

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
December 3, 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 December 3, 2013 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

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

Absent: None.

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

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was 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 November 6th and November 19th meetings were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM RUMSON FIRE COMPANY ADVISING OF THE MEMBERS WHO WILL BE ELIGIBLE TO VOTE IN THEIR UPCOMING ELECTION FOR THE FIRE CHIEF AND ASSISTANT FIRE CHIEF FOR 2014:

The Municipal Clerk/Administrator advised of a letter dated November 24, 2013 from Robert E. Halligan, Sectary of the Rumson Fire Company, advising of the eligible members of the Rumson Fire Company to vote at the up coming Chief's election.

On motion by Councilman Rubin, seconded by Councilman Day, this communication was ordered received. All in favor.

LETTER FROM THE ENGLISH GROUP, LLC ADVISING OF AN APPLICATION ON BEHALF OF LISA AND STEPHEN ATALLAH TO THE STATE OF NJ DEP FOR A COASTAL PERMIT CAFRA PERMIT NO. 9 FOR THE CONSTRUCTION OF A RECREATIONAL SWIMMING POOL AT A SINGLE-FAMILY HOME ON PROPERTY LOCATED AT 70 EAST RIVER ROAD:

The Municipal Clerk/Administrator advised of a letter dated November 20, 2013 from the English Group, LLC on behalf of Lisa and Stephen Atallah. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation for a Coastal Permit CAFRA Permit No. 9 for the construction of a recreational swimming pool at a single-family home on property located at 70 East River Road.

On motion by Councilman Hemphill, seconded by Councilman Rubin, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE 13-009 G TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING VARIOUS CHAPTERS OF THE GENERAL ORDINANCES FOR CLARITY AND COMPLIANCE. PUBLIC HEARING:

The Municipal Clerk/Administrator advised that the public hearing was for the very long Ordinance 13-009 G that was posted on the Borough Website the day after its introduction on November 6, 2013 that contains the Certificate of Occupancy and Landlord Registration requirements and variety of other updates to the Borough Ordinances as required by the State of New Jersey.

The Municipal Clerk/Administrator stated that an ordinance entitled:

13-009 G

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON
BY AMENDING VARIOUS CHAPTERS OF THE GENERAL ORDINANCES
FOR CLARIFICATION AND COMPLIANCE**

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Day, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

The following residents responded:

Jim Sylvester of 22 Washington Avenue asked when the Landlord Registration Ordinance would take effect.

The Municipal Clerk/Administrator advised that everything in Ordinance 13-009 G would take effect as soon as the public notice was published in the newspaper, but the Landlord Registration would require some marketing on the part of the Borough to make the requirements known to area realtors.

Mr. Sylvester stated that he wanted it to be made clear to all in attendance that the landlord registration would pertain to all rental properties. He added that according to the Ordinance the Borough would require the names of tenants and occupants to be listed for the property and asked if the terms were interchangeable.

The Borough Attorney stated that in the case of the lease being with a corporation or something of that nature, the tenant would be the corporation as in the Oxford House case. He added that normally the lease would be with certain adult individuals who would also be the occupants—the children wouldn't sign the lease.

Mr. Sylvester referred to Section 8-7.4 j. regarding the names of all "adult tenants" of the unit should be reworded to read "adult occupants."

Councilman Broderick asked if Mr. Sylvester's question was if they would have to disclose the names of all the people living in the house.

Mr. Sylvester stated that he thought that was the intent of the provision but later in the Ordinance the terminology changed. He stated that the Council might want to clarify the wording in a future Amendment to this Ordinance.

The Borough Attorney stated that he was glad that Mr. Sylvester mentioned that because it was so late in the year, if any major changes needed to be made, we would not be able to adopt the Ordinance tonight—it would have to be reintroduced with the changes and there was not the time in December to get that done—we would have to wait until after January 1, 2014 to start the process over. If there was a minor typographical error it would be able to be changed tonight and adopted with that correction. The Borough Attorney stated that in the case of Oxford House being the tenant, it would be impossible to keep track of every time an occupant changed; but in the case of a family leasing a house, the Borough would need to know who the adults were.

In answer to a question from Mr. Sylvester, the Borough Attorney stated that the adult who signs the lease and his or her spouse or partner and any other adult living there would be listed as occupants. He added that in most situations, the tenant would not be leasing to other residents, but would be a family or individual; however, the Oxford House property was a unique case.

In answer to another question from Mr. Sylvester, the Borough Attorney advised that the individuals in the Oxford House facility would not be required to register with the Borough; if we required it, they would have to re-register every week or month or however often there was a turnover of occupants. He added that we could require in the Ordinance that every occupant be registered with the Borough and stated that he couldn't say if it would be decided as discriminatory by a court. The Borough Attorney stated that we could look at the issue of requiring that all occupants be registered with the Borough for all tenants and decide if an amendment would be required to be done in January.

Mr. Sylvester stated that Section 8-7.15 a. stated that only the occupants whose names were on file with the Borough would be allowed to reside there; he suggested that there be clarification in terms of consistency in the terminology throughout the Ordinance.

The Borough Attorney stated that he agreed that there was an inconsistency.

