

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
November 6, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on November 6, 2013 and was called to order by Mayor John E. Ekdahl at 7:00 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 not present.

Police Chief Scott Paterson was present.

Dennis Peras, Borough Construction Official 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 previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM TOWER HILL SCHOOL REQUESTING PERMISSION TO USE BINGHAM HALL FOR A FUNDRAISING EVENT ON SATURDAY EVENING, MARCH 8, 2014 AND SERVE LIGHT FOODS, BEER AND WINE AND RAFFLE OFF BASKETS:

The Municipal Clerk/Administrator advised of a letter dated October 22, 2013 from Jennifer Jaroschak, chair person of the 2014 charity event for Tower Hill School, requesting permission to hold their fundraiser at Bingham Hall on Saturday, March 8th and to serve light foods, beer and wine at their fundraiser. Ms. Jaroschak advised in her letter that they would also be raffling baskets at the event and would provide the necessary licenses and insurance certificates.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this communication was ordered received and permission for the Tower Hill School fundraiser at Bingham Hall and the serving of alcoholic beverages was granted. All in favor.

CONSENT AGENDA:

LETTER FROM MAKOFKA ENVIRONMENTAL CONSULTING, LLC ADVISING OF AN APPLICATION ON BEHALF OF CHARLES C. ALPERT TO THE STATE OF NJ DEP FOR A WATERFRONT DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A DOCK AT A SINGLE-FAMILY HOUSE ON PROPERTY LOCATED AT 22 WARREN STREET:

The Municipal Clerk/Administrator advised of a letter dated October 11, 2013 from Makofka Environmental Consulting, LLC on behalf of Charles C. Alpert. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation for a

Waterfront Development Permit for the construction of a dock at a single-family house on property located at 22 Warren Street.

LETTER FROM THE STATE OF NJ DEP APPROVING THE WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT, WATER QUALITY CERTIFICATE AND SPGP 19 FOR MR. AND MRS. THOMAS GWYDIR FOR THE CONSTRUCTION OF A FIXED PIER, RAMP, FLOATING DOCK AND BOATLIFTS ON PROPERTY LOCATED AT 99 WATERMAN AVENUE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Mr. and Mrs. Thomas Gwydir advising of the approval of the Waterfront Development Individual Permit, Water Quality Certificate and SPGP for the construction of a fixed pier, ramp, floating dock and boatlifts on property located at 99 Waterman Avenue.

LETTER FROM THE STATE OF NJ DEP APPROVING THE COASTAL GENERAL PERMIT NO. 9 FOR WILLIAM AND KATHERINE THOMPSON FOR THE REMOVAL OF AN EXISTING SINGLE-FAMILY DWELLING AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, GARAGE, IN-GROUND SWIMMING POOL, PORCHES, DECK, DRIVEWAY AND ASSOCIATED IMPROVEMENTS ON PROPERTY LOCATED AT 12 TYSON LANE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to William and Katherine advising of the approval of the Coastal General Permit No. 9 for the removal of the existing single-family dwelling and the construction of a new single-family dwelling, garage, in-ground swimming pool, porches, deck, driveway and associated improvements on property located at 12 Tyson Lane.

On motion by Councilman Rubin, seconded by Councilman Day, the above three (3) items on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

INTRODUCTION OF 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 IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, DECEMBER 3, 2013 AT 7:30 P.M.:

The Municipal Clerk/Administrator advised that Ordinance 13-009 G was a very large amendment to the General Ordinances that included some things that the Borough had planned to change prior to this past October; some are due to requirements by the State of New Jersey and the State Department of Environmental Protection. He reported that the following three items were also added: the first to strengthen the Housing and Property Maintenance Code, the second to provide for the registration of all rental properties and the third to establish a Certificate of Occupancy program for houses when they are sold and each time that a house is rented to a new tenant. The Municipal Clerk/Administrator advised that the process for the Ordinance Amendment was for the Borough Council to approve the Ordinance as it is written at this meeting, unless they have any changes that we will make today, the Notice and Ordinance Amendment would be published in the newspaper (probably in summary due to its length) and on the Borough Website (in its entirety) to advise of the public hearing scheduled for Tuesday, December 3rd. He added that at that December 3rd Borough Council meeting, the public will have a chance to review and discuss the Ordinance Amendment or any part of it; if at that time the Council feels that they want to pass the Ordinance Amendment, the Council will vote to adopt it. After its adoption, a notice is published once again to notify the residents of its adoption and the Ordinance Amendment will go into effect at

approximately the beginning of 2014. The Municipal Clerk/Administrator stated that he would review Ordinance 13-009 G with anyone who wished following tonight's Council meeting.

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

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**

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapters I, (General), through XXI (Reserved) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

It has been deemed necessary by the Borough Officials that the General Ordinances of the Borough of Rumson be reviewed by the Review Committee and the Review Committee has completed their review of the General Ordinances and deemed that the necessary changes and corrections be made for purposes of clarification and compliance by amending Chapter III (Police Regulations), Chapter IV General Licensing, Chapter V (Animals), Chapter VI (Alcoholic Beverage Control), Chapter VII, (Traffic), Schedule IVA, Parking Time Limited, Chapter VIII (Building and Housing), Chapter IX (Sewer and Water), Chapter X (Parks and Recreation Areas), XVI (Environmental Protection), and Chapter XX (Fire Prevention).

The above noted Chapters of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1.

That Chapter I, General, and Chapter II, Administration, shall be amended to read as follows:

**CHAPTER I
GENERAL**

through

**CHAPTER II
ADMINISTRATION**

No Change.

That Chapter III, Police Regulations, shall be amended to read as follows:

**CHAPTER III
POLICE REGULATIONS**

3-1 PENALTY. through **3-10 REGULATION OF SMOKE AND SOOT.**

No Change.

~~**3-11 FISHING, CRABBING AND PICNICKING PROHIBITED IN CERTAIN AREAS.**~~

(Notation: The Existing Section Shall be Deleted in its Entirety and Replaced as Below.)

3-11 RESERVED

That Chapter IV, General Licensing, shall be amended to read as follows:

**CHAPTER IV
GENERAL LICENSING**

That Chapter IV, General Licensing, shall be amended to read as follows:

4-1 DEFINITIONS. through 4-4 LICENSING SCOWS, BARGES AND VESSELS.

No Change.

4-5 USE OF MUNICIPAL BOAT LAUNCHING RAMP.

4-5.1 Use of Municipal Launching Ramp Limited to Permit Holders. through 4-5.6 Rumson Municipal Harbor Master.

No Change.

~~4-5.7 Parking in Vicinity of Boat Ramp.~~

~~Parking in the off-street parking area immediately south of the boat ramp adjoining the bulkhead shall be limited to one (1) hour.~~

4-5.8 4-5.7 Violations and Penalties.

Any person(s), firm(s) or corporation(s) who violates or neglects to comply with any provisions of this section or any rule or regulation promulgated pursuant thereto, shall be subject to the penalty as stated in Chapter III, Section 3-1.

4-6 GARAGE SALES. through 4-9 REGISTRATION OF LANDSCAPERS AND TREE REMOVAL COMPANIES.

No Change.

That Chapter V, Animals, shall be amended to read as follows:

**CHAPTER V
ANIMALS**

5-1 DOGS.

5-1.1 Definitions.

5-2 LICENSE FOR DOGS. through 5-7 ENFORCEMENT. No Change.

5-8 REGULATION OF DOGS.

5-8.1 Impounded Dogs. through 5-8.9 Nuisances Upon Property of Others, Including Public Property Prohibited.

No Change.

