

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
July 14, 2015

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on July 14, 2015 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 2015 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:

LETTER FROM MARY SEDLAK RESIGNING HER POSITION OF VIOLATIONS CLERK FOR THE MUNICIPAL COURT EFFECTIVE JULY 31, 2015:

The Municipal Clerk/Administrator advised of a letter dated June 24, 2015 from Mary Jane Sedlak resigning her position as Municipal Violations Clerk effective July 31, 2015. He explained that Ms. Sedlak had only been with the Borough of Rumson for a short time; she had begun working part-time when the Borough took over the Fair Haven Court.

On motion by Councilman Hemphill, seconded by Councilman Broderick, this communication was ordered received and Ms. Sedlak's resignation was accepted with regret on the following roll call vote:

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

In the negative: None.

Absent: None.

LETTER FROM THE STATE OF NJ DEP TO JOHN RYAN APPROVING THE WATERFRONT DEVELOPMENT PERMIT TO LEGALIZE THE FIXED DOCK, RAMP AND FLOATING DOCK FOR PROPERTY LOCATED AT 16 RIVERSIDE DRIVE:

The Municipal Clerk advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to John Ryan advising of the approval of the Waterfront Development Permit for the legalization of the existing fixed dock, ramp and floating dock on property located at 16 Riverside Drive.

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

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

BOND ORDINANCE 15-009 TO AMEND BOND ORDINANCE 12-002 FOR ROAD RESURFACING. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

15-009

BOND ORDINANCE FURTHER AMENDING A BOND ORDINANCE FINALLY ADOPTED MARCH 13, 2012 BY THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR CHANGES THEREIN

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.

The Municipal Clerk/Administrator advised that the Bond Ordinance Amendment was to add the NJ DOT Grant that the Borough received in January for sidewalks.

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

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Day, 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 Day and carried on the following roll call vote:

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

In the negative: None.

Absent: None.

ORDINANCE 15-010 G TO AMEND THE GENERAL ORDINANCES OF THE BOROUGH OF RUMSON TO AMEND NO PARKING/LIMITED PARKING ON A SECTION OF BLACKPOINT ROAD. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

15-010 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER VIII, TRAFFIC

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 Broderick, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

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

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

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

In the negative: None.

Absent: None.

NEW BUSINESS:

RESOLUTION 2015-0714-93 AUTHORIZING TO SET THE 2015 SALARIES OF CERTAIN BOROUGH OFFICERS, EMPLOYEES AND APPOINTEES EFFECTIVE JULY 1, 2015:

2015-0714-93

Councilman Day offered the following resolution and moved its adoption:

RESOLUTION FIXING SALARIES OF CERTAIN
BOROUGH OFFICERS, EMPLOYEES AND APPOINTEES

WHEREAS, an ordinance entitled “AN ORDINANCE FIXING COMPENSATION OF BOROUGH OFFICERS AND CERTAIN BOROUGH EMPLOYEES IN THE BOROUGH OF RUMSON, NEW JERSEY” has been adopted following public hearing; and

WHEREAS, said ordinance provides for salary ranges of various job titles and positions; and

WHEREAS, it is the intention of the Mayor and Council to fix the salaries of those individuals who hold such positions; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the salaries of the officers and employees holding the positions set forth below, and subject to the salary ranges set forth in the aforementioned ordinance, are hereby fixed effective July 1, 2015, unless stated otherwise, as follows:

Construction Official, Electric Subcode Official, Building Inspector, Alternate Building Subcode Official, Flood Plain Manager (Dennis Peras)	\$175,000.00
Alternate Building Subcode Official, Electric Inspector Alternate Electric Subcode Official (Nicholas Fabiano)	\$ 30,304.00
Plumbing Subcode Official (James Ammaturo, Jr.)	\$ 24,392.00
Plumbing Inspector (Eugene Ferry, Jr.)	\$ 11,312.00
(Robbie Bailey)	\$ 10,000.00
Fire Subcode Official (Fred Migliaccio)	\$ 23,645.00
Fire Protection Marshall (Vito Marra)	\$ 9,275.00
Police Chief	\$145,000.00

