

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
April 9, 2024

A regular meeting of the Borough Council of the Borough of Rumson was held on Tuesday, April 9, 2024 at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Hemphill, Kingsbery, Pomphrey, Lospinuso, Smith.

Absent: Conklin, Casazza.

Tom Rogers, Municipal Clerk/Administrator, was present.

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).

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, the minutes of the previous meeting on March 12th were approved as written, copies having been forwarded to all Council members.

COMMUNICATIONS:

**EMAIL FROM THE ARBOR DAY FOUNDATION NOTIFYING THE
BOROUGH OF RUMSON OF ITS APPROVED TREE CITY USA
APPLICATION.**

The Municipal Clerk/Administrator received an email from The Arbor Day Foundation providing the approval of The Borough's Arbor Day Foundation application.

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, this communication was ordered received. All in favor.

**SUBMITTED APPLICATION FROM THE RUMSON FIRE COMPANY FOR
TIMOTHY WISELY TO BECOME A NEW REGULAR MEMBER OF THE
RUMSON FIRE COMPANY.**

The Municipal Clerk/Administrator received a completed application for Timothy Wisely to become a new regular member of the Rumson Fire Department.

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, this communication was ordered received. All in favor.

**TAX COLLECTORS ANNUAL STATEMENT OF RECEIPTS RECEIVED
FROM HELEN L. GRAVES, TAX COLLECTOR FOR THE BOROUGH OF
RUMSON.**

The Municipal Clerk received the Annual Statement of receipts letter from Helen L. Graves, Tax Collector for the Borough of Rumson. The Year 2023 Percentage of Collections for the Borough of Rumson is 99.26%.

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, this communication was ordered received. All in favor.

**LETTER OF RETIREMENT FROM RUMSON POLICE CAPTAIN
CHRISTOPHER YORK.**

Mayor Hemphill received a letter of retirement from Rumson Police Captain Christopher York effective May 1, 2024. Mayor Hemphill thanked York for all his service, stating he has been an asset to The Borough for many years. Mayor Hemphill thanked York for taking care of Rumson.

On motion by Councilmember Kingsbery, seconded by Councilmember Lospinuso, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

Councilmember Pomphrey spoke at this time. Pomphrey announced that on Earth Day, Monday April 22, 2024, the community is invited to tour the Forrestdale farm and Rain Garden.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

**INTRODUCTION OF ORDINANCE #24-003 TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATIONS LIMITS AND ESTABLISH A CAP BANK.
PUBLIC HEARING SET FOR MAY 14, 2024.**

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

24-003

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Rumson in the County of Monmouth finds it advisable and necessary to increase its Calendar Year 2024 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$461,306.94 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Rumson in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the Calendar Year 2024 budget year, the final appropriations of the Borough of Rumson shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$461,306.94, and that the Calendar Year 2024 municipal budget for the Borough of Rumson be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilmember Kingsbery moved the adoption of this Ordinance in first reading and schedule the public hearing. Motion seconded by Councilmember Lospinuso and carried on the following roll call vote:

In the affirmative: Kingsbery, Pomphrey, Lospinuso, Smith.

In the negative: None.

Absent: Conklin, Casazza.

RESOLUTION REAPPOINTING MUNICIPAL CLERK THOMAS S. ROGERS FOR A 3 YEEAR TERM EXPIRING ON APRIL 24, 2027.

2024-0409-50

Councilmember Kingsbery offered the following resolution and moved its adoption:

RESOLUTION TO REAPPOINT THE MUNICIPAL CLERK

WHEREAS, the current three-year term of the Rumson Municipal Clerk, Thomas S. Rogers, expires on April 24, 2024; and

WHEREAS, N.J.S.A. 40A:9-133 provides that the next appointment shall be made for a new three-year term, effective as of the date of expiration of the current term, such appointment to be made by the Governing Body; and

WHEREAS, the Governing Body desires to reappoint Thomas S. Rogers, who holds a Registered Municipal Clerk certificate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Thomas S. Rogers be and is hereby reappointed to the position of Municipal Clerk, such term to run for three (3) years (April 25, 2024 through April 24, 2027).

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

In the affirmative: Kingsbery, Pomphrey, Lospinuso, Smith

In the negative: None.