5-8.10 Violations and Penalties.

a. No Change.

b. Any person who violates or refuses to comply with the provisions of subsection 5-8.5 shall be subject to the following fines and costs upon conviction thereof:

<u>Offense and Conviction</u>	<u>Fine</u>	<u>Court Cost</u>	<u>Total</u>
1 st	\$10.00 <u>\$15.00</u>	\$5.00	\$15.00
2 nd	\$15.00 <u>\$20.00</u>	\$5.00	\$20.00
3 rd	\$45.00 <u>\$50.00</u> and mandatory court appearance of licensee	\$5.00	\$50.00
4 th	\$70.00 <u>\$75.00</u> and mandatory court appearance of licensee	\$5.00	\$75.00
5 th	\$95.00 <u>\$100.00</u> and mandatory court appearance of licensee	\$5.00	\$100.00
6 th	\$195.00 <u>\$200.00</u> and mandatory court appearance of licensee	\$5.00	\$200.00

All fines after the sixth (6th) violation ~~will remain at one hundred ninety five (\$195.00) dollars plus five (\$5.00) dollars court cost~~ shall require plus a mandatory court appearance of

licensee and all fines imposed shall be at the discretion of the Municipal Judge, which shall not exceed two thousand (\$2,000.00) dollars as stated in Chapter III, Section 3-1. If a period of two (2) years elapses between violations all previous violations will be eliminated from the record.

c. No Change.

5-9 ANIMALS RUNNING AT LARGE. through 5-10 ADOPTION OF ADDITIONAL STATE PROVISIONS.

No Change.

5-11 CATS.

5-11.1 Provisions Relating to Rabies Vaccination of Cats.

a. Vaccination Requirement. through d. Exemptions. No Change.

~~e. Any person who violates or fails or refuses to comply with the provisions of this section shall be liable to a penalty of not less than twenty five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each offense.~~

5-11.2 Feeding Wild (Feral) Cats Prohibited.

The feeding of wild (feral) cats shall be prohibited.

5-11.3 Violations and Penalties.

Any person(s), firm(s) or corporation(s) who violates or neglects to comply with any provisions of this section or any rule or regulation promulgated pursuant thereto, shall be subject to the penalty as stated in Chapter III, Section 3-1.

That Chapter VI, Alcohol Beverage Control, shall be amended to read as follows:

**CHAPTER VI
ALCOHOLIC BEVERAGE CONTROL**

6-1 PURPOSE. through **6-2 DEFINITIONS.** No Change.

6-3 LICENSES.

6-3.1 Laws Applicable. through **6-3.3 License Required.** No Change.

6-3.4 License Fees; Maximum Number.

From and after the effective date hereof the annual fees and maximum number of licenses for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

<u>Class of License</u>	<u>Annual License Fee</u>	<u>Number of Licenses</u>
Plenary Retail Consumption License	\$2,500.00	9
Plenary Retail Distribution License	\$1,411.00 <u>\$1,693.00</u>	2

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer or licenses presently issued.

6-3.5 License Terms. through **6-3.6 Requirement of Obtaining Liquor License Renewal.**

No Change.

That Chapter VII, Traffic, shall be amended to read as follows:

**CHAPTER VII
TRAFFIC**

7-1 WORDS AND PHRASES. through 7-12 VIOLATIONS. No Change.

That Schedule I, No Parking, shall be amended to read as follows:

**SCHEDULE I
NO PARKING**

In accordance with the provisions of subsection 7-3.3, no person shall park a vehicle at any time upon any of the following described streets or parts of streets.

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Allen Street to Avenue of Two Rivers a. East/ b. West	No Change.	
Avenue of Two Rivers South	<u>West</u>	For a distance of 430 feet in a northerly direction from the Shrewsbury River.
	<u>Both</u>	<u>Between its southerly terminus and a point 450 feet northerly therefrom.</u>
Bay Street	No Change.	
Bellevue Avenue	West	Between Rumson road and 600 ft. south of Ridge Road
<u>Bellevue Avenue</u>	<u>West</u>	<u>Between Ridge Road and Auldwood Lane</u>
Bingham Avenue to West River Road	No Change.	

**SCHEDULE IA
PARKING RESTRICTED
LOT ADJACENT TO FIRE COMPANY**

No Change.

That Schedule II, Parking Prohibited Certain Hours, shall be amended to read as follows:

**SCHEDULE II
PARKING PROHIBITED CERTAIN HOURS**

In accordance with the provisions of subsection 7-3.4, no person shall park a vehicle or dumpster between the hours specified upon any of the following described streets, or parts of streets, or Municipal parking lots.

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Months/Location</i>
All Streets	Both	From 3:00 a.m. to 5:00 a.m.	December, January, February and March
Avenue of Two Rivers South	Both	Entire day 24 hours	Between its southerly terminus and a point 450 feet northerly therefrom.
Bellevue Avenue	East	From 8:00 a.m. to 8:30 a.m. and 3:00 p.m. to 3:30 p.m. on school days only	Between North Rohallion Drive and 25 feet south of Ridge Road.
<u>Bellevue Avenue</u>	<u>West</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>From 25 feet north of Ridge Road to Auldwood Lane</u>
<u>Blackpoint Road</u>	<u>North</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>Between East River Road and Forrest Avenue</u>

Forrest Avenue	East	From 7:00 a.m. to 4:00 p.m. <u>3:00 p.m.</u> on school days only	From Ridge Road to a point 150 feet north thereof.
Municipal Parking Lots	Entire Lot	From 3:00 a.m. to 5:00 a.m.	All Municipal lots, owned and leased.
Narumson Street	North	From 8:00 a.m. <u>7:00 a.m.</u> to 6:00 p.m. <u>3:00 p.m.</u> on school days only	Between Park Avenue and Lennox <u>Forrest Avenue.</u>
<u>North Cherry Lane</u>	<u>South</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>From Bingham Avenue to West Cherry Lane</u>
<u>South Cherry Lane</u>	<u>North</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>From Bingham Avenue to West Cherry Lane</u>
<u>West Cherry Lane</u>	<u>East</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>From North Cherry Lane to South Cherry Lane</u>

**SCHEDULE IIA
COMMERCIAL TRUCK, TRACTOR OR TRAILER PARKING
PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**

through

**SCHEDULE III
NO STOPPING OR STANDING**

No Change.

That Schedule IV, Parking Time Limited, shall be amended to read as follows:

**SCHEDULE IV
PARKING TIME LIMITED**

In accordance with the provisions of subsection 7-3.6, no person shall park a vehicle for longer than the time shown on the following described streets or parts of streets.

<i>Name of Street</i>	<i>Side</i>	<i>Time Limit</i>	<i>Hours</i>	<i>Months/Location</i>
Blackpoint Road	South	2 hours	7:00 a.m. to 11:00 a.m. <u>3:00 p.m.</u> on school days <u>only</u>	Between East River Road and Forrest Avenue (Only on school days)
Blossom Road	East	2 hours	7:00 a.m. to 11:00 a.m. <u>3:00 p.m.</u> (<u>on</u> school days only)	Between Ridge Road and Robin Road (September through June).
Carton Street	North	2 hours	9:00 a.m. <u>7:00 a.m.</u> to 9:00 p.m. <u>3:00 p.m.</u> on school days <u>only</u>	From a point approximately 150 feet west of East River Road to a point approxi- mately 150 feet westerly thereof. <u>From East River</u> <u>to Forrest Avenue</u>
Carton Street	North	2 hours	7:00 a.m. to 11:00 a.m. (school days	From Forrest Avenue east two hundred seventy one (271) feet. (September

			only)	through June).
East River Road	North	1/2 hour	8:00 a.m. to 6:00 p.m.	From Parmly Street to a point 260 feet northerly thereof.
West River Road	North	1/2 hour	8:00 a.m. to 6:00 p.m.	Between Washington Street and First Street.

That Schedule IVA, Parking Limited Municipal Parking Lot, shall be amended to read as follows:

**SCHEDULE IVA
PARKING TIME LIMITED
MUNICIPAL PARKING LOT**

In accordance with the provisions of subsection 7-3.6, no person shall park a vehicle for longer than the time limit shown, upon any of the following described Municipal parking lots. No person shall park a vehicle overnight in the entire Municipal parking lot without a lawful purpose.

Where parking stalls are painted in the municipal parking lot, vehicles shall be parked within the painted white lines delineating the parking stall.

<i>Parking Lot</i>	<i>Time Limit</i>	<i>Location</i>
No Change.		

**SCHEDULE V
TRUCKS OVER FOUR TONS**

through

**SCHEDULE XVI
SPEED LIMITS**

No Change.

That Chapter VIII, Building and Housing, shall be amended to read as follows:

**CHAPTER VIII
BUILDING AND HOUSING**

8-1 STATE UNIFORM CONSTRUCTION CODE.