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

Resolution seconded by Councilwoman Atwell 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 2015-0714-94 AUTHORIZING THE RENEWAL OF A PORTION OF THE BOROUGH’S \$4,674,995 BOND ANTICIPATION NOTES, SERIES 2014A, DATED AUGUST 28, 2014:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE RENEWAL OF A PORTION OF THE BOROUGH'S \$4,674,995 BOND ANTICIPATION NOTES, SERIES 2014A, DATED AUGUST 28, 2014, 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 2014A dated August 28, 2014 in the aggregate principal amount of 4,674,995 (the "Prior Notes"); and

WHEREAS, the Prior Notes mature on August 27, 2015 and it is desirable to renew a 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 deemed 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"); and

WHEREAS, the Prior Notes to be renewed shall be issued in a principal amount of not more than \$4,002,267 (the "Notes") and shall be issued pursuant to the Local Bond Law; 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 the Notes shall be issued as one issue and at such time as shall be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer") 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 Notes shall be entitled "Bond Anticipation Notes, Series 2015A" or any other designation determined by 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 from time to time 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 is 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 Borough hereby covenants to comply with the provisions of the Code applicable to the Notes and covenants not to take any action or to fail to take any action which would cause the interest on the Notes to lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code. Further, the Borough will take all actions within its power that are necessary to assure that interest on the Notes does not lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code.

SECTION 9. 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 10. 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 and an additional amount provided for in the budget of the Borough in the aggregate amount of \$672,728 from the applicable funds of the Borough.

SECTION 11. That this resolution shall take effect immediately.

Resolution seconded by Councilman Hemphill 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 2015-0714-95 AUTHORIZING THE BOROUGH TO ENTER INTO AN AGREEMENT FOR THE CHIEF OF POLICE EFFECTIVE JULY 1, 2015:

2015-0714-95

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson has the need for a Police Chief according to Borough Ordinance; and

WHEREAS, Scott A. Paterson has been filling that role since his appointment on January 1, 2013; and

WHEREAS, the Police Committee has recommended that the Borough enter into an Agreement with Chief Paterson; and

WHEREAS, the Police Committee has provided the Borough Administrator with the parameters of the Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Borough Administrator and Borough Attorney be authorized to draft the Agreement as outlined by the Police Committee; and

BE IT FURTHER RESOLVED that the Mayor and Borough Administrator be authorized to sign the Agreement; and

BE IT FURTHER RESOLVED that a certified copy of the Agreement be forwarded to Chief Paterson and another certified copy be placed in Chief Paterson's personnel file.

Resolution seconded by Councilman Broderick 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 2015-0714-96 AUTHORIZING THE APPOINTMENT OF ROBBIE G. BAILEY AS PART-TIME PLUMBING INSPECTOR EFFECTIVE JULY 1, 2015:

2015-0714-96

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson has entered into an Interlocal Agreement with the Borough of Little Silver to provide Little Silver with Uniform Construction Code Services; and

WHEREAS, the Borough of Rumson now has the need for an additional part-time Plumbing Inspector to cover the Borough of Little Silver; and

WHEREAS, Robbie G. Bailey has applied for the position and has been found qualified to perform the duties of Plumbing Inspector; and

WHEREAS, the Public Buildings/Construction/Zoning/Engineering Committee of the Borough Council has recommended Mr. Bailey's appointment as part-time Plumbing Inspector as needed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Robbie G. Bailey be appointed to the position of part-time Plumbing Inspector as needed effective July 1, 2015 with an annual salary of \$10,000.00; and

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

Resolution seconded by Councilwoman Atwell 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 2015-0714-97 AUTHORIZING THE APPOINTMENT OF KYLE E. BUCKLAND AS PART-TIME SEASONAL DEPARTMENT OF PUBLIC WORKS LABORER EFFECTIVE JULY 16, 2015:

2015-0714-97

Councilwoman Atwell offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson through its Department of Public Works has the need for one (1) Seasonal Laborer; and

WHEREAS, it is believed to be in the best interest of the Borough to employ said Seasonal Laborer for the Department of Public Works on an hourly basis; and

WHEREAS, Kyle E. Buckland has interviewed and agreed to fill the position of Department of Public Works Seasonal Laborer;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that Mr. Buckland be hired as Department of Public Works Seasonal Laborer effective July 16, 2015; and