Absent: Conklin, Casazza.

RESOLUTION AUTHORIZING THE PURCHASE OF A NEW TORO FIELD PRO FOR THE RUMSON DEPARTMENT OF PUBLIC WORKS.

2024-0409-51

Councilmember Kingsbery offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF
A NEW TORO FIELD PRO FOR
THE RUMSON DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Borough of Rumson has the need to purchase a new Toro Field Pro for the Rumson Department of Public Works from an authorized vendor under the Educational Services Commission of New Jersey cooperative, ID #65MCESCCPS; and

WHEREAS, Storr Tractor Company, 3191 Route 22, Branchburg, NJ 08876 has been awarded a contract through bid #ESC NJ 22/23-12 Grounds Equipment, for the period from February 22, 2023 to February 21, 2025; and

WHEREAS, the actual cost for the purchase from Storr Tractor Company is \$36,812.80; 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 24-00370;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Storr Tractor Company be awarded a contract for the purchase of a new Toro Field Pro at a total cost of \$36,812.80; 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 Pomphrey and carried upon the following roll call vote:

In the affirmative: Kingsbery, Pomphrey, Lospinuso, Smith.

In the negative: None.

Absent: Conklin, Casazza.

RESOLUTION APPOINTING JOSEPH PIGNATARO AS A CLASS II SPECIAL LAW ENFORCEMENT OFFICER EFFECTIVE JULY 2024.

2024-0409-52

Councilmember Pomphrey offered the following resolution and moved its adoption:

RESOLUTION APPOINTING JOSEPH PIGNATARO AS CLASS II SPECIAL LAW
ENFORCEMENT 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 Joseph Pignataro be appointed as a full-time Class II Special Law Enforcement Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Joseph Pignataro be appointed as a full-time Class II Special Law Enforcement Officer; 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 Kingsbery and carried on the following roll call vote:

In the affirmative: Kingsbery, Pomphrey, Lospinuso, Smith.

In the negative: None.

Absent: Conklin, Casazza.

RESOLUTION FOR A TEMPORARY EMERGENCY APPROPRIATION.

2024-0409-53

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	\$ 22,100.00
Administration Other Expenses	\$ 10,000.00
Municipal Clerk Salary & Wages	\$ 11,700.00
Finance Salary & Wages	\$ 12,900.00
Tax Collection – Salary & Wages	\$ 9,100.00
Tax Assessor – Salary & Wages	\$ 5,400.00
Engineering – Salary & Wages	\$ 25,600.00
Engineering – Other Expenses	\$ 15,000.00
Land Use & Development – Salary & Wages	\$ 9,200.00
Land Use & Development – Other Expenses	\$ 2,000.00
Fire Protection Official – Salary & Wages	\$ 430.00

Construction – Salary & Wages	\$ 20,000.00
Police – Salary & Wages	\$175,000.00
Police Dispatch – Salary & Wages	\$ 12,000.00
First Aid – Salary & Wages	\$ 525.00
Fire Department – Salary & Wages	\$ 900.00
Municipal Prosecutor – Other & Expenses	\$ 1,100.00
Streets & Road – Salary & Wages	\$ 75,000.00
Sewer – Salary & Wages	\$ 20,000.00
Public Buildings – Property Lease	\$ 2,000.00
Vehicle Maintenance	\$ 20,000.00
Board of Health Contractual	\$ 18,000.00
Recreation – Salary & Wages	\$ 8,300.00
Municipal Court – Salary & Wages	\$ 5,000.00
Public Defender – Other Expenses	\$ 235.00
Utility & Bulk Purchases:	
Fire Hydrants	\$ 12,000.00
Electricity	\$ 20,000.00
Gasoline & Diesel	\$ 8,000.00
Landfill	\$ 15,000.00
Statutory Expenditures:	
Social Security	\$ 7,500.00
General Liability Insurance	\$195,000.00
Employee Group Health	\$265,000.00
Sewer Authority	\$380,000.00
Shared Service Agreement	
Fair Haven Construction – Salary & Wages	\$ 10,300.00
Fair Haven Court – Salary & Wages	\$ 3,200.00
Little Silver Construction – Salary & Wages	\$ 11,000.00
Fair Haven Fire Prevention – Salary & Wages	\$ 450.00

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

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

CONSENT AGENDA:

None.