8-1.1 Enforcing Agency Established. through 8-1.2 Smoke Alarm Inspection.

No Change.

8-1.3 Fee Schedule.

The fee for a construction permit shall be the sum of the subcode fees listed in a. through o. hereof and shall be paid before the permit is issued as determined by the construction official.

a. *General.* No Change.

b. *Basic Construction.*

1. New Construction Fees.

(a) New construction in all use groups classification except for signs and structures or buildings and special fees for which volume cannot be computed.

The fee shall be ~~two and fifty three~~ thirty three hundredths (~~\$0.0250~~) (\$0.030) cents per cubic foot of volume of the building or structure.

(b) (1) Residential: ~~Seventy-five~~ Seventy-five (\$75.00) dollars minimum.

(2) Nonresidential: Eighty (\$80.00) dollars minimum.

2. Renovations, alterations, additions, repairs, pre-manufactured construction and minor

work fees.

(a) Additions. The fee shall be ~~one and fifty three~~ three hundredths (~~(\$0.0150)~~ (\$0.030) cents per cubic foot of volume of the addition. The minimum fee shall be ~~seventy-five one hundred~~ (~~\$75.00~~) (\$100.00) dollars residential, one hundred ~~and twenty-five~~ (~~\$100.00~~) (\$125.00) dollars nonresidential.

(b) through (d) No Change.

(e) Minimum fees.

(1) Residential: ~~Fifty Sixty~~ (~~\$50.00~~) (\$60.00) dollars.

(2) Nonresidential fees: One hundred (~~\$100.00~~) and ten dollars (\$110.00) dollars.

3. Special fees. Structures for which volume cannot easily be computed.

(a) Swimming pools.

(1) The fee for the installation of a private inground swimming pool at least 24 inches deep or having a surface area of at least 250 square feet shall be ~~one two~~ hundred (~~\$100.00~~) (\$200.00) dollars.

(2) through (3) No Change.

(4) The fee for the installation of a pool compliant fence shall be seventy-five (\$75.00) dollars.

(b) through (g) No Change.

c. *Fees for Continued Inspection of Equipment Subject to Limitations as Per N.J.A.C. 5:23-2.23(i).*

No Change.

d. *State of New Jersey Training Fees.*

1. This fee shall be in the amount of ~~\$0.00265~~ \$0.00334 per cubic foot volume of new construction. The fee for alterations and renovations shall be calculated based on ~~\$0.00135~~ \$0.00170 per one thousand (\$1,000.00) dollars of estimated cost computed in accordance with N.J.A.C. 5:23-2.28.

e. *Demolition, Removal, or Moving of Buildings and/or Structures.* The fee shall be:

1. Demolition.

(a) through (b) No Change.

(c) All other use groups, buildings or structures: Two hundred fifty (\$250.00) dollars.

~~(d) Selective demolition: The fee shall be fifty (\$50.00) dollars.~~

2. through 3. No Change.

f. *Estimated Costs.* through k. *Certificate of Occupancy per U.C.C.*

No Change.

l. *Plumbing Subcode Fees.*

1. Fixtures and stacks, including but not limited to sinks, urinals, water closets, bathtubs, shower stalls, floor drains, laundry tubs, sump pumps, drinking fountains, hose bibs, water conditioning systems, humidifiers, dishwashers, garbage disposals, clothes washers, and similar devices. The fee shall be ~~ten fifteen~~ (~~\$10.00~~) (\$15.00) dollars each.

2. Hot Water Heaters. The fee shall be:

- (a) Residential: ~~Thirty-five~~ Fifty (~~\$35.00~~) (\$50.00) dollars each.
 - (b) Nonresidential: ~~Fifty~~ Sixty-five (~~\$50.00~~) (\$65.00) dollars each.
3. Oil or Gas Fired Boilers: No Change.
4. Sewer. The fee shall be:
- (a) Residential: ~~Fifty~~ Seventy-five (~~\$50.00~~) (\$75.00) dollars each.
 - (b) Nonresidential: ~~Seventy-five~~ One hundred (~~\$75.00~~) (\$100.00) dollars each.
5. Special devices, etc. through 10. Footing Drains. No Change.
11. Water Service Lines. The fee shall be:
- (a) Residential: ~~Fifty~~ Seventy-five (~~\$50.00~~) (\$75.00) dollars each.
 - (b) Nonresidential: ~~Seventy-five~~ One hundred (~~\$75.00~~) (\$100.00) dollars each.
12. Air Conditioner Condensate Drains. through 13 Cross Connections.
No Change.
14. The minimum plumbing subcode fee shall be:
- (a) Residential: ~~Fifty~~ Sixty (~~\$50.00~~) (\$60.00) dollars.
 - (b) Nonresidential: ~~Sixty~~ Seventy-five (~~\$60.00~~) (\$75.00) dollars.
- m. *Fire Protection Subcode Fees.*
1. New Construction, Renovations, Alterations or Repairs. The minimum fee shall be:
- (a) Residential: ~~Fifty~~ Sixty (~~\$50.00~~) (\$60.00) dollars for each system.
 - (b) Nonresidential: One hundred fifty (\$150.00) dollars for each system.
2. Each gas or oil fired appliances such as furnaces, ranges, stoves and fireplaces not connected to the plumbing system shall be fifty (\$50.00) dollars.
3. Special Fixtures and Equipment.
- (a) through (c) No Change.
 - (d) The fee for the permit and inspection for the installation or removal of above or underground storage tanks shall be:
 - (1) through (3) No Change.
 - (e) through (f) No Change.
 - (g) Fees for smoke and heat detectors:
 - (1) The fee for one to ten detectors shall be ~~forty-five~~ sixty (~~\$45.00~~) (\$60.00) dollars.
 - (2) The fee for 11-20 detectors shall be ~~ninety~~ one hundred twenty (~~\$90.00~~) (\$120.00) dollars.
 - (3) The fee for 21-100 detectors shall be ~~one hundred forty~~ two hundred (~~\$140.00~~) (\$200.00) dollars.
 - (4) The fee for 101-500 detectors shall be ~~two~~ three hundred (~~\$200.00~~) (\$300.00) dollars
 - (5) The fee for over 500 detectors shall be ~~three~~ five hundred (~~\$300.00~~) (\$500.00) dollars.

4. The minimum fire subcode fee shall be:

(a) Residential: ~~Fifty Sixty (\$50.00)~~ (\$60.00) dollars.

(b) Nonresidential: Seventy-five (\$75.00) dollars.

n. *Electrical Subcode Fees.* Required for the installation, removal, alteration and/or replacement of all listed items.

1. Electrical fixtures and devices, including but not limited to lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, smoke detectors and similar fixtures or devices ~~and motors or devices less than one horsepower or one kilowatt~~ and are not listed elsewhere in this schedule and connected to nominal 240/120 VAC, 20 amperes (or less) branch circuits. The fee shall be:

(a) through (b) No Change.

2. Special electrical fixtures and devices for, but not limited to electrical heating, cooling, service conductors, feeders, switches, switchboards, panel boards, motors, control equipment, generators, transformers, smoke detectors, air conditioners, cooling equipment, lighting standards, swimming pools, hot tubs, hydromassage bathtubs, spas, steam baths and similar fixtures and devices. The fee shall be:

(a) Residential steam room, sauna, indoor installation of hot tub, and similar devices: The fee shall be ~~forty-five~~ fifty (\$45.00) (\$50.00) dollars each.

(b) Indoor installations of hydromassage bathtubs ~~(no heating units included):~~ Twenty-~~five~~ (\$20.00) (\$25.00) dollars each.

(c) through (g) No Changes.

NOTE: Use (h) through ~~(k)~~ (m) fees when item is not specifically listed elsewhere.

(h) Each motor or electrical device less than or equal to ten hp; and for each transformer, generator, and device less than or equal to ten kW: The fee shall be ~~fifteen~~ twenty (\$15.00) (\$20.00) dollars each.

(i) Each motor or electrical device greater than ten hp and less than or equal to fifty hp; and for each transformer, generator, and device greater than ten kW and less than or equal to forty-five kW, ~~and each service panel, service entrance, subpanel, or feeder less than or equal to 200 amperes:~~ The fee shall be ~~ninety~~ forty (\$90.00) (\$40.00) dollars each.

