

AGENDA
REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
January 21, 2025
7:30 p.m.

Pledge of Allegiance.

Roll call.

The Notice Requirements of the Open Public Meetings Act have been met for this meeting by:

- The posting and mailing of the annual meeting notice 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).

Approval of the minutes for the previous meeting held January 7th.

COMMUNICATIONS:

1. Letter from The English Group, LLC Environmental Consultants notifying The Borough of Rumson of an application to the New Jersey Department of Environmental Protection for a Coastal Permit Application (LURP-2) for 181 Rumson Road also known as Block 108, Lot 2.
2. Letter from InSite Engineering, LLC notifying The Borough of Rumson of an application to the New Jersey Department of Environmental Protection, Division of Land Resource Protection, for a Freshwater Wetlands Letter of Interpretation (LOI): Line Verification, a Flood Hazard Area Verification, and a Flood Hazard Area Applicability Determination for 163 Rumson Road also known as Block 112, Lot 1.
3. Letter from Cranmer Engineering notifying The Borough of Rumson of an application to the New Jersey Department of Environmental Protection, Division of Land Resource Protection, for a Coastal General Permit No. 5 to construct a single-family dwelling, proposed driveway, and sit amenities including a patio and outdoor living area for 14 Rivers Edge Drive also known as Block 111, Lot 10.
4. Submitted application from the Rumson Fire Company for Alexander C. Arhanic to become a Cadet Member of the Rumson Fire Company.
5. Letter from outgoing Oceanic Hook & Ladder President Raymond T. Kelly thanking Councilmembers John J. Conklin III and Gary Casazza for their support.
6. Letter received from Victoria Thompson, Superintendent of the Mosquito Control Division in Monmouth County. This letter advises that the Division will be resuming its aerial surveillance and treatment program in the Borough during the timeframe of April 1, 2025 through November 30, 2025.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

1. Resolution #2025-0121-25 Fixing Salaries of Certain Borough Officers, Employees and Appointees.
2. Resolution #2025-0121-26 Committing to Fourth Round Present and Prospective Need Affordable Housing Obligations.
3. Resolution #2025-0121-27 Authorizing Refund of The Balance of Escrow Fee.
4. Resolution #2025-0121-28 Appointing Gianna Trani as SLEO II Officer.
5. Resolution #2025-0121-29 Authorizing Monmouth County's Mosquito Control Division to Conduct Aerial Mosquito Control Operations within The Borough of Rumson.
6. Resolution #2025-0121-30 Authorizing an Appropriation Reserves Transfer.

CONSENT AGENDA:

None.

ANNOUNCEMENTS BY THE MAYOR.

FINANCIAL OFFICER'S REPORT.

CONSIDERATION OF BILLS & CLAIMS (RESOLUTION).

COMMENTS FROM THE COUNCIL.

COMMENTS FROM THE PUBLIC.

ADJOURNMENT.

Councilmember _____ offered the following resolution and moved its adoption:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
RUMSON COMMITTING TO FOURTH ROUND PRESENT AND
PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Rumson (hereinafter the “Borough” or “Rumson”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Borough of Rumson filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

WHEREAS, the Borough continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

WHEREAS, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of Zero (0) and a Prospective Need (New Construction) Obligation of 117; and

WHEREAS, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and

WHEREAS, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and

WHEREAS, the Borough’s acceptance of the Fourth Round obligations calculated by the DCA are entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing (“COAH”) regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution

estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

WHEREAS, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

NOW, THEREFORE, BE IT RESOLVED on this ____ day of January of 2025, by the Borough Council of the Borough of Rumson, Monmouth County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.

2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of Zero (0) and the DCA Fourth Round Prospective Need (New Construction) Obligation of 117 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

a) The right to adjust the Borough's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and

all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and

- b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and
- c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough’s fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court’s (AOC) Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Borough’s Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

4. This Resolution shall take effect immediately, according to law.

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

- In the affirmative: .
- In the negative: .
- Absent: .

CERTIFICATION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Borough Council of the Borough of Rumson at a regular meeting held on January 21, 2025.

Thomas S. Rogers
Municipal Clerk/Administrator

Councilmember _____ offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING REFUND OF THE
BALANCE OF ESCROW FEES TO THOMAS MCLAUGHLIN

WHEREAS, Elisa Walling posted Escrow for a Zoning Application of Block 70, Lot 8, also known as 24 Ridge Road; and

WHEREAS, Thomas McLaughlin appeared before the Zoning Board of the Borough of Rumson, on May 23, 2024 and June 27, 2024; and

WHEREAS, on August 22, 2024, the Zoning Board of the Borough of Rumson adopted a Resolution Approving her application with Variances; and

WHEREAS, the appeal period was complete as of October 20, 2024,

WHEREAS, Thomas McLaughlin has requested a refund of the balance of the Escrow posted for this project; and

WHEREAS, Maria DeSoucey, Zoning Agent has confirmed there are no outstanding invoices for this project;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the refund of the balance of the escrow fee in the amount of \$650.00 to Thomas McLaughlin, 24 Ridge Road, Rumson, NJ 07760.