Councilman Broderick asked Mr. Sylvester if what he and the group of area residents wanted was to have every occupant to be registered with the town.

Mr. Sylvester stated that was what the group seemed to want, but everyone had to remember that this would apply to every rental in town and every time someone moved in or out a new registration would be required, if he was reading the Ordinance correctly.

Tom Collard of 3 Shrewsbury Drive stated that he owned some rental property in West Long Branch and was very familiar with their rules. He added that he spoke with the West Long Branch housing inspector and was told that they required every named occupant in the rental to be on the application for security reasons; they give the list to their police department and Monmouth University, so they can keep track of who occupies the rentals. He suggested that the Council talk to other towns that have such an ordinance to discuss what they do.

The Borough Attorney asked Mr. Collard if the names of all the occupants were on the lease as tenants in West Long Branch.

Mr. Collard stated that it wasn't an issue of who was on the lease or not, rather what names were on the rental application with the town with a fee of \$145.00 and a required inspection.

In answer to a question by Councilman Broderick, Mr. Collard stated that he wanted the names of all individuals who reside in a rental in Rumson and the landlord would be required to keep track. He added that there should be a warning first then fines for violations.

In answer to a question by Mayor Ekdahl, Mr. Collard stated that the requirements in West Long Branch were the same whether it was rented to an individual or a corporation; it was the human occupants that reside in the house that had to be listed on the application. He added that another requirement was to show a floor plan indicating where the people would sleep and it was checked by the inspectors so that the houses were not overcrowded. Mr. Collard stated that Monmouth University is located in West Long Branch and the ordinance was put into place partly because of that, but it applied to all rentals.

The Borough Attorney asked what happened when, after a short period of time, one occupant moved out and another moved in. Mr. Collard advised that they had to reapply and have an inspection every time that happened.

Megan Collard of 3 Shrewsbury Drive stated that she had spoken to the Municipal Clerk/Administrator on November 7th and offered for her and her husband to sit down with a Zoning Board member to review this subject at a private meeting. She stated that he had advised that he was going on vacation and would get in touch with her when he returned, but he did not. She added that she wrote to him on November 26th and he responded on December 2nd.

Councilman Broderick stated that it was not about Mr. Rogers and asked Mrs. Collard what she wanted.

She stated that they had reached out to the Borough to go with them to speak with the people in West Long Branch and other organizations who know about this to find out how they do it and they were dismissed; now she wanted the Council to accept that they might not have done their homework and maybe we do need to meet with those who have the knowledge.

Councilman Broderick asked Mrs. Collard what she wanted in the Borough of Rumson's Ordinance and she stated that she wanted every individual that resided in a rented house, including the property at 61 South Ward Avenue, to be registered with the town.

Councilman Rubin stated that he felt it was a reasonable request that we couldn't take up tonight, but should be looked into.

Mrs. Collard stated that she felt that the way that the Ordinance, as she read it, was correct and pretty thorough and it included that all those residing in a rental should be listed.

Whether the Ordinance should be adopted and modified at a later date was discussed.

The Borough Attorney stated that earlier Mr. Sylvester had raised that point the there could be an inconsistency. He added that he would like to review it and see if something had to be modified or not.

Mrs. Collard thanked the Council.

Mr. Sylvester stated that he hadn't wanted to stir up a hornet's nest, but, based on some comments he had heard from some of the West Park residents, he was looking to reassure them that those provisions were in fact in the Ordinance and were subject to immediate enforcement. He added that what he had suggested was the clarification of the terms and the Borough Attorney stated that we would do that. Mr. Sylvester stated that he and many people in their group appreciated the Borough Attorney looking into it and appreciated the town coming forward with the Ordinance. He thanked the Mayor and Council and Borough Attorney.

Ann Calvanico stated that she wanted to make sure that she understood the Ordinance properly and asked if this applied every time a lease was renewed, regardless if it was the same tenants. She stated that Mr. Rogers had sent an e-mail stating that the Oxford House facility would be grandfathered and wanted that clarified.

Mayor Ekdahl stated that it was the intent of the landlord going through the process each time there is a new lease or a renewed lease and we would have that clarified in the Ordinance.

In answer to a question from Kate McBride, the Borough Attorney stated that the Ordinance would take effect upon passage and publication of the notice for new leases and renewals, but not those that are currently in effect. Mrs. McBride stated that there have been changes in the occupants of the Oxford House facility with sixteen different occupants in the last four months and asked if that would make it necessary for them to abide by the new Ordinance with each new occupant and the Borough Attorney stated that he would look into it. Ms. McBride stated that they wanted them to have to register all occupants effective immediately as soon as it was published.

Ann Marie Littlefield of 22 Grant Avenue asked the Borough Attorney if because the occupants of the Oxford House facility were considered a family, then the application and inspection requirement each time there was a change of occupants would not apply to them.

The Borough Attorney stated that he would have to look at it to see if the Borough would take the position that every occupant over a certain age, every person sleeping in a bed would have to register, even if a corporation or the like.

Councilman Broderick asked Mr. Sylvester if, since he formally or informally represented the area residents and that he had spent a considerable amount of time looking into the issues of ADA and being considered a family, there was anything else that the Council could possibly do that they were not doing.