BE IT FURTHER RESOLVED that Mr. Buckland be paid at an hourly rate of \$12.50, with no benefits; 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 2015-0714-98 AUTHORIZING CHANGE ORDER #1 FOR THE BOROUGH'S ROAD IMPROVEMENT CONTRACT WITH S. BROTHERS:

2015-0714-98

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE CHANGE ORDER NUMBER 1
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 1 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 \$22,470.00 and the change in certain materials and equipment resulting in a Decrease of \$5,242.00, with a net increase of \$17,228.00, bringing the total revised contract price to \$1,488,387.80. Said Change Order was recommended by the Borough Engineer in a letter dated July 8, 2015, 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 2015-0714-99 AUTHORIZING THE REFUND OF THE REDEMPTION MONIES TO US BANK CUSTODIAN FOR FNA JERSEY BOI LLC FOR TAX SALE CERTIFICATE #14-00011 FOR BLOCK 140, LOT 15 FOR 2013 DELINQUENT SEWER CHARGES:

2015-0714-99

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO US BANK CUST for FNA JERSEY BOI LLC**

WHEREAS, at the Municipal Tax Sale held on December 2, 2014, a lien was sold on Block 140, Lot 5, also known as 17 Washington Ave in Rumson, for 2013 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #14-00011, was sold to US BANK Custodian for FNA JERSEY BOI LLC, for a \$1,000.00 premium; and

WHEREAS, on behalf of the property owner, Donna A. McWalters, Ocwen Financial Corporation has effected redemption of Certificate #14-00011 in the amount of \$1,008.52;

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 \$2,008.52 payable to US Bank Custodian for FNA JERSEY BOI LLC, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #14-00011; 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 upon the following roll call vote:

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

In the negative: None.

Absent: None.

RESOLUTION 2015-0714-100 AUTHORIZING THE REFUND OF THE REDEMPTION MONIES TO US BANK CUSTODIAN FOR PC5 STERLING NATIONAL FOR TAX SALE CERTIFICATE #14-00009 FOR BLOCK 133, LOT 6 FOR 2013 DELINQUENT SEWER CHARGES:

2015-0714-100

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO US BANK CUST for PC5 Sterling National**

WHEREAS, at the Municipal Tax Sale held on December 2, 2014, a lien was sold on Block 133, Lot 6, also known as 84 Navesink Ave in Rumson, for 2013 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #14-00009, was sold to US BANK Custodian for PC5 Sterling National, for a \$1,300.00 premium; and

WHEREAS, on behalf of the property owners, Ferrara, Nicholas F. Jr. and Kathryn A., Ocwen Financial Corporation has effected redemption of Certificate #14-00009 in the amount of \$1,308.32;

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 \$2,608.32 payable to US Bank Custodian for PC5 Sterling National, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #14-00009; 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 Rubin and carried upon the following roll call vote:

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

In the negative: None.

Absent: None.

CONSENT AGENDA:

RESOLUTION 2015-0714-101 AUTHORIZING THE REFUND OF A TAX OVERPAYMENT FOR THE 2ND QUARTER PROPERTY TAXES FOR BLOCK 46, LOT 9:

2015-0714-101

RESOLUTION REFUNDING TAX OVERPAYMENT
FOR BLOCK 46, LOT 9

WHEREAS, the original amount billed for the 2015 2nd quarter property taxes for Block 46, Lot 9 was \$2,057.64; and

WHEREAS, on March 31, 2015 a Homestead Credit was applied to the 2nd quarter property taxes in the amount of \$761.56; and

WHEREAS, on April 30, 2015, payment in the amount of \$2,057.65 was remitted by an Arcadia Title Agency on behalf of the owners; and

WHEREAS, this payment created an overpayment in the amount of \$761.56; and

WHEREAS, on May 4, 2015 a payment in the amount of \$1,296.09 was made by Wells Fargo on behalf of the prior owners; and

WHEREAS, this payment increased the overpayment to \$2,057.65; and

WHEREAS, Jean Marino on behalf of Arcadia Title has requested the overpayment in the amount of \$2,057.65 be made directly to the property owners, Adam and Catherine Harris; and

