COVERS	100.00
ACE INSULATION CO INC	931.10
ACTION DATA SERVICES,INC	3,590.50
ACTION DATA SERVICES,INC	662.72
ALLIED OIL, LLC	14,745.47
ANCHOR RUBBER STAMP	55.50
A N J E C	400.00
APPALACHIA HYDROGEOLOGIC &	557.75
GANNETT NEW YORK/NEW JERSEY	1,013.69
CITY OF ASBURY PARK	21,224.00
ATHLETE'S ALLEY	8,738.15
AT NORTHERN NEW JERSEY,LLC	1,300.00
BAIN'S OUTDOOR LIVING	585.00
BCUW/MADELINE	103,321.00
BEACON AWARDS	100.00
BOB'S UNIFORM SHOP	173.00
BOROUGH OF RUMSON	1,162,830.00
BUILDERS GENERAL SUPPLY CO	402.45
BUTCH'S AUTO. CAR WASH, INC.	65.00
CENTRAL JERSEY STARTER &	165.00
CLEARY, GIACOBBE, ALFIERI	1,101.80
CLEARY, GIACOBBE, ALFIERI	1,610.00
COLLIERS ENGINEERING & DESIGN	437.50
COLLIERS ENGINEERING & DESIGN	4,324.83
COMCAST	2,219.81
CRANEY'S INTERPRETING SERVICES	170.00
CROSS OVER NETWORKS	1,243.93
KIM D CUGINI	390.00
DILWORTH PAXSON LLP	1,491.00
ELITE EQUIPMENT SERVICES	290.00
FAIR HAVEN BOARD OF EDUCATION	701.04
JOSEPH FAZZIO WALL, LLC	109.77

JOSEPH FAZZIO WALL, LLC	149.27
MICHAEL GALANO	140.00
GENERAL CODE,LLC	2,242.22
GLOBAL INDUSTRIES, INC.	12,862.08
GLOBAL INDUSTRIAL	5,148.19
WW GRAINGER INC	17.54
GREENWAY INDUSTRIES OF NJ,LLC	173.08
HOUGH PETROLEUM CORP	221.18
JASPAN HARDWARE	32.29
JCP&L	1,197.86
J.N.M. HOLDINGS, INC.	1,930.31
JP MONZO MUNICIPAL CONSULTING	50.00
KELLY TITLE GROUP	5,990.54
KEPWEL NATURAL SPRING WATER	111.50
DARYL J KOCHER	178.69
LANGUAGE LINE SERVICES,INC	54.40
LIFE SAVERS INC.	615.00
LOWE'S	472.08
MAZZA RECYCLING SERVICES, LTD	2,578.41
MAZZA MULCH,INC	6,818.00
MAZZA MULCH,INC	1,848.00
MCAA OF MONMOUTH COUNTY	45.00
MCAA OF NJ	50.00
MIDDLETOWN TWP HEALTH DEPT	2,100.00
MR JOHN INC	663.95
NEW JERSEY AMERICAN WATER	12,427.90
NJ DEPT HEALTH/SR SERVICES	142.80
NEXVORTEX, INC	452.47
NJ NATURAL GAS CO.	2,218.96
NJ LEAGUE OF MUNICIPALITIES	740.00
NJ STATE ASSN CHIEFS OF POLICE	249.00
STATE OF NJ PENSIONS/ACTIVE	110,532.04
STATE OF NJ PENSIONS/RETIREE	71,432.21
OSWALD ENTERPRISES, INC.	2,625.00
PANGARO TRAINING & MANAGEMENT	75.00
PMC ASSOCIATES	178,798.82
PMC ASSOCIATES	2,597.62
PRECISE CONSTRUCTION COMPANY	29,500.00
PRECISE CONSTRUCTION COMPANY	46,700.00
PREMIER GRAPHICS,INC	300.00
PUMPING SERVICES INC	850.00
PUMPING SERVICES INC	3,924.01
QUALITY ELECTRICAL CONST CO.	1,850.00
RAYMOND A RAYA	233.33
THOMAS S ROGERS	122.39
THOMAS S ROGERS	199.53
THOMAS S ROGERS	55.33
RUMSON ELEMENTARY SCHOOL DIST	1,783,804.50
RUMSON ELEMENTARY SCHOOL DIST	2,448.67
RFH REGIONAL HIGH SCHOOL	1,684,712.50
MICHAEL RUSSOMANNO	1,050.00
TONY SANCHEZ LTD	850.00
S. BROTHERS, INC.	18,995.00
SELECTIVE INSURANCE COMPANY	2,524.00
SERVICE TIRE TRUCK CENTER,INC	600.00
SERVICE TIRE TRUCK CENTER,INC	561.30
RONALD J. SICKLER	205.10
SIP'S PAINT & HARDWARE	1,201.96
SIRCHIE FINGERPRINT LABORATORY	40.40
LUIS SOSA	5,700.63