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

In the affirmative: .
In the negative: .
Absent: .

CERTIFICATION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Borough Council of the Borough of Rumson at a regular meeting held on January 21, 2025.

Thomas S. Rogers
Municipal Clerk/Administrator

Councilmember _____ offered the following resolution and moved its adoption:

RESOLUTION APPOINTING GIANNA TRANI
AS A FULL-TIME CLASS II SPECIAL OFFICER

WHEREAS, the Borough of Rumson, through its Police Department, has the need for a Full-Time Class II Special Law Enforcement Officer; and

WHEREAS, the Rumson Police Chief and the Police Committee have recommended that Gianna Trani be appointed as Full-Time Class II Special Law Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Gianna Trani be appointed as Full-Time Class II Special Law Enforcement Officer at an annual salary of \$37,500; and

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

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

In the affirmative: .

In the negative: .

Absent: .

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Rumson at a regular meeting held on January 21, 2025.

Thomas S. Rogers
Municipal Clerk/Administrator

Councilmember _____ offered the following Resolution and moved its adoption:

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

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

In the affirmative: .

In the negative: .

Absent: .

CERTIFICATION

I hereby certify that the foregoing is a
true copy of a resolution adopted by the
Borough Council of the Borough of

Rumson at a regular meeting held on
January 21, 2025.

Thomas S. Rogers
Municipal Clerk/Administrator

Councilmember _____ offered the following resolution and moved its adoption:

2024 APPROPRIATION RESERVES TRANSFER RESOLUTION

WHEREAS, pursuant to N.J.S.A. 40A:4-58 certain transfers are permitted between budget appropriations during the first three months of the calendar year; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rumson (by 2/3 vote) that the following transfers between 2024 Budget appropriations be and the same are hereby approved:

FROM:	
Gas/Diesel-Other Expenses	\$ 8,000.00
Total:	\$ 8,000.00

TO:	
Electricity-Other Expenses	\$ 3,000.00
Water-Other Expenses	\$ 1,000.00
Street Lighting-Other Expenses	<u>\$ 4,000.00</u>
Total:	\$8,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2024 accordingly.

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

- In the affirmative:
- In the negative:
- Absent:

CERTIFICATION
I hereby certify that the foregoing is a true copy of a resolution adopted by the Borough Council of the Borough of Rumson at a regular meeting held on January 21, 2025.

Thomas S. Rogers
Municipal Clerk/Administrator

BOROUGH OF RUMSON
CHIEF FINANCIAL OFFICER REPORT TO THE MAYOR AND COUNCIL

Analysis of Cash for Calendar Year:

2024

FUNDS	January 1 Beginning Balance	Cash Receipts	Cash Disbursements	December 31 Ending Balance
1. CURRENT FUND				
Current Fund Checking	17,766,086.63	68,414,094.92	(70,183,004.05)	15,997,177.50
Change Funds	300.00	0.00	0.00	300.00
Certificates of Deposit	2,575,925.00	2,700,000.00	(194,973.00)	5,080,952.00
Total Current Fund	20,342,311.63	71,114,094.92	(70,377,977.05)	21,078,429.50
2. CAPITAL FUND				-
Capital Fund Checking	9,285,851.09	6,313,538.47	(3,087,903.14)	12,511,486.42
Total Capital Fund	9,285,851.09	6,313,538.47	(3,087,903.14)	12,511,486.42
3. PAYROLL & PAYROLL AGENCY				
Payroll	2,981.86	4,005,923.84	(4,005,923.84)	2,981.86
Payroll Agency	10,981.57	2,285,214.47	(2,285,214.47)	10,981.57
Total Payroll & Payroll Agency	13,963.43	6,291,138.31	(6,291,138.31)	13,963.43
4. TRUST FUNDS				
Trust Fund Checking	646,003.47	44,374.13	(68,018.33)	622,359.27
Unemployment Trust	82,724.25	12,301.18	(32,328.19)	62,697.24
Recreation Trust	652,258.54	454,062.88	(420,932.23)	685,389.19
C.O.A.H. Trust	3,349,239.97	678,009.29	(567,597.58)	3,459,651.68
Law Enforcement Trust Fund	472.17	19.41	0.00	491.58
D.A.R.E.	14,794.21	5,602.75	(2,888.91)	17,508.05
Cafeteria Plan	1,553.32	13,180.08	(12,702.94)	2,030.46
Animal Control Trust Fund	29,226.60	15,187.00	(14,722.25)	29,691.35
Total Trust Funds	4,776,272.53	1,222,736.72	(1,119,190.43)	4,879,818.82
TOTAL ALL FUNDS	34,418,398.68	84,941,508.42	(80,876,208.93)	38,483,698.17

Respectfully submitted by:

Matthew J. Palmer

Matthew J. Palmer, Chief Financial Officer

Vendor Name	Amount
MONMOUTH MUNICIPAL J.I.F.	230,809.00
STATE OF NJ PENSIONS/ACTIVE	126,880.97
STATE OF NJ PENSIONS/RETIREE	88,080.68
AMERICANWEAR INDUST UNIFORMS	886.64
AMERICANWEAR INDUST UNIFORMS	36.00
GANNETT NEW YORK/NEW JERSEY	226.64
ATHLETE'S ALLEY	9,610.90
ROBERT MATTHEW BOVO	225.00
ROBERT BOYER	38.62
CHRISTOPHER BRIGHTON	600.00
KYLE BUCKLAND	250.00
CENTRAL JERSEY REGISTRAR ASSN	60.00
CERTIFIED SPEEDOMETER SERVICE	264.00
CIVICPLUS,LLC	6,798.75
CLEARY, GIACOBBE, ALFIERI	1,155.00
CLEARY, GIACOBBE, ALFIERI	1,855.00
COLLIERS ENGINEERING & DESIGN	2,003.75
COPS	269.00
CROSS OVER NETWORKS	2,473.18
CROSS OVER NETWORKS	2,250.00
DELTA DENTAL OF NEW JERSEY INC	7,568.88
DEPOSITORY TRUST COMPANY	54,294.38
DIRECT ENERGY BUSINESS	6,996.81
EDMUNDS AND ASSOCIATES, INC	11,822.47
E.M. GRANT	1,895.00
ENFORSYS INC.	2,375.00
EVERBRIDGE,INC	5,200.00
GREATLAND CORPORATION	99.00
THE HOSE SHOP	11.46
HUGHES ENVIRONMENTAL SERVICES	13,500.00
JCP&L	2,402.15
KEPWEL NATURAL SPRING WATER	134.00
DARYL J KOCHER	710.85
KYLE MCMANUS ASSOCIATES LLC	2,094.75
LANGUAGE LINE SERVICES,INC	64.80
LEADSONLINE,LLC	2,567.00
DAVID MARKS	500.00
MAZZA RECYCLING SERVICES, LTD	1,478.40
MCAA OF MONMOUTH COUNTY	45.00
THOMAS MCLAUGHLIN	650.00
MON CO POLICE CHIEF'S ASSN INC	500.00
MON CO POLICE CHIEF'S ASSN INC	250.00
TREASURER, COUNTY OF MONMOUTH	41.84
MONMOUTH & OCEAN TCTA	80.00
MORTON SALT	10,535.74
MR JOHN INC	755.85
NEW JERSEY AMERICAN WATER	13,926.99
NEW JERSEY AMERICAN WATER	2,330.08
NJ DIVISION OF A.B.C.	33.00
NJ CONFERENCE OF MAYORS	525.00
NJ NATURAL GAS CO.	348.23
NJ MOTOR VEHICLE COMMISSION	150.00
NJ MUNICIPAL MGMT ASSOC INC	300.00
NJ REGISTRARS' ASSOCIATION	75.00
ONSOLVE, LLC	7,063.35
POWERDMS	3,386.70
POWERDMS	4,742.62
PUBLIC WORKS ASSOC OF NJ	120.00
PUMPING SERVICES INC	923.40
QUADIENT LEASING USA,INC	362.34

RAYMOND A RAYA	233.33
RICOH USA, INC.	529.03
RUMSON ELEMENTARY SCHOOL DIST	1,060.70
RUMSON ELEMENTARY SCHOOL DIST	2,057,085.83
RFH REGIONAL HIGH SCHOOL	2,042,038.83
RUTGERS/YOUTH SPORTS COUNCIL	805.00
SERVICE TIRE TRUCK CENTER,INC	1,631.50
SERVICE TIRE TRUCK CENTER,INC	2,200.50
SERVICE TIRE TRUCK CENTER,INC	1,056.50
SERVICE TIRE TRUCK CENTER,INC	290.00
STAVOLA ASPHALT CO. INC.	183.00
SUBURBAN DISPOSAL INC.,	25,875.00
SUBURBAN DISPOSAL INC.,	34,238.59
SUBURBAN DISPOSAL INC.,	25,875.00
TARGETED TECHNOLOGIES LLC	5,376.39
TARGETED TECHNOLOGIES LLC	75.00
TCTA OF NEW JERSEY	50.00
TCTA OF NEW JERSEY	100.00
TREAS.,STATE OF NJ DCA	60.00
TRITECH SOFTWARE SYSTEMS	16,250.48
TWO RIVERS WATER	381,180.50
UGI ENERGY SERVICES,LLC	1,081.76
ANTHONY J. VECCHIO	1,082.50
VERIZON	77.78
VERIZON	530.24
VERIZON WIRELESS	544.13
VERIZON BUSINESS FIOS	144.99
VISUAL COMPUTER SOLUTIONS, INC	4,994.10
WARSHAUER ELECTRIC SUPPLY	13,770.00
	5,254,053.90