APPOINTMENTS BY THE MAYOR:

Mayor Joseph K. Hemphill appointed James Dorment as a full member of the Rumson Recreation Commission to fill an unexpired term through December 31, 2024.

ANNOUNCEMENTS BY THE MAYOR:

We would like to wish our residents and friends a happy and holy Passover, as it begins at sundown on Monday, April 22nd.

The next Regular Meeting of the Rumson Borough Council will be on Tuesday, May 14, 2024 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 March 31, 2024:

BOROUGH OF RUMSON
CHIEF FINANCIAL OFFICER REPORT TO THE MAYOR AND COUNCIL
Analysis of Cash for the Month Ending: March 31, 2024

FUNDS	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
1. CURRENT FUND				
Current Fund Checking	23,115,979.96	1,448,430.89	(5,931,952.28)	18,632,458.57
Change Funds	300.00			300.00
Investments Rumson BAN	2,575,925.00			2,575,925.00
<i>Total Current Fund</i>	<i>25,692,204.96</i>	<i>1,448,430.89</i>	<i>(5,931,952.28)</i>	<i>21,208,683.57</i>
2. CAPITAL FUND				-
Capital Fund Checking	9,217,932.34	322,444.75	(424,918.20)	9,115,458.89
<i>Total Capital Fund</i>	<i>9,217,932.34</i>	<i>322,444.75</i>	<i>(424,918.20)</i>	<i>9,115,458.89</i>
3. PAYROLL & PAYROLL AGENCY				
Payroll	2,981.86	322,001.11	(322,001.11)	2,981.86
Payroll Agency	10,981.57	196,374.33	(196,374.33)	10,981.57
<i>Total Payroll & Payroll Agency</i>	<i>13,963.43</i>	<i>518,375.44</i>	<i>(518,375.44)</i>	<i>13,963.43</i>
4. TRUST FUNDS				
Trust Fund Checking	641,621.47	6,745.75	(1,388.75)	646,978.47
Unemployment Trust	83,762.57	274.52	0.00	84,037.09
Recreation Trust	712,101.19	44,220.00	(39,049.57)	717,271.62
C.O.A.H. Trust	3,455,048.91	61,705.76	(108,754.35)	3,408,000.32
Law Enforcement Trust Fund	475.48	1.56	0.00	477.04
LEAD (formerly DARE)	14,897.18	48.82	0.00	14,946.00
Cafeteria Plan	12,408.82	0.00	(1,656.00)	10,752.82
Animal Control Trust Fund	36,805.40	1,319.00	(2,242.80)	35,881.60
<i>Total Trust Funds</i>	<i>4,957,121.02</i>	<i>114,315.41</i>	<i>(153,091.47)</i>	<i>4,918,344.96</i>
TOTAL ALL FUNDS	39,881,221.75	2,403,566.49	(7,028,337.39)	35,256,450.85

Respectfully submitted by:

Helen L. Graves

Helen L. Graves, Chief Financial Officer

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, the Financial Officer’s Report was ordered received and carried on the following roll call vote:

In the affirmative: Kingsbery, Pomphrey, Lospinuso Smith.

In the negative: None.

Absent: Conklin, Casazza.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilmember Kingsbery offered the following Resolution and moved its adoption:

Vendor Name	Amount
CROSS OVER NETWORKS	2,435.60
DELTA DENTAL OF NEW JERSEY INC	4,106.52
DIRECT ENERGY BUSINESS	13,659.76
FBI - LEEDA INC	150.00
FRONTIER TREE COMPANY, INC	3,600.00
MICHAEL GALANO	480.00
JCP&L	5,117.99
JCP&L	4,523.41
PAUL J KEANY	4,790.00
THOMAS KEYES	280.00
MICHELE A MACPHERSON	185.00
MON CO POLICE CHIEF'S ASSN INC	300.00
MR JOHN INC	663.95
NAYLOR'S AUTO PARTS	595.48
NJ NATURAL GAS CO.	598.00
NJ STATE ASSN CHIEFS OF POLICE	1,400.00
MICHAEL RUSSOMANNO	480.00
STAPLES,INC	264.70
STAPLES,INC	516.26
SUBURBAN DISPOSAL INC.,	47,166.66
SUBURBAN DISPOSAL INC.,	25,221.09
T & M ASSOCIATES	1,232.44
T & M ASSOCIATES	-1,232.44
UGI ENERGY SERVICES,LLC	1,345.91
WB MASON COMPANY,INC	499.92
JOHN WERNER JR	1,460.00
ACE INSULATION CO INC	5,650.00
ACTION DATA SERVICES,INC	580.26
ALLIED OIL, LLC	13,976.62
ANCHOR RUBBER STAMP	134.50
DEBORAH ANDERSON	174.70
APPALACHIA HYDROGEOLOGIC &	1,425.00
RICHARD & JOANN APRIL	1,048.20
GANNETT NEW YORK/NEW JERSEY	95.96
BAYSHORE FIRE & SAFETY LLC	27.00
PATRICIA L BOUTHILLIER	524.10
FREDERIC S BRADLEY	524.10
DZINTRA L. BRUSH	524.10
BUTCH'S AUTO. CAR WASH, INC.	195.00
RICHARD & LINDA CAMPANELLA	1,048.20
CENTRAL BOILER REPAIR CO INC	3,980.00
CGP&H,LLC	750.00
LORETTA & HARRY CHEBOOKJIAN	1,048.20
BRIAN CLARKE	700.00
MARK CONLEY	524.10
DOUGLAS & JUDITH CUJE	1,048.20
REGINA DAVIDSON	524.10
WILLIAM & CAROL ANN DICE	1,048.20
DILWORTH PAXSON LLP	4,432.50
LYNDA D. DOYLE	733.80
FAIR HAVEN HARDWARE INC	132.19
FASTENAL CO	586.92
FEDEX TECHCONNECT REVENUE SERV	8.97
HARDEN W. FOWLER	1,048.20
JAMES F & LINDA L GALLAGHER	1,048.20
GREENWAY INDUSTRIES OF NJ,LLC	196.12
JOHN & MARGARET HENDRICKS	1,048.20

JANE HOFFMAN	1,048.20
HOLMAN FRENIA ALLISON, PC	10,000.00
HOLMDEL TOWNSHIP	40,759.82
HOUGH PETROLEUM CORP	3,236.17
HYDRAIR POWER CRIMP LLC	167.97
HYDRAIR POWER CRIMP LLC	120.95
HYDRAIR POWER CRIMP LLC	85.00
JASPAN HARDWARE	127.15
JB POWER EQUIPMENT SALES	96.95
GERALD P & HELEN M KELLY	937.20
KEPWEL NATURAL SPRING WATER	134.00
PHILIP KUHLETHAU	174.70
KYLE MCMANUS ASSOCIATES LLC	2,429.25
LANGUAGE LINE SERVICES,INC	8.50
LAWES	247.67
NORMAN & JOANNE B. LONG	1,048.20
MAZZA RECYCLING SERVICES, LTD	2,692.02
MAZZA MULCH,INC	22,692.00
JAMES MELLISH	524.10
ROYAL E. & VIRGINIA MOSS	1,048.20
JOSEPH MURPHY	524.10
NATIONAL CENTER FOR SAFETY	287.00
NAYLOR'S AUTO PARTS	1,761.09
NEW JERSEY AMERICAN WATER	12,427.90
NEXVORTEX, INC	453.12
NJ DEPARTMENT OF LABOR	868.08
NJ GRAVEL & SAND CO.	571.20
NJ REGISTRARS' ASSOCIATION	75.00
NJ STATE ASSN CHIEFS OF POLICE	250.00
STATE OF NJ PENSIONS/ACTIVE	107,964.41
STATE OF NJ PENSIONS/RETIREE	71,333.39
PANGARO TRAINING & MANAGEMENT	189.00
PDEC DESIGN & PRINT INC	4,453.02
JAMES & SHERRY PELUSO	1,048.20
RICHARD PETRUCELLI	524.10
PLAYBYPPOINT	600.00
POWERHOUSE SIGNWORKS	795.00
PREMIER GRAPHICS,INC	50.00
PUMPING SERVICES INC	4,673.00
QBE SPECIALTY INSURANCE CO	256.00
RAYMOND A RAYA	233.33
RICOH USA, INC.	529.03
RJP HOTSYS	37.00
THOMAS S ROGERS	759.16
ROSARIO CONTRACTING CORP	30,000.00
ROSARIO CONTRACTING CORP	4,486.60
R & R RADAR, INC.	684.35
EDWARD RUMOLO	772.50
JAMES SCALZO	524.10
SEAVIEW, A DOLCE HOTEL	457.54
SERVICE TIRE TRUCK CENTER,INC	1,080.00
JOY SHEA	524.10
JOANN SORRENTINO	524.10
STAPLES,INC	442.93
MICHAEL B STEIB, PA	375.00
MICHAEL B STEIB, PA	1,395.00
JAMES TANNER	524.10
TARGETED TECHNOLOGIES LLC	5,152.51
TARGETED TECHNOLOGIES LLC	75.00
TAYLOR FENCE CO, INC	15.43