(j) Each motor or electrical device greater than 50 hp and less than or equal to 100 hp; and for each transformer, generator, and device greater than 45 kW and less than or equal to 112.5 kW, ~~and for each service entrance, subpanel, or feeder greater than 200 amperes and less than or equal to 1,000 amperes:~~ The fee shall be one hundred (\$100.00) dollars each.

(k) Each motor or electrical device greater than 100 hp; and for each transformer, generator, and each device greater than 112.5 kW; ~~and each service panel, service entrance, subpanel, or feeder greater than 1,000 amperes:~~ The fee shall be five hundred fifty (\$550.00) dollars each.

(l) Service panels, subpanels or components. The fees shall be:

<u>100 amps or less</u>	<u>\$100.00</u>
<u>101 amps – 200 amps</u>	<u>\$150.00</u>
<u>201 amps – 300 amps</u>	<u>\$200.00</u>
<u>301 amps – 400 amps</u>	<u>\$250.00</u>
<u>401 amps or more</u>	<u>\$300.00</u>

(m) Radiant heat (electric): The fee shall be twenty-five (\$25.00) dollars each.

3. through 6. No Change.

7. The minimum fee for a swimming pool or outdoor hot tub, which shall apply only to the swimming pool or the outdoor hot tub portion of the permit, shall be:

(a) Seventy-five (\$75.00) dollars when underwater lighting is not to be used or when fiber optic lighting provides the light source.

(b) Two hundred fifty (\$250.00) dollars when underwater lighting is to be used.

o. *Miscellaneous.* No Change.

8-1.4 Biannual Report: Recommending New Fee Schedule. through 8-1.6 Fire Limits.

No Change.

8-2 UNFIT BUILDINGS. No Change.

8-3 ~~RESERVED.~~ RESIDENTIAL CERTIFICATE OF OCCUPANCY.

8-3 CERTIFICATES OF OCCUPANCY.

8-3.1 Short Title.

The short title of this section shall be known as “An Ordinance Providing for and Requiring the Inspection and Certificates of Occupancy of Rooms, Dwellings, and Apartments Offered for Sale or Rent in the Borough of Rumson.”

8-3.2 Purpose.

The purpose of this section shall be to provide the Borough with a means by which all rooms, dwellings or apartments are subject to inspection and registration by the Borough concerning the existence in particular rooms, dwellings or apartments any zoning, planning, building, health, electrical, sanitary and plumbing ordinance or code violations that may threaten the public health, safety, morals or general welfare of the Borough's citizens. The standard by which all violations will be determined include all pertinent codes and ordinances of the Borough, the State of New Jersey with particular emphasis on the New Jersey Housing Code, or Federal laws and administrative regulations. This section will also afford the Borough adequate supervision to assure that all rooms, dwellings and apartments are habitable to serve as a deterrent to the deterioration of property or properties and premises constructed thereon.

8-3.3 Limitation of Certificates.

The issuance of the appropriate Certificate of Occupancy or other applicable certificates by the Borough does not constitute a certification that the premises' electrical, plumbing, sanitary or heating systems are in A-1 shape and are guaranteed. The Certificate of Occupancy or applicable certificate means that the premises have been checked as a permitted use and have the adequate necessities for suitable human occupancy. It does not guarantee service or future capabilities beyond the date of inspection.

8-3.4 Definitions.

As used in this section:

Apartment shall mean multi-family dwelling adhering to the standards set forth in the Zoning Ordinances of the Borough and amendments thereto, or in the specific variance granting the apartment.

Dwelling unit shall mean a building used as a residence, abode, habitation or any room or combination of rooms containing sleeping, cooking and sanitary facilities intended to provide living accommodations for a family.

Family shall mean one or more persons customarily living together as a single housekeeping unit whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

Inspector shall mean the Building Inspector, Zoning Officer, or Construction Official of the Borough.

8-3.5 Certificate of Occupancy.

a. Required. No persons shall rent, lease or allow any person to live in or occupy as a tenant or owner of any room, dwelling, or the like, unless a Certificate of Occupancy certifies that the room, dwelling, or the like is in compliance with the applicable ordinances, codes, and laws of the Federal, State and Borough indicating such is fit for human habitation.

As exceptions to this paragraph, no Certificate of Occupancy is necessary if: The person renting, etc. and the person rented to are members of the same family.

b. Change of Occupancy Without Certificate of Occupancy; Penalty. No owner of rental properties, agent, real estate agent or broker, firm, company, partnership, corporation, or person shall rent, lease, let, mortgage with right of occupancy or change the occupancy, whether or not for a consideration and whether such change of occupancy be temporary or permanent without obtaining a Certificate of Occupancy. Any dwelling unit, hotel, motel, room, unit, boarding house or premises on which a building is located and used for human occupancy shall not be used unless a Certificate of Occupancy certifies that the building and premises are in compliance with all applicable ordinances of the Borough and any State or Federal law regulations or administrative codes, directives, or the like.

Any contractor who assists or builds a separate dwelling unit within an existing structure without having required the owners to produce proof of any and all appropriate permits, shall be subject to a penalty.

c. Reissuance for Hotels, Boarding Houses, and Apartments; Reinspection. Certificates of Occupancy for hotels, boarding houses, and apartments shall only be required once every twelve (12) months unless requested by the prospective occupancy, or complaints concerning the premises or unit have been received by the Borough, in which case, if a re-inspection of the premises reveals the need for repairs, renovations, alterations or the like, a new Certificate of Occupancy must be issued for the continued use and occupancy of the premises.

d. Reissuance for Other Dwellings; Reinspection. In all other cases, a Certificate of Occupancy once issued shall be valid so long as the occupant to whom the Certificate is issued, is still in possession, except wherein a complaint about the premises is made or a request for re-inspection is made, and an inspection of the premises reveals the need for repairs, renovations, alterations or the like, a new Certificate of Occupancy shall be required for continued use and occupancy.

e. Smoke Detectors; Other Additional Requirements. In addition to the requirements that an application for Certificate of Occupancy establishes that the dwelling unit or apartment meets the standards as noted herein, it shall also be a requirement that each dwelling shall be provided with a minimum of one approved, listed and labeled smoke detector sensing visible or invisible particles of combustion installed in a manner and location consistent with its listing. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling. Each separate dwelling must have a separate heating control. Each dwelling within a building must have a separate entrance and exit. One hundred (100) amps are required and must be provided for each dwelling within a building. The establishment of a separate kitchen facilities constitutes the establishment of a separate dwelling unit.

f. Carbon Monoxide Alarms; Other Additional Requirements. In addition to the Certificate of Occupancy and smoke detector compliance inspections, the property owner shall request and the appropriate Borough official shall make an inspection to confirm that the property has the required carbon monoxide alarm(s). Such inspection shall be done to make certain that the property conforms with N.J.A.C. 5:70-4.19(d) and N.J.A.C. 5:70-2.3, together with any subsequent amendments and supplements thereto. These regulations apply to one- and two-family homes. A carbon monoxide alarm compliance application shall be submitted, and a carbon monoxide alarm inspection certificate obtained, when any one- or two-family home is sold, leased or otherwise made subject to a change of occupancy. The obligation to obtain the same is upon the owner or seller.

g. A Certificate of Occupancy requirement checklist is on file in the Building Department for review prior to an inspection being scheduled.

8-3.6 Application for Certificate of Occupancy.

Application for Certificate of Occupancy shall be in writing to the Construction Official and shall state:

a. The name, address, telephone number and principal place of business of the owner.

b. The name, address, telephone number and principal place of business of tenant, new owner, and/or name and address of the agent of the new tenant or owner where applicable.

- c. A description of the room, dwelling, apartment, or the like by street number or other specific and readily determinable description or otherwise, to enable exact identification for location thereof.
- d. The names, addresses, telephone numbers and principal place of business of the agent, person, association, or corporation, if any appointed, by the owner or management of same.

All applications for Certificates of Occupancy shall be located in the Borough Building Department.

8-3.7 Inspection, Notice and Hearing.