WHEREAS, Helen L. Graves, Borough Chief Financial Officer/Tax Collector has confirmed this overpayment and recommends a refund in the amount of \$2,057.65 be made to Adam and Catherine Harris;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the tax overpayment, in the amount of \$2,057.65, for Block 46 Lot 9 be refunded to Adam and Catherine Harris 10 West Street, Rumson, NJ 07760; and

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

RESOLUTION 2015-0714-102 AUTHORIZING THE REFUND OF HALF OF THE \$400 DRIVE-IN SANITATION FEE FOR THE CANCELLED SERVICE FOR BLOCK 128, LOT 8:

2015-0714-102

RESOLUTION REFUNDING ONE HALF OF 2015
DRIVE-IN SANITATION SERVICE
FOR BLOCK 128, LOT 8

WHEREAS, Frederick and Cathryn Roemer paid the \$400.00 for 2015 Drive-In Sanitation Service for Block 128, Lot 8, known as 12 Oyster Bay Drive; and

WHEREAS, due to the privatization of collecting solid waste and recyclables, Mr. and Mrs. Roemer no longer wish to receive this service; and

WHEREAS, Helen L. Graves, Rumson Tax Collector, recommends refunding one half of the \$400.00 paid for this service; and

WHEREAS, Mr. and Mrs. Roemer have requested the prorated refund for the 2015 Drive-In Sanitation service;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that \$200.00 be refunded to Frederick and Cathryn Roemer, 12 Oyster Bay Drive, Rumson, NJ 07760; and

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

RESOLUTION 2015-0714-103 AUTHORIZING THE REFUND OF STREET OPENING PERMIT BONDS FOR PERMITS 86/2014 AND 102/2014:

2015-0714-103

RESOLUTION

WHEREAS, Groundwater and Environmental Services, Inc. paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 86/2014; and

WHEREAS, Steven R. Krog Landscape Architect, PC paid the required \$1,000.00 cash bond plus the \$105.00 application fee for Street Opening Permit Number 102/2014; and

WHEREAS, Mark Wellner, Superintendent of Public Works, has inspected the projects listed above and has found them 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 Groundwater and Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Rumson that Steven R. Krog Landscape Architect, PC., 3 Bayberry Drive, Pleasantville, NY 10570-2601 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 2015-0714-104 AUTHORIZING THE REFUND OF FEES FOR PREPAID POLICE SERVICES FOR ST. GEORGE'S EPISCOPAL CHURCH:

2015-0714-104

RESOLUTION TO AUTHORIZE REFUND TO
ST. GEORGE'S EPISCOPAL CHURCH

WHEREAS, on May 14, 2015, St. George's Episcopal Church, Waterman Avenue, Rumson, NJ 07760 posted \$600.00 for twelve (12) hours of Police Security Services on June 12, 2015; and

WHEREAS, Police Chief Scott A. Paterson has confirmed that no Rumson Officers provided the security services listed above; and

WHEREAS, on May 14, 2015, St. George's Episcopal Church, Waterman Avenue, Rumson, NJ 07760 also posted \$1,044.00 for eighteen (18) hours of Police Traffic Control Services on June 13, 2015; and

WHEREAS, Police Chief Scott A. Paterson has confirmed that only twelve (12) hours Traffic Control Services were provided by Rumson Officers on June 13, 2015; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed receipt of \$1,644.00 from St. George's Episcopal Church and recommends a refund be made to St. George's Episcopal Church in the amount of \$948.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that St. George's Episcopal Church, Waterman Avenue, Rumson, NJ 07760 be refunded \$948.00; and

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

RESOLUTION 2015-0714-105 AUTHORIZING THE REFUND OF FEES FOR PREPAID POLICE SERVICES FOR VARIOUS PROPERTY OWNERS:

RESOLUTION TO AUTHORIZE REFUNDS

WHEREAS, the following persons posted amounts listed for pre-payment of Police Services:

- Jeanne Langille, 86 Rumson Road, Rumson NJ 07760, \$250.00 for 5 hours of Police Security Services
- Tracy Leonard Turi, 6 Navesink Ave, Rumson NJ 07760, \$250.00 for 5 hours of Police Security Services
- Gary Livero, 122 Rumson Road, Rumson NJ 07760, \$250.00 for 5 hours of Police Security Services
- Areti Chaves, 68 Ridge Road, Rumson, NJ 07760, \$232.00 for 4 hours of Police Traffic Control Services
- Regina McLean, 19 Hartshorne Lane, Rumson NJ 07760, \$250.00 for 5 hours of Police Security Services; and

