

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
August 6, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on August 6, 2013 and was called to order by Mayor John E. Ekdahl at 4:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Day, Hemphill and Rubin.

Absent: Councilman Shanley.

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

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was not present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM JENNIFER EGAN REQUESTING PERMISSION TO PLACE AN 18" X 24" SIGN ON HER PROPERTY AT 22 NORTH WARD AVENUE ADVERTISING THE KORTNEY ROSE FOUNDATION TWO-MILE FUN RUN AT MONMOUTH PARK RACETRACK ON SUNDAY, AUGUST 11TH TO SUPPORT PEDIATRIC BRAIN CANCER RESEARCH:

The Municipal Clerk/Administrator advised of a letter dated July 30, 2013 from Jennifer Egan of 22 North Ward Avenue requesting permission to place an 18" X 24" sign on her property at the corner of North Ward Avenue and Hartshorne Lane to advertise the Sunday, August 11, 2013 Kortney Rose Foundation two-mile fun run at Monmouth Park Racetrack. Ms. Egan stated in her letter that the funds raised at the event would benefit pediatric brain cancer research.

In answer to a question from Councilwoman DeVoe, the Municipal Clerk/Administrator advised that the Council could approve the request with the condition that the sign be removed immediately after the event.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this communication was ordered received and permission for the Kortney Rose Foundation sign to be placed on the property at 22 North Ward Avenue was granted with the condition that it be removed immediately following the event. All in favor.

CONSENT AGENDA:

LETTER FROM MAKOFKA ENVIRONMENTAL CONSULTING, LLC ADVISING OF AN APPLICATION ON BEHALF OF DEBRA AND TIMOTHY WILLIAMS TO THE STATE OF NJ DEP FOR A LETTER OF INTERPRETATION – FOOTPRINT OF DISTURBANCE FOR THE CONSTRUCTION OF A GARAGE AND IMPROVEMENTS TO THE EXISTING POOL AREA FOR PROPERTY LOCATED AT 17 BLACKPOINT HORSESHOE:

The Municipal Clerk/Administrator advised of a letter dated July 26, 2013 from Makofka Environmental Consulting, LLC on behalf of Debra and Timothy Williams. The letter advised of an

application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation requesting a Letter of Interpretation – Footprint Disturbance for an application to build a garage and making improvements to the pool area on property located at 17 Blackpoint Horseshoe.

LETTER FROM THE STATE OF NJ DEP ADVISING PATRICIA M. AND HARRY J. ARNOLD, JR. THAT THE FRESHWATER WETLANDS LETTER OF INTERPRETATION: LINE VERIFICATION WAS ACCURATE FOR THEIR PROPERTY LOCATED AT 34 BLACKPOINT HORSESHOE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Patricia M. and Harry J. Arnold, Jr. reporting that the Freshwater Wetlands Letter of Interpretation: Line Verification was accurate for their property located at 34 Blackpoint Horseshoe.

LETTER FROM THE STATE OF NJ DEP ADVISING RAYMOND COSGROVE THAT NO FURTHER ACTION IS NECESSARY FOR THE REMEDIATION OF THE AREA OF CONCERN FOR THE HEATING OIL UNDERGROUND STORAGE TANK SYSTEM ON PROPERTY LOCATED AT 8 WILSON CIRCLE:

The Municipal Clerk/Administrator advised of a letter dated July 30, 2013 from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation reporting to Raymond Cosgrove that no further action is necessary for the remediation of the area of concern for the heating oil underground storage tank system for their property located at 18 Wilson Circle.

LETTER FROM THE STATE OF NJ DEP ADVISING CHARLES C. ALPERT THAT THE COASTAL GENERAL PERMIT APPLICATION WITHDRAWAL REQUEST HAS BEEN APPROVED FOR THE RECONSTRUCTION OF A SINGLE-FAMILY HOME ON PROPERTY LOCATED AT 22 WARREN STREET:

The Municipal Clerk/Administrator advised of a letter dated July 31, 2013 from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation advising Charles C. Alpert that his Coastal General Permit Application Withdrawal Request has been approved for the reconstruction of a single-family home on property located at 22 Warren Street.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the above four (4) communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2013-0806-135 AUTHORIZING THE RENEWAL OF THE BOROUGH'S \$3,948,525 BOND ANTICIPATION NOTES, SERIES 2013A:

2013-0806-135

RESOLUTION AUTHORIZING THE RENEWAL OF A PORTION OF THE BOROUGH'S \$3,948,525 BOND ANTICIPATION NOTES, SERIES 2012A, DATED SEPTEMBER 14, 2012, AND PROVIDING FOR OTHER DETAILS OF SAID ISSUE.