T & M ASSOCIATES	1,470.40
TREASURER, STATE OF NJ	8,427.00
TREASURER STATE OF NJ/727 GSPT	25,502.76
JOSEPH E. TUZIK SR.	524.10
ANTHONY J. VECCHIO	1,082.50
VERIZON	63.47
VERIZON	411.76
VERIZON	65.26
VERIZON WIRELESS	544.01
VERIZON WIRELESS	151.95
VERIZON BUSINESS FIOS	179.98
WATER ENVIRONMENT FEDERATION	117.00
WEST MARINE PRODUCTS, INC	441.65
DONALD & KAREN YORK	1,048.20
	549,929.37

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

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

COMMENTS FROM COUNCIL:

None.

COMMENTS FROM THE PUBLIC:

At this time, Mayor Joseph K Hemphill asked Borough Engineer David Marks to provide an update on the function of the valves located within the West Park section of The Borough of Rumson.

Marks shared that all pipes had been inspected on March 21, 2024 and visually all pipes seemed to be working as intended. Marks also shared he did witness a discharge of water from the drainage system to the title waters. Marks stated an investigation during an incoming tide still needs to be completed to understand which valves are allowing water into the drainage system and if they are fully operating as intended.

Marks continued by stating that The Borough of Rumson had created a webpage dedicated to the progression of the investigation of the tidal flooding in the West Park section of The Borough of Rumson and the study of the current valve system, which is an element of The Borough’s community projects webpage. Marks also encouraged members of the community to sign up for The Borough’s emailing list and that the link to sign up can be found on The Borough of Rumson website www.rumsonnj.gov.

Marks also provided a physical, not-to-scale model of the new WASTOP valves The Borough has been researching for the West Park section of The Borough of Rumson and shared the models with the members of the community in attendance during public comment while he explained how the new, potential valves would function. Marks shared that two of the WASTOP style valves are already installed throughout The Borough on Shrewsbury Drive and South Bingham Avenue.

Marks concluded his statements by sharing that The Borough is still moving forward in inspecting the current valves and researching all potential options to work towards a resolution for the tidal flooding issue in the West Park Section of The Borough.

Councilmember Lospinuso asked how quickly the new valves could be purchased once a final decision is made, to which Marks responded that based on current availability, delivery is at about four to five weeks at the time of this meeting.

Councilmember Kingsbery spoke at this time. Kingsbery asked if there is a particular reason that The Borough is not considering the model of valves that were originally installed in the West Park section of The Borough, to which Marks cited the original valve on Shrewsbury Drive that failed after 10 years and after an unsatisfactory explanation as to why the valve failed, The Borough made the decision to go with the WASTOP valve for Shrewsbury Drive. Marks also cited his own research and speaking with other professionals in the field as to reasons for the recommendation for the WASTOP valves for this particular project.

Councilmember Lospinuso followed up with another question about the anticipated life cycle of the new potential valves, to which Marks responded that current WASTOP valves installed by the consulting engineer are still running after 25 years. Marks continued by stating that the design of the WASTOP valve allows for a tighter seal when compared to the current duck-bill valves that he recently inspected to have some visual deformities. Municipal Administrator/Clerk Tom Rogers added that the design of the WASTOP valves keeps the mechanism from being exposed to the elements.