- a. No such vacated room, dwelling, apartment, or the like shall be transferred, rented or occupied by any new tenant or owner until an inspection has been made by the Inspector to determine whether such room, dwelling, apartment or the like is in violation of any of the applicable Federal, State or Municipal laws of the Borough. If no such violation exists, the Inspector shall issue a Certificate of Occupancy. Whenever the Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this section, or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefor.
- b. Such notice shall: 1. be put in writing; 2. include a statement of the reasons why it is being issued; 3. allow a reasonable time for the performance of any act it requires; and 4. be served upon the owner, or his agent, or the occupant as the case may require, provided that such notice or a copy thereof is served upon the owner, agent or occupant personally, or is sent by registered mail to his last known address, or posted in a conspicuous place in or about the dwelling affected by the notice, or served by any other method authorized or required by the State. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this section and with rules and regulations adopted pursuant thereto.
- c. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Hearing Board, which will consist of a Construction Official, the Building Inspector and a Health Official, provided such person shall file in the office of the Borough Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. Upon receipt of such petition, the Borough Clerk shall set a time and place for such hearing and shall give the petitioner written notice thereof.
- d. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the date on which the petition was filed; provided that upon application of the petitioner the Hearing Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.
- e. After such hearing, the Hearing Board shall sustain, modify, or withdraw the notice depending upon its findings as to whether the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the notice is sustained or modified, it shall be deemed to be an order. Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the office of the Borough Clerk within ten (10) days after such notice is served. The proceedings at such hearing, including the findings and decision of the Hearing Board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Borough Clerk. Such record shall also include a copy of every notice or order in connection with the matter.
- f. Any person aggrieved by the decision may seek relief therefrom in any Court of competent jurisdiction, as provided by the laws of the State.
- g. Whenever the Hearing Board finds that an emergency exists which requires immediate action to protect the public health or safety, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Notwithstanding the other provisions of this section such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Hearing Board shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this section and of the rules and regulations adopted pursuant thereto have been complied with, the Hearing Board shall continue such order in effect or modify it, or resolve it.

8-3.8 Posting Certificate of Occupancy.

A Certificate of Occupancy issued pursuant to this section shall be posted in a conspicuous place in a room, dwelling, apartment or the like upon the issuance thereof.

8-3.9 Cost of Inspection.

All applications for a Certificate of Occupancy and the inspection required thereby shall be accompanied by the appropriate filing fee designated to cover the cost of inspection in connection with the aforesaid application, which fee shall be paid upon filing the application and shall not be refundable.

- a. Single-Family Dwellings — one hundred twenty-five (\$125.00) dollars per unit, which fees shall also include rentals of single-family homes. One (1) reinspection shall be included in the basic fee. The second reinspection, as well as any additional reinspections, shall require a fee to be paid in the amount of fifty (\$50.00) dollars.
- b. Apartments or Multi-Family Dwellings — fifty (\$50.00) dollars per unit or apartment. One (1) reinspection shall be included in the basic fee. The second reinspection, as well as any additional reinspections, shall require a fee to be paid in the amount of twenty-five (\$25.00) dollars.

8-3.10 Records.

The Construction Official shall keep detailed records of all applications for Certificates of Occupancy.

8-3.11 New Housing.

- a. No Certificate of Occupancy shall be issued on any construction commenced as a result of receiving final approval until the Borough Engineer shall certify to the Planning Board that all required improvements have been completed.
- b. In the case of a structure with plans for demolition, a Certificate of Occupancy Waiver can be filed with the demolition permit information with the Building Department prior or immediately after closing. This waiver does not require the fee listed in Section 8-3.9.

8-3.12 Violations and Penalties.

- a. Any owner, lessee, lessor, sub-lessee, or sub-lessor, or occupant of premises not having a valid Certificate of Occupancy issued thereby, shall immediately vacate the premises and shall be subject to a penalty as established in Chapter I, Section 3-1 of this Code.
- b. Any person who interferes with the Official or any other person authorized to exercise the powers of this section shall upon conviction in the Municipal Court, be subject to a penalty as established in Chapter I, Section 3-1 of this Code and such action in and penalties imposed by the Municipal Court may be in addition to any other action or proceeding set forth in this section.

8-4 STREET NUMBERS. through 8-5 FENCES.

No Change.

8-6 PROPERTY MAINTENANCE CODE; BASIC MECHANICAL CODE; BASIC FIRE PREVENTION CODE.

8-6.1 Adoption. through 8-6.2 Changes in Codes.

No Change.

8-6.3 Maintenance of Exterior Premises.

The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners. Such maintenance shall include the following:

a. Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.

b. The exterior of every structure, including fences, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or block, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and properties protected from blighting influences. Sidewalks and driveways and/or parking areas shall be maintained in good repair.

8-6.4 Brush, Grass and Weeds.

a. Duties of Owners and Tenants.

1. Brush, Weeds, Debris, etc., Which are a Fire Hazard or Injurious to Public Health or Safety. It shall be the duty of the owner, tenant or person in possession of any lands in the Borough, where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove from such lands brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

2. Grass. Notwithstanding anything to the contrary in paragraph 1 above, it shall be the duty of the owner, tenant or person in possession of any lands in the Borough to keep all grass cut to a height of not more than twelve (12") inches on any property in the Borough.

b. Notice to Owners or Tenants. After an investigation initiated by any complaint of a resident, officer or employee of the Borough relative to a violation of this Chapter, or without receiving a complaint, the Police Department, or Code Enforcement, if the reported conditions are found to exist, a representative of the Police Department or Code Enforcement shall notify the owner, tenant or person in possession of the lands complained of, in writing, either personally or by registered mail, to remove such brush, hedges or other plant life, trees, stumps, roots, obnoxious growth, filth, garbage, trash or other debris within ten (10) days after receipt of the notice. The Code Enforcement Officer shall inspect the lands in question after the ten (10)-day period expires and report, in writing, whether the condition complained of has been abated or remedied.

c. Removal by Borough; Costs Established as Lien. If the owner, tenant or person in possession of the lands in question shall fail to abate the condition complained of within ten (10) days after receipt of the notice, the Borough shall cause the condition complained of to be abated and shall certify the cost to the Council, who shall examine the certificate and, if it is found to be correct, cause the cost as shown thereon to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the lands, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

8-6.5 General Maintenance and Structural Standards.

a. Outside building walls shall not have any holes, loose boards or any broken or missing members or cracked or damaged finish which admits rain, cold air, dampness, rodents, insects and/or vermin.

b. Every building shall be so maintained as to be weather tight, watertight and vermin proof. All exposed surfaces thereof subject to deterioration shall be protected against weathering by a protective coating appropriate for the particular material involved, as needed.

c. Basements, cellars and crawl spaces shall be free of moisture resulting from seepage, and cross-ventilation shall be required where necessary to prevent accumulation of moisture and dampness, shall be paved with stone or concrete not less than four (4") inches thick and shall be maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and/or other hazards.

- d. All parts of the premises shall be maintained so as to prevent infestation.
- e. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance and free from health, safety and fire hazards.
- f. Every roof, roof gutter, flashing, rainwater conductor and roof cornice shall be weather tight, rain tight and vermin proof and shall be kept in good repair.

8-6.6 Notice of Violations.

After inspection or the discovery of violations of this or any chapter of this Code, except as to emergency circumstances, the Enforcement Officer, upon first determining that a violation of this or any chapter of this Code exists, shall issue a written violation notice advising the owner of the property in violation of the following:

- a. Nature of the violation(s), stating applicable Code sections.
- b. A reasonable time, not to exceed thirty (30) days in normal circumstances, and not to exceed ninety (90) days in unusual circumstances, to achieve voluntary compliance.
- c. If this notice is not complied with, then the Borough of Rumson shall issue a summons, to be heard in the Municipal Court of the Borough of Rumson.
- d. A violation notice need not be issued when conditions constitute an emergency and present an eminent or immediate threat of danger to a human life or limb, health, property or the public safety.
- e. Upon evidence of good faith efforts to commence compliance with such notice, the Enforcement Officer may, in his sole discretion, grant a reasonable extension of the time to complete compliance.

8-6.7 Violations and Notice of Abatement.