WHEREAS, the Borough Council of the Borough of Rumson, County of Monmouth, New Jersey (the "Borough") has heretofore issued its Bond Anticipation Notes, Series 2012A dated September 14, 2012 in the aggregate principal amount of \$3,948,525 (the "Prior Notes"); and

WHEREAS, the Prior Notes mature on September 13, 2013 and it is desirable to renew the portion of the Prior Notes permitted by and pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law"); and

WHEREAS, the Borough intends that the Prior Notes upon renewal will be treated as “Qualified Tax-exempt Obligations” within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the “Code”);

NOW, THEREFORE, BE IT RESOLVED by the BOROUGH COUNCIL OF THE BOROUGH OF RUMSON, in the County of Monmouth, New Jersey as follows:

SECTION 1. That a portion of the Prior Notes in the amount of \$3,193,525 shall be renewed as one issue and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue, redemption and maturity, such redemption price or prices, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Bond Law. The portion of the Prior Notes shall, upon renewal, be entitled “Bond Anticipation Notes, Series 2013A” (the “Notes”) or any other designation determined by the Chief Financial Officer of the Borough (the “Chief Financial Officer”).

SECTION 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

SECTION 3. That the Chief Financial Officer be and she hereby is authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. That the Chief Financial Officer be and she hereby is authorized to take all actions necessary to sell the Notes at public or private sale in such amounts as she may determine at not less than par and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

SECTION 5. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 6. That the Chief Financial Officer and the Borough Administrator are hereby authorized and directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

SECTION 7. That the Notes will be “deemed designated” for purposes of Section 265(b)(3) of the Code (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax-exempt interest). The Chief Financial Officer is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such deemed designation of the Notes.

SECTION 8. That the Mayor of the Borough, the Chief Financial Officer, the Borough Administrator and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

SECTION 9. That the Chief Financial Officer be and she hereby is directed to pay the portion of the Prior Notes required to be paid by the Local Bond Law in the amount of \$755,000 from the applicable funds of the Borough.

SECTION 10. That this resolution shall take effect immediately.

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

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

RESOLUTION 2013-0806-136 AUTHORIZING THE ACCEPTANCE OF A SIGHT TRIANGLE EASEMENT FOR 12 NARUMSUNK STREET AT THE CORNER OF LAFAYETTE STREET:

The Municipal Clerk/Administrator advised that the Rumson Planning Board requested the Borough Council approve the following sight triangle resolution for 12 Narumsunk Street at the corner of Lafayette Street as a requirement for their review process for the subdivision of the property.

2013-0806-136

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson hereby accepts a grant of permanent Sight Triangle Easement beginning at the point of intersection of the northerly line of 12 Narumsunk Street (40' R.O.W.) with the westerly line of Lafayette Street (40' R.O.W.), as referenced on the Deed of Sight Triangle Easement, on the property known as Block 33, Lot 22.01 (formerly Block 33, Lot 22 prior to a subdivision of the property) on the Borough Tax Map from Jerome Mailman and Sandra Mailman, 1518 Snow Creek/Dollar Road, Sun Valley, Idaho; and

WHEREAS, Jerome Mailman and Sandra Mailman will receive the sum of One Dollar (\$1.00) as full payment for granting permission for the easement;

NOW, THEREFORE, BE IT RESOLVED that Borough Council of the Borough of Rumson hereby authorizes the Mayor and Municipal Clerk to execute the Deed of Sight Triangle Easement agreement documents; and

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Rumson hereby approves the easement agreement with Jerome Mailman and Sandra Mailman for property located at 12 Narumsunk Street, Rumson, New Jersey and authorizes the Borough Attorney to record the transaction with Monmouth County officials.

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

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

RESOLUTION 2013-0806-137 AUTHORIZING A REFUND OF THE PREPAYMENT OF POLICE TRAFFIC CONTROL SERVICES TO HEYWOOD KNOPF:

2013-0806-137

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE REFUND TO
HEYWOOD KNOPF

WHEREAS, Heywood Knopf, 72 West River Road, Rumson, NJ 07760 posted \$318.00 for 6 hours Police Traffic Control Services for an event to be held on July 3, 2013; and

WHEREAS, Police Sergeant Damien Brennan has confirmed that no services were provided by Rumson Officers; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed receipt of \$318.00 from Mr. Knopf and recommends a refund be made to Mr. Knopf in the amount of \$318.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Heywood Knopf, 72 West River Road, Rumson, NJ 07760 be refunded \$318.00; and