WHEREAS, Police Chief Scott A. Paterson has confirmed that no Rumson Officers provided the services listed above; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed receipt of the funds listed above and recommends refunding the unused balances;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the amounts listed below be refunded:

- \$250.00 Jeanne Langille, 86 Rumson Road, Rumson NJ 07760
- \$250.00 Tracy Leonard Turi, 6 Navesink Ave, Rumson NJ 07760
- \$250.00 Gary Livero, 122 Rumson Road, Rumson NJ 07760
- \$232.00 Areti Chaves, 68 Ridge Road, Rumson, NJ 07760
- \$250.00 Regina McLean, 19 Hartshorne Lane, Rumson NJ 07760

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

The above five (5) Resolutions on the Consent Agenda were moved for adoption by Councilman Broderick. Motion seconded by Councilman Rubin and carried on the following roll call vote:

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

In the negative: None.

Absent: None.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	2,525.00	Monmouth County SPCA
\$	389.58	Red Bank Veterinary Hospital
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\$	2,914.58	Animal Control Account
\$	217,181.70	S Brothers Inc
\$	28,084.50	Woodward Construction Co
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\$	245,266.20	Capital Account
\$	206.95	Absolute Fire Protection Co
\$	4,117.44	Allied Oil LLC
\$	100.00	AR Communications
\$	216.50	Asbury Park Press
\$	1,600.00	Becker Tree Service

\$	1398.65	Bob's Uniform Shop
\$	173.68	Builders General Supply Co
\$	232.00	Areti Chaves
\$	45.00	Loretta Chebookjian
\$	121.01	Comcast of Monmouth
\$	50.00	Cross Over Networks
\$	454,800.63	Depository Trust Company
\$	10.00	Carol Ann Dice
\$	58.92	Direct Energy Business
\$	169.00	Drager Safety Diagnostics Inc
\$	205.00	Dynamic Testing Service
\$	880.30	East Coast Energy Products
\$	160.51	Fair Haven Hardware Inc
\$	755.58	Fiber.Com
\$	90.00	Glenco Supply Inc
\$	407.84	WW Grainger Inc
\$	975.00	Gramco Business Communications
\$	284.90	Jane F Hartman
\$	2,057.65	Adam & Catherine Harris
\$	1,000.00	Holman Frenia Allison PC
\$	30.71	Home Depot Credit Services
\$	3,919.79	JCP&L
\$	85.00	Johnny on the Spot Inc
\$	204.00	John Guire Co Inc
\$	1,101.52	John Deere Landscaping
\$	185.00	Kepwel Natural Spring Water
\$	250.00	Jeanne Langille
\$	250.00	Gary Livero
\$	400.00	Maglocen
\$	250.00	Regina McLean
\$	12,754.25	Monmouth County Regional
\$	383.40	MD Materials Co
\$	254.75	Mid-Atlantic Truck Centre Inc
\$	43.20	Monmouth Truck Equipment
\$	1,524.00	Monmouth Sprinkler Co Inc
\$	6,600.00	Motorola Solutions Inc
\$	132.35	Naylor's Auto Parts
\$	480.35	Neopost USA Inc
\$	10,861.24	New Jersey American Water
\$	369.43	NJ Natural Gas Co
\$	110.00	NJ State League of Municipalities
\$	87,390.20	State of NJ Pensions/Active
\$	44,716.66	State of NJ Pensions/Retiree
\$	154.03	Dennis Peras
\$	1,050.00	Bernard M Reilly LLC
\$	5,056.78	Republic Services of NJ LLC
\$	545.00	Residential Flag Poles
\$	1,845.41	Reussille Law Firm LLC
\$	200.00	Frederick & Catheryn Roemer
\$	267.43	Thomas S Rogers
\$	3,282,810.17	Rumson Elementary School Dist
\$	2,369,559.89	RFH Regional High School
\$	147.00	Seaboard Welding Supply Inc
\$	500.00	State Shorthand Reporting Serv
\$	766.01	Staples Advantage
\$	690.96	Stavola Asphalt Co Inc
\$	1,079.00	Michael B Steib PA
\$	255.00	Stewart Business Systems
\$	948.00	St Georges by the River
\$	47,462.78	Suburban Disposal Inc
\$	889.80	Swanton Fuel Co
\$	6,617.25	Targeted Technologies LLC
\$	601.25	Timmerman Equipment Company
\$	3,739.73	T & M Associates

