

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
February 9, 2016

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on February 9, 2016 at 7:30 p.m.

Pledge of Allegiance.

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

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 2016 to the *Asbury Park Press* and the *Two River Times*.

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

COMMUNICATIONS:

None.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2016-0209-33 AUTHORIZING THE APPOINTMENT OF RECREATION DOOR MONITOR FOR BASKETBALL SEASON:

2016-0209-33

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Recreation Commission is need of an additional Door Monitor for the Recreation Basketball games at Deane-Porter School scheduled for the 2016 season held on weeknights and Saturdays in January and February; and

WHEREAS, Samuel J. Chandler has applied and qualified for the Door Monitor position; and

WHEREAS, Recreation Director Kevin Delia has recommended that the Borough hire the Door Monitor on a part-time, as needed basis;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Samuel J. Chandler be hired effective January 16, 2016 at an hourly rate of \$15.00 per hours worked; and

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

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

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

RESOLUTION 2016-0209-34 AUTHORIZING THE APPOINTMENT OF ASSISTANT CONSTRUCTION OFFICIAL/ASSISTANT BUILDING OFFICIAL:

2016-0209-34

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson Construction Department has grown in the last year while taking over the Little Silver construction inspection needs; and

WHEREAS, the Administrator has recommended hiring a full-time Electrical Inspector/Electrical Subcode Official/Assistant Building Inspector/Assistant Building Subcode/Assistant Construction Official; and

WHEREAS, the Borough has a need for such positions to successfully run the Borough's Construction Department; and

WHEREAS, Nicholas A. Fabiano, Jr. has applied for the position and has been found qualified to perform the duties of the positions; and

WHEREAS, the Public Buildings/Construction/Zoning/Engineering Committee of the Borough Council has recommended Mr. Fabiano's appointment as full-time Electrical Inspector/Electrical Subcode Official/Assistant Building Inspector/Assistant Building Subcode/Assistant Construction Official;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Nicholas A. Fabiano, Jr. be appointed to the position of full-time Electrical Inspector/Electrical Subcode Official/Assistant Building Inspector/Assistant Building Subcode/Assistant Construction Official effective February 16, 2016 with an annual salary of \$90,000.00; and

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

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

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

RESOLUTION 2016-0209-35 AUTHORIZING CHANGE ORDER #2 FOR THE BOROUGH'S ROAD IMPROVEMENT CONTRACT WITH S. BROTHERS:

2016-0209-35

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE CHANGE ORDER NUMBER 2
FOR THE 2014 ROAD IMPROVEMENT PROJECT

WHEREAS, S. Brothers, 49 W. Groclowiak Street, South River, NJ 08882 was awarded a contract with the Borough of Rumson for the Borough Road Improvement Project on March 10, 2015 in the amount of \$1,471,159.80; and

WHEREAS, certain changes were deemed necessary during the project;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves Change Order Number 2 of the Borough's contract with S. Brothers for the Borough Road Improvement Project, which change order will reflect the addition of certain requested extras resulting in an Increase in the amount of \$156,320.52 and the change in certain materials and equipment resulting in a Decrease of \$110,357.38, with a net increase of \$45,963.14, bringing the total revised contract price to \$1,534,350.93. Said Change Order was recommended by the Borough Engineer in a letter dated February 1, 2016, a copy of which is on file in the Municipal Clerk's office; and

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

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

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

RESOLUTION 2016-0209-36 AUTHORIZING THE BOROUGH'S ENTERING INTO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT WITH ECONSULT SOLUTIONS:

2016-0209-36

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Governing Body of the Borough of Rumson, Monmouth County entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained to prepare an expert report (the "Burchell Report"); and

WHEREAS, the Borough of Rumson contributed \$2,000 to become a member of a consortium of municipalities (hereinafter "Municipal Group") so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter "Research Agreement") for the purpose of having Dr. Burchell prepare a fair share report (hereinafter "Burchell Report"); and

WHEREAS, Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA required a modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification, and said Amendment was entered into by the Borough of Rumson; and

WHEREAS, the Amendment authorized the execution of an agreement with Econsult Solutions, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepare its own revised report; and

WHEREAS, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

WHEREAS, the MSSDA as amended, entitled Members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

WHEREAS, any Member of the Municipal Group could retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

WHEREAS, the purpose of this resolution is to retain ESI individually; and

WHEREAS, the proposed individual agreement, attached hereto, envisions that ESI will split its work if it prepares a report that benefits multiple municipalities; and

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

1. The Borough of Rumson hereby authorizes its attorney to sign the agreement, attached hereto, on its behalf.
2. This Resolution shall take effect immediately.