Councilmember Kingsbery followed up by asking what the next steps are. Marks responded that another round of incoming tide inspections needs to take place, determining if this is the direction The Borough wants to go with the valves, if yes, getting the order and funding in place for the valves and removing the existing valves while awaiting the new valves. Marks stated that some of the installations may need to be done by boat or platform based on the location of the valve.

Marks stated that the installation would all be within the same general time frame, in response to Councilmember Smith's question on prioritizing each valve.

After thanking Marks for his report, Mayor Hemphill reiterated that the progress of the project will be through The Borough's website on the borough projects page.

Hemphill opened up the floor to the public at this time.

Janice Weinreb of 77 Waterman Avenue spoke at this time. Weinreb began by stating that the web link was very help. Weinreb continued by asking for clarification on Mark's visual inspection compared to what is stated on the website. Marks clarified that while the visual operations of the valves seemed okay, there were some deformities on some of the valves. Weinreb shared her concern that based on the web link report, it seemed that there may be a decision not to order and install new valves. When Weinreb asked if it's definite that new valves would be purchased, Councilmember Kingsbery shared The Borough understands it's a problem and that The Borough is taking steps to make sure that the valves purchased are valves that are going to help fix the issue. Marks stated that the basis of his report was just the visual facts of his inspection and it the report was not to suggest that The Borough was not moving forward with the replacements. Marks shared that he expects to get more information on the actual function of the valves when there is a higher tide. Weinreb continued by stating that the latest storm at the time of this meeting was another very difficult time for herself and her neighbors with almost six hours passing before the flooding was manageable and people were able to attend to their personal needs. Weinreb shared that Sea Bright streets had cleared in two and half hours.

Michael Baratta of 80 Waterman Avenue spoke at this time. Baratta stated that he is very proud to live in The Borough of Rumson for more than 28 years at that the local governing body does a great job. Baratta shared the seriousness of the situation in the West Park section of The Borough stating his concern for the public safety of the community and the lack of access for EMS and the potential that the lack of access can lead to a loss of life. Baratta stated that times are changes and this situation calls for the involvement of all parties.

Joseph Pignataro of 30 Warren Street spoke at this time and began by stating that he has lived in West Park for close to 50 years. Pignataro feels that the focus of the situation is not on the true problem as the water and tides cannot be stopped. Pignataro stated that he feels the problem is not just the water coming in, but most importantly, that the water does not go out,

sharing a personal story that there was no water in the bulkhead, but the streets were flooded. Pignataro asked about the integrity of the existing valves and if the sizes of the pipes and the valve infrastructure can handle the volume of water the community is currently experiencing. Mayor Hemphill responded to Pignataro by stating that the first step in resolving the issue is to find a resolution with the valves, to which Pignataro suggested the complete removal of the valves.

Paul Nugent of 6 Warren Street spoke at this time. Nugent shared his thoughts that he too feels that the water is not draining out, comparing his experience with drainage when he first moved in, and stating there was no issue with draining in comparison to today. Nugent, during his comments, referenced a video he shared with Marks regarding this issue. Nugent stated he feels getting the valves out should be something to consider during the replacement process as it could provide some efficiency data. Nugent concluded that he is open to discussion about resolving the issues surrounding the flooding of his driveway, so long as they make sense.

Councilmember Kingsbery took this time to ask about the downsides to removing the valves, to which Marks responded that if the valves are working as they should, and the valves were removed, the coastal flooding would come up to the streets more regularly. Marks also stated that it seems that the water is coming up and flooding the streets, regardless, and at a longer duration, which is why this investigation is taking place. Marks stated that based on what he has during the investigation so far, he does not see a downside under the assumption that the valves are allowing a certain amount of water in but not allowing water out. Councilmember Pomphrey asked what would happen if you only took a few valves out instead of all of them, to which Marks replied that because the grading is so flat in that area of The Borough, you would not be able to gage the success or failure of the test. Mayor Hemphill reiterated that if the removal of the valves is a decision of The Borough, it will be communicated through The Borough of Rumson website, under the borough's projects page.

Nugent returned to address Borough Council and add that in the past his driveway would be the last to clear following a flood or storm. Nugent stated that today, during a flooding event, his driveway can be clear and it will be hours before the end of Grant Ave and Warren Ave clears of water.