\$	7,750.99	Treasurer State of NJ
\$	325.00	Treasurer State of NJ
\$	394.92	Trico Equipment Services LLC
\$	49.13	Michael Trivett
\$	250.00	Tracy Leonard Turi
\$	107.26	The Two River Times
\$	400,478.50	Two Rivers Water Reclamation
\$	1,000.00	United States Postage Service
\$	2,608.32	US Bank Cust for PC5 Sterling
\$	2,008.52	US Bank Cust/FNA Jersey BOI
\$	30.49	Verizon
\$	250.00	VNA of Central Jersey
\$	50.00	Wageworks
\$	136.58	George Wall Lincoln
\$	13,274.52	Wilentz Goldman & Spitzer PA
\$	611.81	Woodward Construction Co
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\$	6,796,923.94	Current Fund
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\$	400.00	Siciliano Landscape Co LLC
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\$	400.00	Endowment Inc Account
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\$	606.00	All American Mobile Marine
\$	3,857.01	Athlete's Alley
\$	545.00	Dorothy T Bailey
\$	7,050.00	Bryan Batchler
\$	550.00	Christopher J Champeau
\$	108.00	Craze John's Inc
\$	24.20	David Drossman
\$	74.39	Fair Haven Hardware Inc
\$	120.00	Lori Holmgren
\$	136.40	John Deere Landscaping
\$	3,523.50	Jamie Juliano
\$	5,344.00	Jason Lippart
\$	448.97	Port Supply
\$	16,270.00	Racquet Shop
\$	12,524.00	George T Sourlis
\$	1,470.00	Alex Stein
\$	1,050.00	NJ Fun Services
\$	16.20	Zachary Wilson
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\$	53,717.67	Recreation Account
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\$	1,000.00	Groundwater & Environmental Serv
\$	1,000.00	Steven R Krog
\$	390.00	Michael B Steib PA
\$	1,547.67	T & M Associates
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\$	3,937.67	Trust Account
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\$	7,536.46	Current Fund Appropriations
\$	6,789,387.48	Current Fund Appropriations
\$	2,914.58	Animal Control Fund Expenses
\$	245,266.20	Capital Fund Disbursements
\$	400.00	Endowment Disbursements
\$	53,717.67	Recreation Disbursements
\$	3,937.67	Trust Fund – Other Expenses
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\$	7,103,160.06	Total Of All Funds

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 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:

Bob Bolton of 102 Washington Street stated that he wanted to know what decision had been made by the Mayor and Council regarding the removal of all the trees on Washington Street. He added that he thought removal of all the trees was a mistake, changing the entire character of the street and resulting in lowering property values; he asked for the Council's response.

Mayor Ekdahl asked Borough Engineer Dave Marks to provide an update on the Road Improvement Project.

Mr. Marks reported that the Borough had multiple streets included in the Road Improvement Project with a contract for the work to be done by S. Brothers Construction. He stated that they were currently doing work on Center Street, Avenue of Two Rivers and Ward Lane with work on Washington Street to start in the near future, as well as the Deane-Porter School parking lot. He stated that he wanted to set the stage so that Mr. Bolton understood the overall scope of the Road Improvement Project. Mr. Marks stated that, with the work on Washington Street that included new curbs, sidewalks and street paving, the Borough was determining which trees could possibly be saved. He stated that unfortunately the work that needed to be done was extensive and the risk to mature trees in that setting—the excavation for the curbs and sidewalks—potentially does damage to tree roots. He added that once the roots are damaged, you don't know how the tree will fare long-term. Mr. Marks reported that we have looked at and are continuing to look at a few other alternatives. He added that unfortunately the Borough had a very limited, narrow right-of-way of 40 feet to build a road, curb, sidewalk, drainage, utilities and things of that nature on Washington Street, which generally stops at the back of the existing sidewalk where the homeowner's property begins.