Mr. Sylvester stated that he had been formulating some ideas that might address some of the problems and that they were trying to reach a good neighbor understanding with the Oxford House organization—that they would do certain things, like the criminal background checks for their

residents, to reassure the area residents that the facility would not affect their neighborhood. He stated that he didn't feel that it should be regulated by the Municipality but rather by the State.

Councilman Broderick asked if he felt that the Borough could require that anyone who rents a house should be required to run a background check on the tenants.

Mr. Sylvester stated that he didn't think that could be done for all rentals, but he would like to see it regulated at the State level to hold facilities such as Oxford House accountable. He added that there have been some dictum cases and Law Review articles that there could be some regulations to improve. In response to a comment from Councilman Broderick, Mr. Sylvester stated he wasn't saying that the town couldn't necessarily do it, but he thought that the State with its ability to regulate for health and safety could state that a self-directed group home could be operated, but if the organization did they would have to screen the occupants to make sure that they qualify under the Fair Housing Act and do drug tests.

Councilman Broderick asked if Mr. Sylvester thought that registration of the occupants would be the only way to address it.

Mr. Sylvester stated that he felt it was the best approach, but perhaps not the only way; it was his opinion that this should apply to all Oxford House facilities through New Jersey. He added that the State had the ability to do it, as long as it was not discriminatory.

The Borough Attorney stated that New Haven Connecticut had adopted an ordinance of some type and was taken to court, found to be discriminatory and New Haven was fined \$350,000 in damages. He stated that, whether it was some type of ordinance or legislation statewide that would cover the Rumson situation, as well as the over 100 locations throughout the State of New Jersey (that might be a better way to go), whatever we do we have to be careful that we don't overstep our bounds and wind up with a discrimination lawsuit that could cost us hundreds of thousands of dollars.

Mayor Ekdahl agreed with the Borough Attorney that it should be done at the State level and advised that we had written to State Senator Joseph Kyrillos and he had personally spoken with him today to arrange to meet with him to advance this idea and see where he takes it.

Mr. Sylvester stated that he thought that was great. He added that this Ordinance was not directed at Oxford House, but it had been in the works prior to the leasing of the house and Rumson has needed to regulate rentals.

The Borough Attorney stated that was correct; review of this issue had begun in 2012 before Hurricane Sandy hit and not in response to the Oxford House issues.

Bill Quirk of 11 Somerset Drive stated that he had a few comments and questions for the Council regarding this Ordinance. He stated that he was generally supportive with what the Council was trying to do, but he had some specific questions on some of the language and the implementation that he hoped would be taken into consideration. He stated that there were some changes to property maintenance that were significant and the average Rumson resident would not look for the public notice in the newspaper or on the Borough Website. He wanted to know why a mailer was not sent to the residents to advise of the changes. He stated that he thought many residents would have comments on the changes, if they were aware of them, and that a mailer to the residents when there were significant changes that affected so many residents would be a good idea. He suggested that the Ordinance approval be postponed until such time that notice could be sent to the residents to inform them of the changes and the new date for the public hearing.

Mayor Ekdahl asked what Mr. Quirk found objectionable in the Ordinance.

Mr. Quirk stated that he had the following comments:

- The posting of the certificate of occupancy applied to private residents as well as rental properties and he wanted to know if all properties would have to conspicuously display the certificate in their home. He stated that he didn't think that was the intent and the Council agreed.
- General Maintenance and Structural Standards Section 8-6.5 requiring 4 inches of gravel or concrete to prevent moisture accumulation was not practical for existing older homes with low crawl spaces—it would be costly, difficult to put in place and lower the already confined work area in the crawl space—and the existing basements probably do not conform to that

- requirement. Mr. Quirk stated that he wanted to go on record saying that existing homes with perfectly dry crawl spaces and basements should be excluded from this requirement.
- Maintenance of Exterior Premises 8-6.3 talks about maintaining the exterior “so that the appearance shall not constitute a blighting factor.” He stated that a subjective word such as “blighting” raises a lot of questions of what criteria would be used to determine what was a blighting factor and how that standard would be applied throughout the Borough. He added that he was also concerned about people riding around town policing how residents should maintain their properties. Mr. Quirk asked why we would change this and no longer rely on the BOCA standards. He asked for the Council to look at what other towns do and changing this section of the Ordinance accordingly.

The Municipal Clerk/Administrator stated that he would like Mr. Quirk to speak with the Borough Construction Official, Dennis Peras, to discuss how this was put together from the BOCA standards and the Universal Construction Maintenance State Organization. He added that a lot of the requirements were taken from other towns regarding issues that we have with homes that have not yet been addressed after Hurricane Sandy. The Municipal Clerk/Administrator stated that it was the intent when this was written to move things forward and make some progress.

Mr. Quirk stated that was what he assumed when he read the Ordinance, but he was afraid that, after the issue of Hurricane Sandy goes by, we would be stuck with these regulations.

Councilman Shanley stated that the word “blighting” could be subjective, but paragraphs a. and b. stated clearly what factors were of concern.

Mr. Quirk stated that the Borough could establish standards without allowing residents to file complaints that the Borough had to deal with. He suggested that perhaps other language could be used to avoid potential abuse.