MICHAEL B STEIB, PA	3,360.00
STROBES N' MORE	431.20
SURENIAN EDWARDS BUZAK & NOLAN	843.91
SURENIAN EDWARDS BUZAK & NOLAN	3,194.50
TARGETED TECHNOLOGIES LLC	5,663.01
TAYLOR FENCE CO, INC	3,020.00
T & M ASSOCIATES	3,798.42
TWO RIVER LITTLE LEAGUE	11,184.00
UNITED STATES POSTAGE SERVICE	3,000.00
USA BLUEBOOK	98.61
JOSEPH VAN MATER 3RD	963.00
JOSEPH VAN MATER 3RD	579.95
ANTHONY J. VECCHIO	1,082.50
VERIZON	63.47
VERIZON	405.47
VERIZON	65.26
VERIZON WIRELESS	544.01
VERIZON WIRELESS	113.72
VERIZON BUSINESS FIOS	144.99
WAGEWORKS	100.00
GEORGE WALL LINCOLN	112.22
WATER ENVIRONMENT FEDERATION	117.00
WB MASON COMPANY,INC	293.95
WB MASON COMPANY,INC	116.37
JOHN WERNER JR	770.00
WOODWARD CONSTRUCTION CO.	6,639.70
LANCHA CONSTRUCTION CORP	146,688.46
AMERICANWEAR INDUST UNIFORMS	1,334.11
AMERICANWEAR INDUST UNIFORMS	45.00
CGP&H,LLC	750.00
DYNAMIC TESTING SERVICE	190.00
FAIR HAVEN HARDWARE INC	44.85
KENCOR INC.	603.02
NEXVORTEX, INC	452.86
ONE CALL CONCEPTS	173.71
SEABOARD WELDING SUPPLY, INC	177.00
MICHAEL B STEIB, PA	1,388.75
GEORGE WALL LINCOLN	1,434.55
5,700,073.95	

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

- In the affirmative:Conklin, Casazza, Kingsbery, Pomphrey, Smith.
- In the negative:None.
- Absent:Lospinuso.

COMMENTS FROM COUNCIL:

Councilmember Casazza spoke at this time. Casazza thanked Rumson Police Captain Christopher York for all his work as Officer In Charge during the transition period to appointing a new Rumson Police Chief. Casazza spoke to how well he handled the situation. Councilmember Pomphrey seconded Casazza’s comments.

Mayor Joseph K. Hemphill spoke at this time. Mayor Hemphill thanked James McManus and the Rumson St. Patrick’s Day Parade Board for another great event, stating it was a great day for Rumson.

## COMMENTS FROM THE PUBLIC:

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Janice Weinreb of 77 Waterman Avenue spoke at this time. Weinreb thanked the members of Borough Council for taking the time to listen to, and understand, the concern of the residents. Weinreb continued by asking for a progress update regarding the valves and the issues of flooding in the West Park section of The Borough of Rumson, stating that the issue life in the most fundamental ways, siting safety and emergency access issues. Borough Engineer David Marks spoke at this time. Marks opened his comments by stating he has met with a new check-valve company, which flew their head engineer to The Borough of Rumson from Sweden. The discussion between Marks and the engineer focused on a different style valve that will allow the valves to open at more frequent opportunities than the current valves do at this time. Marks also stated that the engineer shared his experience with issues surrounding the current valve system where the rubber hardens, leading the valves to not open fully, nor fully close as they should. Marks shared that The Borough is in the process of sizing and measuring the necessary specks in order to move forward with pricing the new valves. Marks stated that this work will be completed by The Borough of Rumson Department of Public Works. Marks also shared that there have been in-house discussions with the Rumson Department of Public Works about the possibility of removing the existing valves to start a new baseline, stating the potential for faster removal of high-tide floodinh despite the increase risk of tidal flooding. Marks shared that he met with neighbors to gain more information and documentation. Marks concluded by stating that the goal is to get the survey completed in the next few weeks to advance to the next step. Councilmember Casazza asked Marks what the level of difficulty is to remove the existing valves, to which Marks replied that most of the valves are regularly accessible, with one or two that may need additional work and support from a contractor. Councilmember Kingsbery asked if all the valves need to be replaced at once, to which Marks responded that part of the investigation is getting a full understanding of the health of the entire infrastructure. Kingsbery stated his concern is if the new valves would even work, to which Marks responded that there is always concern that the valves are working, but situations arise with weather where it is both high tide and raining, regardless of the type of valve. Marks then continued by stating that a long term consideration is the direction the community may want to move regarding the rise of sea-level over time. Councilmember Pomphrey spoke at this time. Pomphrey asked what the timeline would be should everything proceed as planned. Marks responded that most of the valves are stocked in The United States, stating that lead time would be weeks versus months. Marks also shared that based on the cost, there would be a need to purchase through state contracts.