The Municipal Clerk/Administrator advised that the 40 foot right-of-way was very narrow in the older section of town on Washington, Lafayette, Allen, First, Second and Third Streets, unlike streets in some other sections of town that have a 50 or 60 foot right-of-way, such as on Forrest, Lennox, and Park Avenues. He stated that some of Mr. Bolton's neighbors had suggested that the sidewalks be curved around the trees and the Borough has looked at that, but on Washington Street we don't have that ability because of the narrow right-of-way. The way to address the issue would be to have the homeowner work with the Borough if they wish to keep the tree and give permission to wrap the sidewalk around the existing tree and onto their property so the sidewalk would not sit right next to the trunk and on top of the roots and have the same thing reoccur—raising or breaking the sidewalk in time. He added that in his 11 years with the Borough, it has only been done on one property on Forrest Avenue at the corner of East River Road because the River Road right-of-way was the County's not the Borough's. The Municipal Clerk/Administrator stated that where the sidewalk wraps around the trees on Lennox, Park and Forrest Avenues, it is because the right-of-way is so wide.

In answer to a question from Mr. Bolton, Mr. Marks reported that the Borough had evaluated having the sidewalk on just one side of the street in the concept stage of the project—as a cost savings measure and to limit the impact on the trees. As they got further into it, they recognized that removing the sidewalk from one side of the street would create an Americans with Disabilities Act issue—once you have a certain level of service with the sidewalks, you cannot reduce the level of service by removing the existing sidewalk from one side of the street.

In response to Mr. Bolton's comment that the removal of all the trees will expose the telephone poles and totally change the character of the street, Mr. Marks stated that the Council was looking to add a Phase 2 to the project to plant new trees. He added that we were working with the Arborist to decide on a tree that would do best in the setting of the right-of-way as well as on the homeowner's property behind the sidewalk. Mr. Marks stated that there were some trees that were diseased and/or decaying that would have to be removed, but we were looking to find a way to keep some trees that can be saved.

Mayor Ekdahl stated that in some cases it would require an easement from the homeowner to allow the Borough to curve the sidewalk around the tree and on their property.

Mr. Bolton thanked the Mayor and Council and expressed his appreciation.

Mayor Ekdahl thanked Mr. Bolton.

John Sullivan of 100 Bingham Avenue stated that he and his wife tried to attend a couple Shade Tree Commission meetings that never took place and the Municipal Clerk/Administrator very kindly met with them and discussed the situation. He stated that he had brought up to Mr. Rogers that the homeowners on Bingham Avenue whose back yards were on Washington Street had a problem with having trees placed on their property and Mr. Rogers had agreed. Mr. Sullivan stated that, if the trees being removed could be replaced with smaller trees, it would be a better solution.

Mayor Ekdahl stated that the Shade Tree Commission would be looking into the tree species that would work best in the right-of-way and it would be offered to the homeowners.

Mr. Sullivan thanked Mr. Rogers for meeting with them when the Shade Tree Commission meetings had not taken place.

Mr. Rogers pointed out that Shade Tree Commission Chairman and Borough resident Steve Barrett was in the back of the room and that there would be a meeting on Thursday, July 16th at Borough Hall at 4:00 p.m. He added that the Commission would develop a list of suitable trees at their meeting and make their recommendations to the Council.

Mr. Sullivan thanked the Mayor and Council.

Mayor Ekdahl thanked Mr. Sullivan.

Trish Sullivan of 100 Bingham Avenue asked if she could get a copy of the Arborist's report and said that Mr. Rogers had said that the Arborist was going to re-inspect some of trees to determine if they could be saved.

Mr. Marks apologized for the delay and said that he would get a copy of the report to her.

Mr. Rogers advised that the Arborist had reported that some of the trees were diseased and absolutely had to be removed and that, given the roadwork that would be done, there was a good chance that some others would not survive the process. He added that he was working with Mr. Marks to see if instead of installing a curb at certain trees that would be healthy enough to survive, we could install a steel plate to hold the tree and land back.

Mayor Ekdahl asked that copies of the Arborist's report be hand delivered to Mrs. Sullivan and Ms. Warrin—who had also requested a copy—when the copies are made available.

Mr. Rogers agreed to do so.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Day, the meeting adjourned at 7:56 p.m. All in favor.

Respectfully submitted,

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