Councilmember Lospinuso returned to the topic of removing the valves, asking Marks to confirm that if the valve is removed, as the tide rises water will then flood the streets. Marks responded that if even valves are slightly open now, they are slowing the incoming flow, but they also may be slowing down the outgoing flow. Marks stated that as the next steps takes place, he can comment on what can be expected if the valves are removed. Nugent returned to state that while he agrees with this assessment, the bulkheads are compromised anyway and now under the assumption the valves are not working as intended, the water is being trapped.

Michael Baratta of 80 Waterman Avenue returned to address Borough Council and asked if there has been any research done with other towns and what they may be experiencing in their communities. Marks stated that he has spoken with professionals from other communities, such as Monmouth Beach, and engaging professionals in the industry in order to understand what the best course of action is based on the investigation has shown thus far about the functionality of the valves. Marks, in response to Baratta's question about who else uses WASTOP valves, stated that Monmouth Beach is going to be transitioning to WASTOP valves based on a similar experience and added that the City of Long Branch has added about 24 WASTOP valves throughout its community over the past few years.

Nancy Haaren 34 Warren Street spoke at this time. Haaren referenced a memorandum Marks had issued in June of 2023 for 36 Warren Street. Haaren referenced the actions that needed to be taken by the property owners within certain timelines. Haaren stated that in her research, the steps had not been taken for synthetic turf on the property. Haaren asked Marks for an update on the status of the synthetic turf, to which Marks replied that he is reporting to Haaren what is being reported to him by the applicant. Marks stated that it can be addressed with the code enforcement officer and a violation can be issued, should they find the proper steps have not been taken. Mayor Hemphill stated that when Marks is being told that something is being completed by another professional, there is a professional courtesy that said action will be taken.

Tom Calvinico of 28 Grant Avenue spoke at this time. Calvinico asked for an update on the sewage issue on Shrewsbury Drive that is seeing sewage coming up into the street. Marks responded that The Borough is working in coordination with the NJ DEP. Marks continued that due to the increased rain this winter season and increased groundwater levels the sewer system gets inundated leading to the overwhelming of the manhole on Shrewsbury Drive. Immediate steps were taking to clean up the issue and offset the discharge, and The Borough is looking for ways to reduce the potential for future discharge. Marks also added that the section of Shrewsbury Drive in question is slated to be reconstructed and the issue surrounding the overflow of discharge will be considered in the reconstruction efforts. Rogers added that illegally connected sump pumps are a large issue and contributing to the overflow of discharge due to increase volumes and encouraged residents to reach out to anyone in the community they know running illegal sump pumps to encourage them to shut them off. Marks stated that the Public Works Department will ensure the street will be cleaned up as soon as possible. Haaren asked for further clarification sump pumps. Marks explained that it cannot be connected to the sewer system as it has been a contributing factor to the increases the volume of water from one million to three million gallons and Mayor Hemphill added the residents pay for the overage when the discharge goes to Monmouth Beach. Kingsbery asked Marks to confirm the details of this winter season in regards to rain water, to which Marks responded that March 2024 is the third wettest recorded March is 129 years, and that the winter 2024 season is the fourth wettest winter in the state's recorded history. Baratta returned to address Borough Council, stating that he appreciated the quick response and recommended The Borough get a street cleaner to Shrewsbury Avenue to assist with the cleanup efforts. Rogers concluded that the majority of what goes into the sewer system is water from dishwashers, sinks and showers, in addition to the groundwater and rainwater.

Kim Skorka from Little Silver on behalf of the New Jersey Libertarian Party spoke at this time. Skorka stated that she is part of the preemptive ordinance committee and is asking The Borough's attorney to take a look at the "disorderly persons" ordinance, which she feels is superseded by the state. Skorka also took the time to complement Borough Council about the professionalism in which they are handling the flooding discussions in The Borough of Rumson. Borough Attorney Mitchell Jacobs acknowledged the communication from the attorney for the New Jersey Libertarian Party and stated that he will speak to The Borough Administrator at take the recommendations under advisement.

ADJOURNMENT:

Councilmember Pomphrey made a motion to adjourn the meeting which was seconded by Councilmember Kingsbery. The meeting adjourned at 8:28 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers
Municipal Clerk/Administrator