Cynthia O'Brien of 20 Warren Street spoke at this time. O'Brien asked for the status of the current valves, and if the rubber can be replaced. Marks responded that the manufacture offers retro-fit kits that may not be worth exploring versus installing new valves. O'Brien asked if the manufacture of the present valves have been out to inspect and Marks responded by stating that the company had been on site for other valves in The Borough that had failed, which led to the installation of the new valves being considered for the West Park section of town. Kingsbery followed up with another question for Marks, asking if this situation called or qualified for operations on an emergency basis, given the effect flooding has on potential future emergency responses. Marks responded by stating that an emergency operations approach has not been discounted during the process and as things proceed through the pricing and purchasing process, the emergency approach will be considered. Councilmember Conklin spoke at this time. Conklin shared that he feels that once the parts are identified through the survey, a payment should be made towards holding the parts so that they are not lost in the system. This will ensure that the parts are not purchased by another organization as The Borough follows the proper steps through the purchasing process.

Tina Freglette of 97 South Ward Avenue spoke at this time. Freglette asked for a specific date for the inspection based on the severity of the flooding and the effects it has on daily living. Freglette referenced her experience with garbage collection during high tide and working to collect water logged bags of garbage throughout the neighborhood. Marks responded stating that the inspections will be weather based as they cannot be inspected when there is a high tide. Marks stated that the goal would be to complete the inspections within two weeks, weather and condition pending. Freglette also referenced the potential for communication and planning to residence about when not to put out garbage during a storm or the possibility of high tide as The Borough works to resolve this issue. Freglette shared it is very difficult to manage when the residents are not receiving the support they need. Casazza followed up with a statement

regarding his mother, how she lives on Polly's Pond and that he knows that the pond is up at least 12 inches based on his installation of a dock. Casazza broke the situation into a short term and long term problem surrounding the concern of rising sea levels. The short term problem is to look into fixing the valves, but the long term problem is understanding the infrastructure of The Borough, specifically the West Park section, and how the community will evolve over the next few years as sea levels will continue to rise. Marks stated that the valves are a short term solution to the problem now, citing the NJDEP FRAMES Project that researches the two river basin and defined levels of sea-level rise. Marks shared the background of this referenced project, which stems from a grant nearing one million dollars, in order to evaluate the two river basin. Marks continued by sharing that the project looked to provide a collaborative plan for all the communities within the two river basin to see what the collective community could do, which included adaptation options and the Blue Acers Program. Marks stated that the report can be found on The Borough of Rumson website. Casazza stated that this issue is not specific to Rumson, stating that there are billions of dollars being spent in New York City to deal with the rising sea level issues. Councilmember Smith shared her personal experiences after Hurricane Sandy and that her family needed to raise the yard four feet. Even with the adaptation, the water was still an issue and the problem could not be fixed. Smith shared that the individual who purchased the house ended up raising it 10 feet, sharing that these type of solutions are very expensive and not available to everyone.

Dina Meyers of 24 Warren Street spoke at this time. Meyers asked for clarification on what the valves will accomplish, citing the difference between having the flooding drain more quickly versus removing the potential for flooding. Marks shared that the valve replacement would hopefully correct the issue of the valve currently not opening enough to fully flush out the water that is leading to the extended standing water period. Meyers shared she has been in the neighborhood for seven years and the last round of floods have been significantly higher than anything she has experienced. Marks shared that the January 2024 flooding is some of the most significant flooding that he has experienced in The Borough of Rumson outside of the name storms that have impacted the area. Marks also shared that this winter season has been an abnormally wet winter, citing that this is the fourth wettest winter on record in nearly 150 years. Meyer concluded by stating that it is a great neighborhood that works together.