Councilman Rubin stated that it would be relatively simple to fix the language where necessary, but he would not want to hold up the whole Ordinance because of a few points.

Mayor Ekdahl stated that, as far as notification, the Borough has met its legal obligation regarding letting the public know of the Ordinance—we publish the notice and ordinance in the newspaper and post it on the Borough Website. He added that we might do up to twenty-five ordinance a year and we wouldn’t be able to send a postcard to every resident each time we introduced an ordinance.

Mr. Quirk stated that this particular Ordinance had a great deal of changes and new requirements that affected many residents.

Councilman Rubin stated that it would be relatively easy to fix the items that Mr. Quirk has brought up in an amendment in an upcoming meeting after the first of the year.

Mr. Quirk stated that he didn’t want to hold up the whole Ordinance if the Council could give him assurance that the issues he brought up could be addressed and changed.

In answer to another question by Mr. Quirk, the Borough Attorney stated that a CO would be required when a house was sold or rented to a new tenant, not for preexisting houses. He added that from the date that the notice was published, a certificate of occupancy would be required for sales or rentals of homes.

Mr. Quirk thanked the Mayor and Council and stated that he would be willing to speak with the Construction Official and propose language for the Ordinance.

Councilman Broderick stated that we all live here and if anyone else had suggestions, the Council would be happy to hear them. He asked that the residents not just be critical, but if they wanted something changed or addressed they should let the Council know their suggestions.

Mayor Ekdahl stated that we had stated that suggestions were welcome at the meeting introducing this Ordinance in first reading.

Mr. Quirk stated that he appreciated what the Council was doing, but he did have the concern that the residents were not made aware of the Ordinances ahead of time.

Gwen Wisely of 33 Waterman Avenue stated that the Borough did not allow boarding houses, yet the term “boarding house” was mentioned throughout the Ordinance. She suggested that the Council look at that so that it wasn’t used as some sort of a loophole in the future.

Chris Cornette of 94 East River Road questioned if the residents of Oxford House really qualified as a “family” with a turnover of sixteen people in a four-month period.

The Borough Attorney stated that there was a possibility that if the court finds that we have discriminated against the residents by not treating them as a family, it could cost the Borough a lot of money. He added that some towns have tried to limit the number of people in such a residence and he had found that in every case the town had lost; he had not found one in which the town prevailed.

The Borough Attorney stated that the Borough could not ignore a federal ruling nor the outcome of the cases filed challenging the ruling. He added that if we required that each new resident had to register, then Oxford House might challenge that. The Borough Attorney stated that the “animal house” ordinances and ordinances requiring all occupants be on the lease in other towns was different in the Oxford House case because there was federal legislation that made a special exception for people who were “handicapped” that protected them. He added that there wasn’t much a municipality could do; any change would have to be done through state or federal legislation and that was why Mayor Ekdahl had contacted Senator Kyrillos to try to get changes made in the legislation. The Borough Attorney advised that the State of New Jersey actually provided seed money for these different establishments.

Scott Thompson of 10 Monmouth Avenue stated that he was in agreement with the Ordinance and the direction it was taking; he thought the Mayor and Council were doing a great job. He stated that he had a concern with the language in Section 8-3.2 Purpose and asked the Borough Attorney if he was comfortable with the use of the phrase “morals or general welfare of the Borough’s citizens.”

The Borough Attorney stated that he felt that the paragraph was a preamble trying to set the tone for Ordinance and he was comfortable with it.

Richard Jones of 37 Navesink Avenue stated that he wanted to thank Councilman Day for working on the Borough Website calendar and that it was helpful. He added that he wanted to thank the review committee for the work that they put in to develop the Ordinance. He stated that Section 8-3 Residential Certificates of Occupancy and Section 8-7 Rental Property—Registration Required were significant amendments and perhaps should have not be lumped in with the lesser changes to fees and other regulations, but passing them separately should have been considered.

In answer to a question from Mr. Jones, the Municipal Clerk/Administrator stated that his reference to compliance was for State guidelines regarding the Building Maintenance.

In answer to a question from Mr. Jones regarding who normally did the CO inspections, the Municipal Clerk/Administrator stated that currently CO inspections were not required by the Borough; we only do carbon monoxide and smoke alarm inspections and, as he had stated in prior meetings, many times the inspectors walk right by things that might not be safe for the new homeowner or renter moving in. He added that over a year ago the Council had discussed making a requirement that the house was inspected by the Construction Official and deemed safe for that new family.

- Mr. Jones was concerned about the following:
- He stated that he was also concerned about the word “morals” in the Ordinance.
 - He asked if the CO would be a public record and was advised that it would be.
 - He stated that in the Property Maintenance Section 8-6, he could understand having a requirement that dangerous conditions be abated or remedied in ten (10) days, but he felt that items that were not an emergency should not be held to the same requirement; there should be some sort of due process prior to costs being charged for violations.

The Borough Attorney stated that ten days was not abnormal, it was the time period that most people were given to address such issues. He stated that the Construction Official would determine there was problem and would give them ten days to fix it. He added that if it was something unique or extensive, they could speak with the Construction Official to get additional time to comply. The Borough Attorney stated that if a time period was not imposed, then the people could drag the matter on for weeks or months.