Whenever the Code Enforcement Officer, Housing Inspector, Fire Official and the Department of Health or their agents or employees determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or any rule or regulation adopted pursuant thereto or under the BOCA National Property Maintenance Code, 1996 Edition, he or she may issue a summons returnable in the Rumson Municipal Court for said violation or violations. In addition thereto, or as an alternative method of remedy, he or she may give notice of abatement of the alleged violation to the person or persons responsible therefor as hereinafter provided. The notice shall:

- a. Be put in writing;
- b. Include a statement of the reasons why it is being issued;
- c. Allow a reasonable time for the performance of any act it requires; and
- d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this State. The notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.

8-6.8 Violations and Penalties.

Unless a different penalty is mandated by State law or regulations duly adopted thereunder, any violation of this Chapter shall result in penalties as follows:

- a. Any person, firm or corporation found guilty in the Municipal Court of the Borough of Rumson of a violation of the terms of this Chapter shall be punishable as provided in Section 3-1.

1. Violations of Grass Height Regulation. The permissible fines for violating the grass height ordinance shall be fifty (\$50.00) dollars for the first offense, one hundred (\$100.00) dollars for the second offense, and between one hundred (\$100.00) dollars and the maximum fine permitted by Section 3-1 for any third or subsequent offense.

b. Except as otherwise provided, each and every day in which a violation of any provision of this Chapter exists shall constitute a separate violation. In addition, each violation of this Chapter shall be considered a separate offense upon each and every day in which a violation exists.

8-7 RENTAL PROPERTY—REGISTRATION REQUIRED.

8-7.1 Purpose.

The purpose of this section is to insure that residential rental units are properly maintained in accordance with the Property Maintenance and related Codes, as well as to protect the property and the health, safety and welfare of Borough residents. To this end, the section shall be liberally construed to assure the provision of decent and safe units of dwelling space.

8-7.2 Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this section, shall have the following meanings:

Agent shall mean the individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this section. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a license real estate broker or salesman of the State of New Jersey if such person is designated by the owner as the owner's agent.

Apartment or dwelling shall mean any apartment, condominium, townhouse, or any room or rooms in any other dwelling unit consisting of one (1) or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office, or the operation of any industry or business, or for any other type of independent use.

Local Enforcing Agency shall mean the Housing Inspector of the Borough of Rumson.

Owner shall mean any person or group of persons, firm, corporation, limited liability company, association, trust, any type of partnership or other entity who owns, operates, exercises control over or is in charge of a rental facility.

Person shall mean an individual, firm, corporation, partnership, association, trust or any other legal entity, or any combination thereof.

Rental facility shall mean every building, group of buildings or a portion thereof which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one (1) or more individuals and is meant to include apartments and apartment complexes.

Rental unit shall mean a dwelling unit which is available for lease or rental purposes and is meant to include a dwelling unit offered for lease or rental, including, but not limited to, one-family homes, two-family homes, three-family homes, etc., as well as individual apartments/condominiums/townhouses located within apartment, condominium or townhouse complexes.

8-7.3 Registration.

Each and every rental unit shall hereafter be registered with the Local Enforcing Agency on forms which shall be provided for that purpose and which shall be obtained from the office of the Local Enforcing Agency.

All registrations shall be renewed and amended within twenty (20) days of any change of ownership of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this section. This registration does not constitute an approval for the use and occupancy of said unit. A Certificate of Occupancy is still required for each unit.

8-7.4 Registration Forms—Filing—Contents.

Every owner of a rental unit shall file with the Local Enforcing Agency of the Borough of Rumson a registration form for each unit contained within a building or structure which shall include the following information:

- a. The name and address of each record owner or owners of the premises and each record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the names and addresses of the registered agent and all corporate officers of said corporation, together with the telephone numbers for each such individual, indicating where such individual may be reached both during the day and evening hours. If the record owner is a limited liability company, the name and address of the person(s) designated in the operating agreement, together with the telephone numbers for such individual(s), indicating where such individual(s) may be reached both during the day and evening hours.
- b. If the address of any record owner is not located in Rumson, the name and address of a person who resides in Monmouth County who is authorized to accept notices from a tenant or a Borough representative and to issue receipts therefor and to accept service of process on behalf of the record owner.
- c. The name and address and telephone numbers of the agent of the premises, indicating where such individual may be reached both during the day and evening hours.
- d. The name and address and telephone numbers, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any. For each such individual, a statement as to where such individual may be reached both during the day and evening hours.
- e. The name, address and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- f. If fuel oil or natural gas is used to heat the building, and the landlord furnishes the heat in the building, the name and address of the fuel oil or natural gas dealer servicing the building.
- g. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan outlining and identifying each room in the unit, including the dimensions and floor location of each room, which shall become part of the application and which shall be attached to the registration form filed with the Local Enforcing Agency. Such floor plan may be hand-drawn, but must include the information required in this subsection.
- h. Such other information as may be required by the Borough.
- i. All addresses must include the full accurate street address. P.O. box and like information does not satisfy this requirement.
- j. The name of every adult tenant of record as to each rental unit. The information contained in the registration form must set forth information for each rental unit within the rental property and must include all adult tenants in each rental unit. This information shall be available only to the Local Enforcing Agency and to emergency service personnel requesting the same in the event of an emergency. This information shall otherwise remain confidential and shall not be available to the public.

8-7.5 Registration Form—Indexing and Filing— Public Inspection Fee.

The Local Enforcing Agency shall file with the Borough Clerk a copy of the registration form, except for the information as to the names of the tenants of record and occupants, which information shall be kept in a confidential file in the office of the Local Enforcing Agency. The Borough Clerk shall index and file the registration forms. In doing so, the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1 as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section.

8-7.6 Amended Registration Form.

Every person required to file a registration form pursuant to this section shall file an amended registration form within twenty (20) days after any change in the information required to be included thereon, unless there has been a change in occupancy, in which case the registration form shall be submitted with the request for a new Certificate of Occupancy.

8-7.7 Inspections.

- a. Rental units shall be inspected by persons or agencies duly authorized by the Borough for inspections. Such inspection(s) shall be for the purpose of determining zoning ordinance compliance and, to the extent applicable, to determine if the rental facility complies with all laws, including the Property Maintenance Code, Uniform Construction Code, Health Code, Housing Code and Fire Code.
- b. Unsatisfactory Inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection under the Codes, the owner or agent shall cause all necessary repairs or corrections to be made within the time prescribed by the applicable code before a Certificate of Occupancy is issued and before any tenant takes occupancy; and, if not made within that time period, the owner shall be deemed in violation of this section, and every day that the violation continues shall constitute a separate and distinct violation subject to the penalty provisions of this section.

8-7.8 Access for Inspections, Repairs, Complaints.

- a. All rental facilities and rental units subject to this section are subject to inspections to determine their condition in order to safeguard the health, safety and welfare of the occupants of such rental facilities and rental units and of the general public. At the time of such inspection, all rooms in the rental facilities and rental units shall be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made between 8:00 a.m. and 8:00 p.m., with the consent of the occupant, who is of legal age to grant such consent, or with an administrative warrant, unless there is reason to believe that a violation exists of a character which is an immediate threat to health or safety, requiring inspection and abatement without delay or where the time taken to apply for and secure the issuance of a warrant would render ineffective the immediate action necessary to abate the condition. Inspection officers shall make reasonable attempts to obtain consent of the occupant prior to application for an administrative warrant.
- b. Every occupant shall give the owner of the rental facility and rental unit access to any part of such rental facility and rental unit in compliance with any prior arrangements for such action the tenant and owner established, including provision of any lease entered into by the parties. Should the parties not have a written lease, or prior agreement regarding such course of action or any written lease is silent regarding such measure, then the tenant shall provide access at all reasonable times for the purpose of making such repairs and alteration as are necessary to effect compliance with the provisions of this section, other Borough ordinances or any lawful order issued pursuant thereto.
- c. Complaints. If a complaint alleging a violation of this section is received by the Borough, the inspecting officer shall use his diligent and best efforts to conduct an inspection as hereinabove provided within ten (10) days of the receipt of the complaint.

8-7.9 Inspection Officers—Identification and Conduct.

- a. Inspection officers shall be supplied with official identification and shall exhibit such identification when entering any rental facility and rental unit or any part of any premises subject to this section. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.
- b. “Inspection officers” shall include the Construction Official, any subcode official within the Construction Department, the Zoning Officer, the Housing Inspector, and any Rumson Police Officer.