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

Resolution seconded by Councilman Conklin and carried upon the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

RESOLUTION 2016-0209-37 AMENDING RESOLUTION #2015-0428-69 CANCELLING THE DEFERRAL OF SCHOOL TAXES:

2016-0209-37

RESOLUTION OF THE BOROUGH OF RUMSON
AMENDING RESOLUTION #2015-0428-69
CANCELLING THE DEFERRAL OF SCHOOL TAXES

WHEREAS, the State of New Jersey, Division of Local Government Services, requires an annual resolution by Municipalities that raise school taxes on a school year basis, and wish to defer a portion of that levy at the beginning and end of a calendar year; and

WHEREAS, a Municipality that raises school taxes on a school year basis may defer up to the lesser of (1) 50% of the school levy, or (2) the unpaid balance of the school tax on December 31st less any unpaid requisitions on that date; and

WHEREAS, based upon the above procedure, the allowable amount of Rumson School District tax that may be deferred on December 31, 2015 is \$5,840,386.79; and

WHEREAS, Borough of Rumson Resolution #2015-0428-69 cancelled \$1,835,174.03 of the Rumson School District tax that had previously been deferred; and

WHEREAS, the amount of the Rumson School District deferred tax to be cancelled should have been \$735,174.03; and

WHEREAS, the Mayor and Council of the Borough of Rumson desire to defer \$1,100,000.00 of the Rumson School District tax as of December 31, 2015;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rumson, County of Monmouth, that as of December 31, 2015, the Mayor and Council desire to defer \$1,100,000.00 of the Rumson School District Tax; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded by the Municipal Clerk to the Division of Local Government Services, Department of Community Affairs, and the Chief Financial Officer of the Borough of Rumson.

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

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

RESOLUTION 2016-0209-38 AUTHORIZING REFUND OF REDEMPTION MONIES TO EBURY FUND 1NJ, LLC FOR TAX SALE CERTIFICATE #14-00006 FOR BLOCK 67, LOT 1.01 FOR 2013 DELINQUENT PROPERTY TAX AND SEWER CHARGES:

2016-0209-38

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO EBURY FUND 1NJ, LLC**

WHEREAS, at the Municipal Tax Sale held on December 2, 2014, a lien was sold on Block 67, Lot 1.01, also known as 5 Maple Avenue in Rumson, for 2013 delinquent tax and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #14-00006, was sold to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, for a \$14,000.00 premium; and

WHEREAS, Margaret A. Kristjen, the property owner, has effected redemption of Certificate #14-00006 in the amount of \$17,641.38;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$31,641.38 payable to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, PO Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #14-00006; and

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

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

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: None.

APPOINTMENTS BY THE MAYOR:

APPOINTMENT OF Gwendolyn Wisely as Member of the Shade Tree Commission:

Mayor Ekdahl recommended the appointment of Gwendolyn Wisely as Member of the Shade Tree Commission effective May 7, 2014.

APPOINTMENT OF Gwendolyn Wisely as Member of the Environmental Commission:

Mayor Ekdahl recommended the appointment of Gwendolyn Wisely as Member of the Environmental Commission effective May 7, 2014.

ANNOUNCEMENT BY THE MAYOR:

Mayor Ekdahl made the following Announcement:

Borough Hall will be closed on Monday, February 15, 2016 in observance of Presidents' Day. However, there **will** be garbage collection on Monday, February 15.

Have an enjoyable and safe holiday weekend.

Thank you.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	150.00	Abbey Glen
\$	525.00	Edmunds and Associates, Inc.
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\$	675.00	Animal Control Account
\$	371,880.98	S. Brothers, Inc.
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\$	371,880.98	Capital Account
\$	156.00	Michael B. Steib, PA
\$	5,837.81	Jeffrey R. Surenian & Assoc LLC
\$	14,342.19	T&M Associates
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\$	20,336.00	COAH Trust Fund
\$	18.11	Holy Cross Church
\$	2,413.20	Allied Oil LLC
\$	1,852.65	Americanwear Indust Uniforms
\$	77.45	Anchor Rubber Stamp
\$	500.00	James E. Berube, Jr.
\$	1,500.10	Bob's Uniform Shop
\$	4,110.00	Borough of Fair Haven
\$	22.71	Builders General Supply Co
\$	59.95	Butler's Deli
\$	33.76	Circle Chevrolet, Inc.
\$	50.00	Coastal Pest Control
\$	2,402,463.56	Monmouth County Treasurer
\$	158,329.42	Monmouth County Treasurer (LIB)
\$	132,411.09	Monmouth County Treasurer (OS)
\$	31,641.38	Ebury Fund 1NJ, LLC
\$	7,829.00	Edmunds and Associates Inc
\$	328.97	F & C Automotive Supply Inc
\$	204.08	WW Grainger Inc
\$	30.00	Helen Graves
\$	843.34	Groff Tractor New Jersey, LLC
\$	325.60	Jane F. Hartman
\$	36.95	International Code Council
\$	99.55	JB Sales and Service
\$	3,999.82	JCP&L
\$	637.00	Johnny on the Spot Inc
\$	91.50	Kepwel Natural Spring Water
\$	142.06	Lawes
\$	69.11	Timothy Leonard