In answer to a question from Mr. Jones regarding the requirement of the issue to be fixed in ten days or a lean would be imposed on the property taxes for the home, the Borough Attorney stated that this was the way that it was normally done by the Construction Official in these situations.

The Municipal Clerk/Administrator stated that violations and penalties were outlined in Section 8-6.8 and stated that a summons could be written and the person could appear in court.

The Borough Attorney stated that a summons and court appearance was normally not the first step, the Construction Official would try to work it out with the property owner first within that ten-day period.

Mr. Jones thanked the Mayor and Council.

Tom Calvanico of 28 Grant Avenue asked the Mayor to advise of the outcome of the Mayor's talk with Senator Kyrillos.

Mayor Ekdahl stated that he was meeting with Senator Kyrillos 9:00 a.m. on Friday and that he had been made aware of the Oxford House issue in their conversation; some of the background material that residents had provided was sent to him in writing. He added that we were eager to see what the Senator had to say.

Mr. Calvanico stated that there were many issues discussed at this meeting and asked if they would be given a report on what was to be done.

Mayor Ekdahl stated that the Council would pass this Ordinance tonight to get it on the books as fast as possible and reminded Mr. Calvanico that the Ordinance could not be carried into the next year. He stated that there had been many good suggestions from the residents and in January the Council would introduce an Ordinance with the amendments to the Ordinance being passed tonight. The Mayor stated that all were welcome to come to that meeting to see what amendments were being made.

Mr. Calvanico suggested that the proposed changes be presented at a meeting prior to the Ordinance Amendment being introduced.

Mayor Ekdahl stated that Councilman Day would put the proposed changes on the Borough Website prior to introduction so the public would be aware of what was to be changed. He advised that if anyone had objections to those changes they could come to the meeting when it would be introduced and bring up their concerns at that time.

The Borough Attorney explained that the timing for this Ordinance made the situation different because we couldn't hold it over to the next year with a different Council. He added that normally it would be reintroduced at the next meeting with any needed changes.

Mr. Calvanico stated that the proposed changes should be discussed with the public at a meeting and then introduced at the next meeting with the agreed upon changes.

Maryann Baret of 7 Park Avenue asked for an explanation of the process and protocol for the introduction and passing of an Ordinance by a municipality.

The Borough Attorney stated that the process of a municipality adopting ordinances was set by State Statute as follows: An ordinance is introduced in first reading and published along with the Public Notice advising when the public hearing is scheduled in the official newspaper of the municipality, for Rumson it is either the *Asbury Park Press* or the *Two River Times*; we also post it on the Borough Website and on the Borough Bulletin Board at Borough Hall. At the time of the public hearing, if people state that there should be substantial changes and the Council agrees that they should be made, then the ordinance is modified and another hearing is scheduled.

Mayor Ekdahl stated that we weren't doing anything unusual but following how it is done in the State of New Jersey.

Mr. Calvanico stated that, as a lawyer in New Jersey, he understands the process but was suggesting that the process could be shortened by presenting the changes in a report prior to its introduction for discussion at a meeting.

The Municipal Clerk/Administrator advised that once the Ordinance Amendment was written, there was no reason that it couldn't be posted on the Borough Website prior to the introduction at a January meeting. He stated that he thought that was what Mr. Calvanico was asking for so that people would have a chance to read it before the introduction at the meeting.

It was agreed by the Mayor and Council and the Municipal Clerk/Administrator that this could be done.

Jim Azaceta of 70 South Ward Avenue asked if the State Legislature passed a law regarding such facilities as Oxford House, could something be done since it was federally protected?

Mayor Ekdahl stated that the State could stop funding it.

The Municipal Clerk/Administrator advised that New York State and some other states were trying to put regulations in place to monitor the houses, keep track of the residents and set guidelines that the houses had to follow. He added that they weren't trying to change the federal law, but trying to control the process to have more oversight; as we know, the houses are basically self-monitored.

Mr. Azaceta stated that it was up to the area residents to keep a watchful eye and call the police when they see anything and make a complaint. He stated that the residents in Rumson should make the effort to come to Council meetings and not wait for a situation like Oxford House to bring them out to the meetings.

Katie Johnson of 58 South Ward Avenue stated that in her research of Oxford House and other such organizations, she found that Oxford House was started for recovering alcoholics and now it was made up of 70% recovering drug addicts. She stated that the houses are owned by landlords who are profiteering from the houses and they aren't necessarily safe environments for the occupants. She stated that she sees the necessity for regulating them to keep the people safe to make sure the wiring and things are up to code after Hurricane Sandy and that there are proper exits in case of fire, especially for anyone sleeping on the third floor. Ms. Johnson stated that the residents of Oxford House and the neighbors need to be protected.

The Borough Attorney stated that there were three avenues that could and were being followed: the State building codes in effect now, adoption of the Ordinance tonight and the possible changes to State legislation by Senator Kyrillos.

Ms. Johnson stated that the laws governing these facilities might need to be changed because the present situation has changed in the last thirty-five years.

The Borough Attorney stated that the federal law says that you can't discriminate, but there was nothing that he was aware of saying that the State couldn't put in certain regulations to assure that it is a safe environment and to have some kind of accountability.