8-7.10 Refusal of Entry for Inspection—Use of Search Warrants.

- a. The inspection officer may, upon affidavit, apply to the Judge of the Municipal Court of the Borough for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this section may exist on the premises, including one (1) or more of the following:
 1. The premises require inspection according to the cycle established by the Borough for periodic inspections of premises of the type involved.
 2. Observation of the external condition of the premises and its public areas has resulted in the belief that violations of this section exist.

3. Circumstances such as age of building, type of building, particular use of premises or other factors indicate that inspections of such building are desirable in the interest of public health and safety.
- b. If the Judge of the Municipal Court of the Borough is satisfied as to the matter set forth in such affidavit, he shall authorize the issuance of a search warrant permitting access to an inspection of that part of the premises on which the nuisance or violation may exist. Warrant for access may be issued by the Judge of the Municipal Court upon affidavit of the inspections officer establishing reasonable grounds therefor.
- c. Where the inspection officer or his agent in possession of an administrative warrant is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this section and subject to the penalties hereunder.

8-7.11 Prohibitions on Occupancy.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough of Rumson, unless the rental unit is registered in accordance with this section.

8-7.12 Fees.

At the time of the filing of the registration form, the owner or agent of the owner must pay a registration fee of one hundred (\$100.00) dollars per unit for initial registration and pay a fee of fifty (\$50.00) dollars for any amended registration.

8-7.13 Providing Registration Form to Occupants and Tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this section.

8-7.14 Maximum Number of Occupants—Posting.

- a. The maximum number of occupants shall be posted in a conspicuous area within each rental unit, on a form to be provided by the Borough, by the owner of each rental unit. It shall be unlawful for any person, including the owner, agent or tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep or occupy the rental unit. Any person violating this provision shall be subject to the penalty provisions of this section.
- b. Only those occupants whose names are on file with the Borough as required in this section may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and any person, including the owner, agent or the tenant, allowing a nonregistered party to reside in said premises shall be in violation of this subsection and shall be subject to the penalty provisions of this section.

8-7.15 Occupant(s) Standards.

- a. Occupants. Only those occupants whose names are on file with the Local Enforcing Agency as provided in the ordinance may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.
- b. Nuisance Prohibited. No rental facility shall be conducted or maintained in a manner to constitute a nuisance.
- c. Compliance With Other Laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough and with all applicable State and Federal laws, including, but not limited to, relocation assistance laws.
- d. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of this section.

8-7.16 Violations—Penalties.

- a. Any person who violates any provision of this section shall, upon conviction in the Municipal Court of the Borough of Rumson or such other court having jurisdiction be penalized as follows:
 1. For a first offense: A fine of a minimum of two hundred fifty (\$250.00) dollars to a maximum of five hundred (\$500.00) dollars;

2. For a second offense: A fine of a minimum of five hundred (\$500.00) dollars to a maximum of one thousand (\$1,000.00) dollars and revocation of the Certificate of Occupancy for a period of thirty (30) days;
 3. For a third or subsequent offense: A fine of one thousand five hundred (\$1,500.00) dollars and revocation of the Certificate of Occupancy for a period of ninety (90) days;
 4. For any offense: Any person found to have violated this section shall additionally be subject to imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days. The imposition of a term of imprisonment or a period of community service shall be within the sole discretion of the Court.
- b. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section.
 - c. Any person who is found to have violated this section after having been previously convicted of violating this section shall be sentenced by the Court to an additional fine as a repeat offender pursuant to Subsection 8-7.16a. above.

That Chapter IX, Sewer and Water, shall be amended to read as follows:

**CHAPTER IX
SEWER AND WATER**

9-1 SEWER CONNECTIONS.

9-1.1 Definitions. through **9-1.10 Violations and Penalties.** No Change.

9-2 SEWER SERVICE CHARGES.

9-2.1 Schedule through **9-2.5 Interest.** No Change.

9-2.6 Fees and Guarantees.

a. Commencing January 1, 2009, the following fees and guarantees shall be paid prior to any inspection and issuance of any permit by the Borough:

1. Disconnect fee	\$ 250.00
2. Reconnect fee	\$ 250.00
3. Existing tap connection fee	\$ 600.00
4. New construction connection	\$4,000.00 <u>\$5,200.00</u>

That Chapter X, Parks and Recreation Areas, shall be amended to read as follows:

**CHAPTER X
PARKS AND RECREATION AREAS**

10-1 REGULATIONS FOR PARKS AND PUBLIC RECREATIONAL AREAS.

No Change.

~~10-2 FISHING PROBITED.~~

(Notation: The Existing Section Shall be Deleted in its Entirety and Replaced as Below.)

10-2 RESERVED

10-3 MUFFLERS ON MOTOR BOATS. through **10-4 WATER SCOOTERS AND JET SKIS.**

**CHAPTER XI
SWIMMING POOLS**

through

**CHAPTER XII
CABLE TELEVISION**

No Change.

That Chapter XIII, Streets and Sanitation, shall be amended to read as follows:

**CHAPTER XIII
STREETS AND SANITATION**

13-1 REGULATIONS CONCERNING STREETS. through **13-6 MANDATORY RECYCLING PROGRAM.**

No Change.

13-7 CLEAN COMMUNITIES PROGRAM.

13-7.1 Littering Prohibited. through **13-7.7 Uncovered Vehicles.**

No Change.

13-7.8 Construction Sites.

a. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

b. Any violation of section 13-7.8 shall be fined for each violation as follows:

<u>Offense</u>	<u>Fee</u>
<u>1st</u>	<u>\$ 250</u>
<u>2nd</u>	<u>\$ 500</u>
<u>3 or more violations</u>	<u>\$1,000 plus mandatory court appearance for each</u>

Fines are base on the calendar year and shall be assigned to the building permit holder/contractor. Violations against contractors shall be cumulative, even if they occur on separate sites throughout the Borough.

**CHAPTER XIV
CANADA GEESE**

through

**CHAPTER XV
RESERVED**

No Change.

That Chapter XVI, Environmental Protection, be amended to read as follows:

**CHAPTER XVI
ENVIRONMENTAL PROTECTION**

16-1 TREE PROTECTION. through **16-5 PET WASTE.**

No Change.

16-6 WILDLIFE FEEDING.

16-6.1 Purpose.

The purpose of this section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Rumson or on any other private property, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

16-6.2 Definitions.

For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely direction.

Feed through Person No Change.

Wildlife shall mean all animals that are ~~neither human nor~~ not domesticated and shall include wild (feral) cats; wildlife shall exclude songbirds.

16-6.3 Prohibited Conduct.

~~a.~~ No person shall feed, in any public park or on any other property owned or operated by the Borough of Rumson or on any other private property, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

16-6.4 Enforcement. through 16-6.5 Violations and Penalties.

No Change.

16-7 LITTER CONTROL. through 16-11 PRIVATE STORM DRAIN INLET RETROFITTING.

No Change.

CHAPTER XVII FLOOD DAMAGE PREVENTION ORDINANCE

through

CHAPTER XIX BOROUGH OWNED ISLANDS IN THE SHREWSBURY AND NAVESINK RIVERS

No Change.

That Chapter XX, Fire Prevention, be amended to read as follows:

CHAPTER XX FIRE PREVENTION

20-1 LOCAL ENFORCEMENT. through 20-7 TERM OF OFFICE.

No Change.

20-8 INSPECTIONS AND EMPLOYEES.

Such inspectors and other employees as may be necessary in the Bureau of Fire Prevention shall be appointed by the Mayor and Council of the Borough upon the combined recommendation of the Fire Official, and Construction Official, ~~and the Chief of the Fire Department.~~

20-9 REMOVAL FROM OFFICE.

Inspectors and other employees of the Bureau of Fire Prevention shall be subject to removal by the Mayor and Council for inefficiency and misconduct when such removal is recommended by ~~both~~ the Fire Official, and Fire Chief. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

20-10 BOARD OF APPEALS.

No Change.

20-11 ADDITIONAL REQUIRED INSPECTIONS AND FEES.