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

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

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	150.00	Abbey Glen
\$	250.00	Kerry Gowan
\$	38.40	NJ Dept Health/Sr Services
\$	218.77	Red Bank Animal Hospital
<hr/>		
\$	657.17	Animal Control Account
\$	7.42	New Jersey American Water
\$	11.78	NJ Natural Gas Co
\$	362.25	Jeffrey R Surenian & Assoc LLC
\$	2,175.00	Warren Winter
<hr/>		
\$	2,556.45	COAH Trust Fund
\$	60.00	Larry D'Angelo
\$	6.59	AT&T
\$	719.00	Action Print Solutions
\$	5,979.99	Allied Oil LLC
\$	1,134.80	Americanwear Indust Uniforms
\$	500.00	Asbury Auto Top
\$	191.60	Atlantic Plumbing Supply Corp
\$	286.90	Bob's Uniform Shop
\$	13,950.00	Borough of Fair Haven
\$	32.22	Builders General Supply Co
\$	112.00	Butch's Auto Car Wash Inc
\$	2,275,328.81	Monmouth County Treasurer
\$	159,392.49	Monmouth County Treasurer (LIB)
\$	120,829.23	Monmouth County Treasurer (OS)
\$	358.00	Cross Over Networks
\$	4,095.36	Delta Dental of New Jersey Inc
\$	50,261.75	Depository Trust Company
\$	111.85	Fair Haven Hardware Inc
\$	35.62	Fastenal Co
\$	365.99	F & C Automotive Supply Inc
\$	378.95	WW Grainger Inc
\$	975.00	Gramco Business Communications
\$	17.21	Hess Corporation
\$	253.55	Kepwel Natural Spring Water
\$	318.00	Heywood Knopf
\$	81.98	Lawes
\$	3,148.74	Marpal Disposal
\$	1,247.18	MGL Printing Solutions
\$	102.75	Mid-Atlantic Truck Centre Inc

\$	23,060.49	Treasurer County of Monmouth
\$	25.00	County of Monmouth
\$	173.10	Naylor's Auto Parts
\$	14,045.45	New Jersey American Water
\$	906.30	NJ Fire Equipment Co
\$	248.38	NJ Natural Gas Co
\$	79,962.53	State of NJ Pensions/Active
\$	39,201.97	State of NJ Pensions/Retiree
\$	165.00	NJ Turfgrass Association
\$	442.08	One Call Concepts
\$	14,305.00	Oswald Enterprises Inc
\$	7,200.00	Precise Construction Company
\$	20,697.09	Pumping Services Inc
\$	107,158.72	Quality Electrical Const Co
\$	18,000.00	Realty Appraisal Company
\$	1,845.41	Reussille Law Firm LLC
\$	2,968.98	R&H Spring & Truck Repair Inc
\$	494.34	Thomas S Rogers
\$	155.25	Semcor Equipment
\$	147.38	Show Me Cables
\$	738.58	Staples Advantage
\$	145.56	Stavola Asphalt Co Inc
\$	2,120.00	Targeted Technologies LLC
\$	108.00	Treasurer State of NJ
\$	202.19	Trico Equipment Services LLC
\$	17.98	The Two River Times
\$	30.30	Verizon
\$	23.08	George Wall Lincoln
\$	159.00	ZEP Sales & Service
<hr/>		
\$	2,975,022.72	Current Fund
\$	4,455.00	Shawn Reynolds
\$	322.00	Great Media Newspapers
\$	713.35	Lanigan Associates Inc
<hr/>		
\$	5,490.35	Endowment Inc Account
\$	120.00	Ian Clarke
\$	90.00	Henry Gehlhaus
\$	1,120.00	Aloha Guides LLC
\$	251.65	Athlete's Alley
\$	3,754.22	Board of Education
\$	20,980.50	David J Callahan
\$	3,055.00	Shane D Fallon
\$	150.00	Thomas Famulary
\$	450.00	John Gill
\$	150.00	Richard Granito
\$	1,550.00	Paul J Keany
\$	867.00	Sam Kuciej
\$	160.00	David McCann
\$	156.00	Megan Nicole Kanka Foundation
\$	525.00	Charles O'Brien
\$	1,435.00	Allison Beatty O'Rourke
\$	450.00	Thomas Orrok
\$	710.00	PDEC
\$	21.60	Port Supply
\$	350.00	John Werner Jr
\$	250.00	Jean Werner
\$	500.00	John Werner III
<hr/>		
\$	37,095.97	Recreation Account
\$	1,000.00	Total Renovations LLC
\$	490.75	T & M Associates
<hr/>		
\$	1,490.75	Trust Account

\$	127,406.74	Current Fund Appropriations
\$	2,847,615.98	Current Fund Appropriations
\$	657.17	Animal Control Fund Expenses
\$	5,490.35	Endowment Disbursements
\$	37,095.97	Recreation Disbursements
\$	4,047.20	Trust Fund – Other Expenses
<hr/>		
\$	3,022,313.41	Total Of All Funds

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

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 4:36 p.m. All in favor.

Respectfully submitted,

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