The Mayor stated that he would make Senator Kyrillos aware of those concerns.

Kate McBride of 28 Lincoln Avenue thanked the Mayor and Council for putting this Ordinance into place. She stated that Oxford House literature has stated that 78% of the occupants are ex-convicts but that they have not been convicted of manufacturing or distributing drugs, are not using drugs, are not violent felons or living with objectionable behavior. She stated that if they are any of those things, they are not protected by the law. She stated that was the reason why we should be told who was in the house and protected under the federal laws.

The Borough Attorney stated that the Oxford House Charter states those conditions for its residents.

Ms. McBride stated that was why Oxford House needed to be transparent about who was living in the house so that we would know who was protected under the law.

The Borough Attorney stated that he knew that Mr. Sylvester had been talking to George at Oxford House regarding the background checks.

Ms. McBride stated that the area residents just wanted to know who was living in the house to know who their neighbors were.

Councilman Broderick stated that we wouldn't have the right to the drug test results of the Oxford House residents anymore than we would have the right to know the results for any Rumson residents.

Ms. McBride stated that she didn't want drug test results but rather that the residents of Oxford House qualified for protection under the law.

Councilman Day stated that to clarify, what Ms. McBride wanted was for the Borough, perhaps the Police Department, to be given the information as to whether the residents qualify to live there—not that the information be for the public.

Councilman Broderick stated that according to the Police, the residents don't have to register with them unless they are a sex offender. He added that we wouldn't know if they had a DUI or some other conviction.

Ms. McBride stated that the correct individuals in the community need to know if there are convicts living in Oxford House that would be disqualified from being protected under the law to live there because of the nature of their crime.

Councilman Day stated that the bottom line was that we wanted assurance that what Oxford House says they do in screening people in fact is what is being done. He stated that this would be an opportunity for the State to insure that the people in the houses are properly evaluated; for the State to put in place a requirement that the organization provide the State with proof that the occupants have been properly vetted and meet the Oxford House requirements.

Councilwoman DeVoe added that supervision of the Oxford House residents should also be included.

In response to a statement by Councilman Broderick, Ms. McBride advised that the occupants would not be protected under the federal ruling if they had been convicted of the felonies that she mentioned earlier.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

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

In the negative: None.

Absent: None.

NEW BUSINESS:

RESOLUTION 2013-1203-166 AUTHORIZING THE 2013 ANNUAL MONETARY ALLOWANCES FOR GASOLINE AND CELLULAR PHONE SERVICE TO BE PAID TO CERTAIN BOROUGH OFFICIALS/ EMPLOYEES WHO USE THEIR PERSONAL VEHICLES AND CELLULAR PHONES FOR BOROUGH BUSINESS ON A REGULAR BASIS:

2013-1203-166

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, there are various Borough Officials/Employees who use their personal vehicles and cellular phones for Borough Business on a regular basis and therefore receive monetary allowances for gasoline and cellular phone service; and

WHEREAS, the Borough Council has determined the 2013 Annual allowances be paid according to the following schedule:

- Animal Control Officer: \$360 Annual Cellular Phone Allowance
- Borough Administrator: \$480 Annual Cellular Phone and \$500 Annual Gasoline Allowance
- Borough Custodian: \$360 Annual Cellular Phone Allowance
- Construction Official: \$480 Annual Cellular Phone and \$500 Annual Gasoline Allowance
- Electrical/Assistant Building Inspector: \$400 Annual Gasoline Allowance
- First Aid 1st Lieutenant: \$750 Annual Gasoline Allowance
- Fire Chief: \$360 Annual Cellular Phone Allowance
- Fire Officials: \$400 Annual Gasoline Allowance
- Police Chief: \$480 Annual Cellular Phone Allowance
- Plumbing Inspectors: \$400 Annual Gasoline Allowance
- Public Works Foreman: \$360 Annual Cellular Phone Allowance
- Recreation Director: \$360 Annual Cellular Phone and \$500 Annual Gasoline Allowance
- Superintendent of Public Works: \$480 Annual Cellular Phone Allowance
- Superintendent of Sanitary Sewers: \$480 Annual Cellular Phone Allowance
- Tax Assessor: \$500 Annual Gasoline Allowance

WHEREAS, the above amounts shall be pro-rated for any officials/employees that did not work the full calendar year; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that 2013 gasoline and cellular phone service allowances be paid to the Borough Officials/ Employees according to the schedule above; and

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

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

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

In the negative: None.

Absent: None.