Joseph Freglette of 97 South Ward Avenue spoke at this time. Freglette cited the construction of the new Rumson-Sea Bright Bridge as a potential cause for the new flooding episodes as it has been the only major change in the area over the past few years. Freglette asked if the county coordinated with the town and conducted a study of the work it was doing on the river. Marks responded stating there is significant coordination between The County and The Borough regarding the project. Marks agreed that the river has been impacted and did not recall a report or study regarding water surface levels rising. Marks stated that he will follow up with the county engineer. Freglette recommended taking measurements both upstream and downstream during high-tide cycles. Freglette continued by asking for clarification on the timeline. Marks stated that the first step is to create a survey of the pipe outfalls to determine pipe size to order valves. Marks stated he also wants to do a visual inspection of the valves during this time. Marks continued by stating that the plans have been shared with the engineer of the valve company, citing the projects in the mid-90s. Marks also stated that the removal of the valves is also up for consideration once the survey and inspection is complete. Freglette shared that he is a civil engineer and his recommendation is to remove the valves that are trapping water. Marks stated he would like to connect with Freglette and get his thoughts on the situation.

Gary Ruberg of 30 Grant Avenue spoke at this time. Ruberg, a resident since 1994, stated that when the roadwork was complete to raise the end of Grant Avenue. Ruberg stated that when there was just a hole in the bulkhead the water goes out when it is supposed to go out. Now, with the valve, the water sits. Ruberg also asked about the debris and if it effects the efficiency of the valve. Marks responded that he has not seen any reports regarding debris wearing out the valve, but that debris can clog the valve. Marks stated that when the issues were first reported, The Department of Public Works was flushing out the valves. Marks stated that the new valve addresses the concern of debris and how the valve functions around it. Ruberg also asked about screening and Marks said it is possible depending on the valves location in the stream. Marks also stated that by moving away from the duck-bill style of valve, it will reduce the concern of debris based on how the new valves seal. Ruberg concluded by asking about dredging of Polly's Pond, to which Marks responded that the New Jersey Department of Transportation submitted a 10-year maintenance plan to the New Jersey Department of Environmental Protection for permits



to complete dredging of the entire Shrewsbury Complex and the state channels in the jurisdiction. Conklin shared that there is a section of the Rumson County Club that the state has eminent domain over specifically for dredge spoils. Conklin also shared that the project Marks was discussing will potentially offer dredging for individual properties through the New Jersey Department of Transportation. Casazza clarified that the term spoils stands for what is found at the bottom of the river.

Patricia Hansen of 103 South Ward Avenue spoke at this time. Hansen stated that based on where her property is located between the pond and the river, her home becomes surrounded with water during the floods. Hansen stated that she requests mass communication from The Borough through digital media or a committee so that the community can have a greater understanding of what is taking place on behalf of the residents. Marks stated that he will work with Eric Paone-Hurd, Deputy Municipal Clerk and Communication Coordinator, to add information to The Borough's website. Conklin shared that The Borough has created dynamic web pages for The Borough's Affordable Housing Projects and the email notification list that was created for residents surrounding 49 West River Road and the potential for facilitating something similar for this project for the West Park community. Conklin also shared that there is a lot that happens behind the scenes by the Borough Employees and also the members of Borough Council, sharing that he has taken the time to observe the situation first hand. Conklin stated that this needs to be a focus with a solution as quickly as possible.

Nancy Haaren 34 Warren Street spoke at this time. Haaren shared that she feels the residents have responsibility in the process as well, referencing the discussion about garbage collection during a storm, citing adding a community alert. Haaren asked about the approval process for meeting, to which Paone-Hurd shared that minutes of a previous meeting are approved at the start of current meeting and then placed on The Borough of Rumson website the next day, concluding that before public posting, they need to be approved by Borough Council.

Janice Weinreb of 77 Waterman Avenue returned to the floor. Weinreb asked about the efficiency of the discussed replacement valves. Marks shared that the type of valve is installed in The Borough on Shrewsbury Drive and South Bingham Avenue and that it works well. Marks shared that the opening pressure of the discussed valve is much less, which means it should open with less differential and in turn drain sooner. Casazza asked about the potential of building a trench, to which Marks responded that it will also allow water to flow in. Marks stated that it was a great question and that its part of the reason why he needs to be careful on what the next steps are as he does not want to make the situation worse.

## **ADJOURNMENT:**

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Councilmember Pomphrey made a motion to adjourn the meeting which was seconded by Councilmember Casazza. The meeting adjourned at 8:31 p.m. All in favor.

Respectfully submitted,

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Eric Paone-Hurd  
Deputy Municipal Clerk  
Communication Coordinator