\$	240.00	Michele A. MacPherson
\$	96.00	Mazza & Sons, Inc.
\$	1,195.01	Mid-Atlantic Truck Centre Inc
\$	150.00	Monmouth County Police Chief's Assn.
\$	17.33	Treasurer County of Monmouth
\$	200.00	Monmouth County Treasurer
\$	649.98	Naylor's Auto Parts
\$	10,327.83	New Jersey American Water
\$	1,250.13	NJ Natural Gas Co
\$	395.00	NJ Motor Truck Association
\$	657.00	NJ State League of Municipalities
\$	87,204.47	State of NJ Pensions/Active
\$	46,400.22	State of NJ Pensions/Retiree
\$	450.00	Pennsylvania State University
\$	292.94	PEP Express Parts
\$	90.00	Public Works Association of NJ
\$	721.67	Ricoh USA Inc
\$	155.00	Roy Press Printers
\$	3,955.06	Tony Sanchez, LTD
\$	52.00	Seaboard Welding Supply Inc
\$	1,295.00	Shea Communications, Inc.
\$	415.74	Staples Advantage
\$	500.00	State Shorthand Reporting Serv
\$	250.00	Stewart's Plumbing
\$	130.00	Michael B. Steib PA
\$	34.98	Linda Strub
\$	17,267.83	T & M Associates
\$	1,202.98	Targeted Technologies LLC
\$	256.25	Taylor Fence Co Inc
\$	9,998.75	Tritech Software Systems
\$	234.36	The Two River Times
\$	32.03	Verizon
\$	50.00	Wageworks
\$	270.80	Warshauer Electric Supply
\$	1,580.00	Weatherworks LLC
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\$	2,938,138.72	Current Fund
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\$	498.75	Lawn Doctor
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\$	498.75	Endowment Inc Account
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\$	195.00	Central Sports Association, LLC
\$	225.00	John Paul Hughes
\$	270.00	Pasquale Sabino
\$	495.00	Michael Swell
\$	125.00	Targeted Technologies, LLC
\$	165.00	Akash Logani Verma
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\$	1,475.00	Recreation Account
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\$	88,509.08	Holy Cross Church
\$	480.22	T&M Associates
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\$	88,989.30	Trust Account
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\$	3,106.48	NJ Department of Labor
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\$	3,106.48	Unemployment Account
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\$	37,559.95	Current Fund Appropriations
\$	2,900,578.77	Current Fund Appropriations
\$	675.00	Animal Control Fund Expenses
\$	371,880.98	Capital Fund Disbursements
\$	498.75	Endowment Disbursements
\$	1,475.00	Recreation Disbursements
\$	88,989.30	Trust Fund – Other Expenses
\$	3,106.48	Unemployment Disbursements

\$	3,425,100.23	Total Of All Funds
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Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Conklin, Day, Hemphill and Rubin.

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 Council President Hemphill responded by presenting Mayor Ekdahl with an award from the New Jersey State League of Municipalities. This award notified the Mayor that he was inducted into the NJLM Elected Officials' Hall of Fame on February 3, 2016 for having selflessly served in an elected municipal office for a tenure not less than twenty years as a municipal governing body member, and having dedicated that time to the cause of good local government. Councilman Hemphill continued by recalling that the Mayor started as the Zoning Board of Adjustment Alternate #1 in 1978 and finished his tenure on the Zoning Board as Chairman in 1995. After seventeen years on the Zoning Board, Mayor Ekdahl was elected Councilman. A year later, he was appointed to the Planning Board as a Councilman and has remained on the Board as Mayor since 2004. His current term as Mayor expires in 2019. The Council congratulated the Mayor on his long run. The Mayor stated he wasn't aware of the award until now and he was very appreciative.

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 Councilman Rubin, seconded by Councilman Broderick, the meeting adjourned at 7:36 p.m. All in favor.

Respectfully submitted,

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