RESOLUTION 2013-1203-167 AUTHORIZING A CONTRACT WITH THE AFFORDABLE HOUSING ALLIANCE TO SERVE AS THE ADMINISTRATIVE AGENT FOR THE PURPOSES OF PROVIDING AFFORDABILITY CONTROL SERVICES FOR ALL AFFORDABLE HOUSING WITHIN THE BOROUGH OF RUMSON TO EFFECTIVE NOVEMBER 1, 2013 THROUGH OCTOBER 31, 2015:

2013-1203-167

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE AN AGREEMENT WITH
AFFORDABLE HOUSING ALLIANCE
TO MANAGE THE BOROUGH OF RUMSON'S
AFFORDABLE HOUSING PROGRAM**

WHEREAS, the Mount Laurel Doctrine and subsequent State regulations requires the municipalities in the State of New Jersey to provide for the development of housing targeted at low and moderate income individuals and families; and

WHEREAS, with the help of the Borough's professionals, the Borough developed a plan to meet the State requirements; and

WHEREAS, it has been recommended by the Borough professionals and the Borough Administrator that we renew the Agreement with the Affordable Housing Alliance (formerly Monmouth Housing Alliance) of 59 Broad Street, Eatontown, NJ to be Rumson's Administrative Agent to market the units available; and

WHEREAS, a copy of the Agreement for Affordable Housing Alliance is on file in the Municipal Clerk's office;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that the Mayor and the Administrator be authorized to renew our Agreement with the Affordable Housing Alliance to act as Rumson's Administrative Agent for the two-year period effective November 1, 2013 through October 31, 2015; and

BE IT FURTHER RESOLVED that a copy of the Agreement be sent to the Borough of Rumson's Special Counsel, Jeffrey R. Surenian, Esq., and be forwarded to the Department of Community Affairs.

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

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

In the negative: None.

Absent: None.

RESOLUTION 2013-1203-168 AUTHORIZING AN APPROPRIATIONS TRANSFER:

2013-1203-168

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, it has become necessary 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;

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

TO:

Vehicle Maintenance	\$ 5,000.00
Utility & Bulk Purchases	
Water	\$ 2,000.00
Gasoline & Diesel	\$ 20,000.00
Fire Hydrants	\$ 1,000.00
Total:	\$ 28,000.00

FROM:

Administration & Executive Other Expenses	\$ 5,000.00
Utility & Bulk Purchases	
Electricity	\$ 23,000.00
Total:	\$ 28,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2013 accordingly.

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

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

In the negative: None.

Absent: None.

RESOLUTION 2013-1203-169 AUTHORIZING THE REFUND OF THE \$1,000.00 CASH BOND FOR STREET OPENING PERMIT 92/2013:

2013-1203-169

Councilwoman DeVoe offered the following resolution and moved its adoption:

WHEREAS, On Your Turf Lawn & Landscape, PO Box 361, Farmingdale, NJ 07727 paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 92/2013; and

WHEREAS, Mark Wellner, Superintendent of Public Works, has inspected the project listed above and has found it to be satisfactory and therefore recommends the release of the \$1,000.00 bonds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that On Your Turf Lawn & Landscape, PO Box 361, Farmingdale, NJ 07727 be issued a refund of the \$1,000.00 bond; and

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

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

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

In the negative: None.

Absent: None.

APPOINTMENT BY THE MAYOR:

APPOINTMENT OF Michael E. Cecil as a Member of the Recreation Commission:

Mayor Ekdahl recommended the appointment of Michael E. Cecil as a Member of the Recreation Commission to fill the unexpired term effective December 3, 2013; term to expire December 31, 2014.

ANNOUNCEMENTS BY THE MAYOR:

Announcements by the Mayor:

1. The Borough's Annual Christmas Tree Lighting at Victory Park will be held on Sunday, December 8th at 5:00 p.m.
2. The employees of the Rumson Department of Public Works will be holding their Annual Toy Drive again this year. A *new, unwrapped* gift for a boy or girl can be dropped off at the Public Works Garage behind Borough Hall on Friday, December 13th from 3:30 p.m. to 7 p.m. and on Saturday, December 14th from 9:00 a.m. to 1:00 p.m. This year the donated toys will go to the Family & Children's Services in Long Branch and the Salvation Army in Red Bank. We ask that you help to make this year's DPW Annual Toy Drive a great success.
3. Please remember that the Borough prohibits all vehicles from parking overnight (prohibited 3:00 a.m. to 5:00 a.m.) on Borough streets starting December 1st and continuing through March 31st. This is to allow for proper snow removal from our streets.
4. The next regular meeting of the Borough Council will be held on Tuesday, December 17th at **4:30 p.m.**

Thank you.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Broderick offered the following resolution and moved its adoption:

\$	100.00	Kerry Gowan
\$	1.20	NJ Dept Health/Sr Services
<hr/>		
\$	101.20	Animal Control Account
\$	7,500.00	Kudos Enterprises Inc
\$	14,400.00	Pumping Services Inc
<hr/>		
\$	21,900.00	Capital Account
\$	13.04	New Jersey American Water
\$	21.11	NJ Natural Gas Co
\$	253.50	Jeffrey R Surenian & Assoc LLC
<hr/>		
\$	287.65	COAH Trust Fund
\$	629.40	Richard April
\$	96.03	Atlantic Plumbing Supply Corp
\$	27.00	Bayshore Fire & Safety LLC
\$	1,600.00	Becker Tree Service
\$	220.00	Bob's Uniform Shop
\$	629.40	William & Dzintra L Brush
\$	476.35	Builders General Supply Co
\$	314.70	Mark Conley
\$	314.70	Margaret Connor
\$	166.00	Cross Over Networks
\$	2,036.50	Custom Tire Associates
\$	48.59	First Priority Emergency
\$	475.50	Harden W Fowler
\$	5,140.00	Fredco Landscaping LLC
\$	629.40	James F Gallagher
\$	2,184.00	Garden State Highway Products
\$	314.70	Ella D Gaynor
\$	1,762.86	Giordano Halleran & Ciesla
\$	171.43	Global Industrial
\$	22.70	WW Grainger Inc
\$	12.50	Jane F Hartman
\$	314.70	John C Hendricks
\$	587.39	Hess Corporation
\$	951.00	Robert & Jane Hoffman
\$	314.70	Barbara M Hoffman
\$	1,608.63	Home Depot Credit Services
\$	4,185.73	JCP&L
\$	546.00	Johnny on the Spot Inc
\$	981.38	Kaldor Emergency Lights LLC
\$	578.40	Gerald P Kelly
\$	314.70	Iris O Kirkpatrick
\$	629.40	Norman Long
\$	4.26	Cody T Lovgren
\$	390.00	Mid Monmouth Mutual Aid Assoc
\$	753.88	Mid-Atlantic Truck Centre Inc
\$	25.00	County of Monmouth
\$	629.40	Royal E & Virginia Moss
\$	314.70	Elizabeth N Murphy
\$	629.40	M Patricia Murphy
\$	47.40	Naylor's Auto Parts
\$	414.00	Neptune Door Company
\$	2,896.95	New Jersey American Water
\$	865.07	NJ Natural Gas Co
\$	270.00	NJ State League of
\$	79,962.53	State of NJ Pensions/Active
\$	40,987.89	State of NJ Pensions/Retiree
\$	125.07	Scott Paterson

\$	314.70	James J Peluso
\$	141.48	PEP Express Parts
\$	314.70	Joseph Ranieri
\$	700.00	Raritan Bay Marine
\$	475.50	Paul E Reinhold Jr
\$	1,845.41	Reussille Law Firm LLC
\$	250.00	Thomas S Rogers
\$	530.00	Roy Press Printers
\$	475.50	Edward Rumolo
\$	719.10	J Gary Sammon
\$	629.40	James Scalzo
\$	314.70	Joan C Shea
\$	629.40	Joseph J Sorrentino
\$	250.00	State Shorthand Reporting Serv
\$	900.42	Staples Advantage
\$	122.21	Stavola Asphalt Co Inc
\$	309.64	Staples Print Solutions
\$	629.40	James Tanner
\$	710.00	Trane
\$	314.70	Joseph E Tuzik Sr
\$	94.86	The Two River Times
\$	30.00	Verizon
\$	629.40	Lorraine J Watson
\$	314.70	Donald York
\$	231.90	ZEP Sales & Service
\$	314.70	Robert Zerr
<hr/>		
\$	168,791.16	Current Fund
<hr/>		
\$	1,150.00	United States Postage Service
\$	395.00	Athlete's Alley
\$	142.00	Lawn Doctor
\$	820.00	Legalized Games of Chance
\$	57.76	Thomas S Rogers
\$	1,621.60	Roy Press Printers
<hr/>		
\$	4,186.36	Endowment Inc Account
<hr/>		
\$	60.00	Athlete's Alley
\$	249.50	Capture Point
\$	475.00	Christopher J Champeau
\$	35.00	Harrison Joseph Gassert
\$	85.00	Campbell Lee
\$	200.00	Lindsay M McKean
\$	700.00	Natalie Ink of NJ Corp
\$	260.00	Isabelle Marie Slavin
\$	475.00	Daniel Susser
<hr/>		
\$	2,539.50	Recreation Account
<hr/>		
\$	1,000.00	On Your Turf Lawn & Landscape
<hr/>		
\$	1,000.00	Trust Account
<hr/>		
\$	1,608.63	Current Fund Appropriations
\$	167,182.53	Current Fund Appropriations
\$	101.20	Animal Control Fund Expenses
\$	21,900.00	Capital Fund Disbursements
\$	4,186.36	Endowment Disbursements
\$	2,539.50	Recreation Disbursements
\$	1,287.65	Trust Fund – Other Expenses
<hr/>		
\$	198,805.87	Total Of All Funds

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

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

In the negative: None.

Absent: None.

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 the following residents responded:

Jim Sylvester, 22 Washington Avenue; Louise Larson, 19 Lincoln Avenue; Tom Harmon, 87 South Ward Avenue; Maryann Baret, 7 Park Avenue; Katie Johnson, 58 South Ward Avenue; Bill Quirk, 11 Somerset Drive; Kate McBride, 28 Lincoln Avenue; Ann Calvanico, 28 Grant Avenue; and Chris Cornette, 94 East River Road responded.

Due to the extensive length of the Public Comments at this meeting regarding the issue of Oxford House and the fact that the matter has been discussed during the Public Comments of previous Borough Council meetings on October 22nd and November 6th and 19th and many of the same comments were made and the same questions asked and answered, the comments and questions will not be documented in these minutes. However, a copy of the complete transcript is available in the Clerk's Office at Borough Hall for anyone who wishes to review it, including a report from Mr. Sylvester regarding the November 26th public meeting the residents had with representatives from Oxford House at St. George's-by-the-River Church, 7 Lincoln Avenue.

ADJOURNMENT:

On motion by Councilman Day, seconded by Councilman Hemphill, the meeting adjourned at 10:00 p.m. All in favor.

Respectfully submitted,

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