In addition to the inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections and fees shall be required for all commercial properties. ÷

- ~~a. Mercantile businesses;~~
- ~~b. Repair shops and service businesses;~~
- ~~c. Business offices (lawyers, doctors and other professional offices, barbershop and insurance offices);~~
- ~~d. All other types of structures and facilities not otherwise described or included in this Section 20-11.~~

All of the ~~above businesses and/or facilities~~ commercial properties shall be subject to an annual inspection with a fee of fifty (\$50.00) dollars per year per location.

20-12 PERMIT FEES.

The permit fees established by the Uniform Fire Code shall apply and are as follows:

Type 1 –	\$ 25.00	<u>\$ 50.00</u>
Type 2 –	\$ 100.00	<u>\$ 175.00</u>
Type 3 –	\$ 200.00	<u>\$ 350.00</u>
Type 4 –	\$ 300.00	<u>\$ 500.00</u>
Type 5 –	\$ 1,000.00	<u>\$ 1,000.00</u>

20-13 PERMITS REQUIRED. through 20-14 INSPECTIONS REQUIRED.

No Change.

**CHAPTER XXI
RESERVED**

SECTION 2

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

This ordinance shall take effect immediately upon final passage and publication according to law.

Councilman Broderick moved the adoption of this ordinance in first 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.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, December 3, 2013 meeting of the Borough Council at 7:30 p.m.

The Municipal Clerk/Administrator advised the public that Ordinance 13-009 G would be posted on the Borough Website tomorrow and published in the *Two River Times* next week in summary form given its length. He added that the public could review the Ordinance following this meeting.

RESOLUTION 2013-1104-159 AUTHORIZING THE REFUND OF THE BALANCE OF A POLICE SECURITY SERVICES FEE TO MATTHEW AND STACY O'NEIL:

2013-1106-159

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE REFUND TO
MATTHEW AND STACY O'NEIL

WHEREAS, Matthew and Stacy O'Neil, % Grant Tani Barash & Altman, LLC, 9100 Wilshire Blvd, Ste 1000W, Beverly Hills, CA 90212 posted \$3,150.00 for 70 hours Police Security Services; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed receipt of \$3,150.00 from Mr. and Mrs. O'Neil; and

WHEREAS, upon confirmation from the Rumson Police Department as to how many hours of services were provided, if any, Helen L. Graves, Chief Finance Officer, recommends a refund be made to Mr. and Mrs. O'Neil, for the remaining balance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Matthew and Stacy O'Neil, % Grant Tani Barash & Altman, LLC, 9100 Wilshire Blvd, Ste 1000W, Beverly Hills, CA 90212 be refunded any unused balance of the pre-paid security services; 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: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2013-1104-160 AUTHORIZING THE REFUND OF THE POLICE TRAFFIC CONTROL SERVICES FEE DOROTHY T. AND MICHAEL P. BAILEY:

2013-1106-160

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE REFUND TO
DOROTHY T. AND MICHAEL P. BAILEY

WHEREAS, Dorothy T. and Michael P. Bailey, 25 Tuxedo Rd, Rumson, NJ 07760 posted \$212.00 for 4 hours Police Traffic Control Services for an event to be held on October 10, 2013; and

WHEREAS, Police Chief Scott Paterson has confirmed that no services were provided by Rumson Officers; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed receipt of \$212.00 from Mr. and Mrs. Bailey and recommends a refund be made to Mr. and Mrs. Bailey in the amount of \$212.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Dorothy T. and Michael P. Bailey, 25 Tuxedo Rd, Rumson, NJ 07760 be refunded \$212.00; and

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

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

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

In the negative: None.

Absent: None.

ANNOUNCEMENTS BY THE MAYOR:

Mayor Ekdahl made the following Announcements:

1. There will be a Veterans' Day Ceremony held in Victory Park on Monday, November 11th at 11:00 a.m. At that time, the names of the Veterans that have been added to the Veterans Monument will be announced. We hope that you will join us.
2. Borough Hall will be closed on Monday, November 11th in observance of Veterans' Day. However, there will be garbage pickup and the Recycling Center will be open.

Thank you for your cooperation.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	2.40	NJ Dept Health/Sr Services
\$	2.40	Animal Control Account
\$	2,730.00	AR Communications
\$	1,568.09	Timothy Kennedy
\$	1,975.00	Modern Group
\$	1,127.90	Global Industrial
\$	7,400.99	Capital Account
\$	14.09	NJ Natural Gas Co
\$	4,706.00	T & M Associates
\$	4,720.09	COAH Trust Fund
\$	4,184.99	JCP&L
\$	31.85	Absolute Fire Protection Co
\$	17,664.64	Allied Oil LLC
\$	500.00	All in One Services
\$	140.00	AR Communications
\$	16.43	Atlantic Plumbing Supply Corp
\$	180.00	Bayshore Fire & Safety LLC
\$	200.00	Blue Star of NJ
\$	3,314.50	Borough of Fair Haven
\$	40.87	James D Boyce Associates
\$	648.00	CA Power Equipment
\$	1,265.00	Central Boiler Repair Co Inc
\$	1,228.39	Central Parts Warehouse
\$	210.00	Certified Speedometer Service
\$	15,597.00	Conner Strong & Buckelew
\$	2,275,328.81	Monmouth County Treasurer
\$	159,392.48	Monmouth County Treasurer (LIB)
\$	120,829.22	Monmouth County Treasurer (OS)
\$	1,208.00	Cross Over Networks
\$	540.99	Electronic Measurement Labs
\$	1,000.00	Enforsys Inc
\$	116.58	F & C Automotive Supply Inc
\$	59.63	FedEx Techconnect Revenue Serv
\$	70.00	Garden State Highway Products
\$	3,647.93	Giordano Halleran & Ciesla
\$	299.75	GVC Chemical Corp
\$	133.25	Hess Corporation
\$	565.66	Industrial/Marine Fabricators
\$	21.95	JB Sales and Service
\$	210.80	Kepwel Natural Spring Water
\$	1,300.00	KKD Enterprises Inc

\$	1,402.97	Lawes
\$	194.46	Lertch Recycling Co Inc
\$	179.00	Life Savers Inc
\$	2,631.30	Marpal Disposal
\$	57.45	Merco Marine inc
\$	544.50	MGL Printing Solutions
\$	202.77	Mid-Atlantic Truck Centre Inc
\$	971.46	Monmouth County Tax Admin
\$	282.00	Municipal Services Inc
\$	184.84	Naylor's Auto Parts
\$	9,068.80	New Jersey American Water
\$	1,439.55	NJ Fire Equipment Co
\$	444.32	NJ Natural Gas Co
\$	79,962.53	State of NJ Pensions/Active
\$	40,987.89	State of NJ Pensions/Retiree
\$	218.00	PEP Express Parts
\$	97.00	PHCC
\$	5,790.00	Pumping Services Inc
\$	1,845.41	Reussille Law Firm LLC
\$	36.12	Thomas S Rogers
\$	2,741,908.68	Rumson Elementary School Dist
\$	2,139,804.60	RFH Regional High School
\$	156.00	Ryser's Landscape Supply
\$	3,600.00	Frederick G Shea
\$	250.00	State Shorthand Reporting Serv
\$	561.80	Staples Advantage
\$	180.93	Stewart Business Systems
\$	105.40	Taylor Fence Co Inc
\$	6,639.01	T & M Associates
\$	170.00	Treasurer State of NJ
\$	15.19	The Two River Times
\$	763.20	Underwriters Laboratories Inc
\$	1,000.00	United States Postage Service
\$	41.90	Up-Tite Fasteners Inc
\$	29.98	Verizon
\$	274.00	West Information Publishing
\$	532.15	Winter Equipment Co
\$	365.20	ZEP Sales & Service
\$	212.00	Dorothy T & Michael P Bailey
\$	48.00	Butch's Auto Car Wash Inc
\$	233.43	Fair Haven Hardware Inc
\$	250.00	Fox Equipment Co
\$	314.50	Naylor's Auto Parts
\$	1,800.00	Ocean Wholesale Nursery LLC
\$	4,200.00	Seasonal Landscapes
\$	84.32	The Two River Times
\$	16.03	George Wall Lincoln
\$	1,178.48	Global Industrial
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\$	7,661,221.89	Current Fund
\$	80.00	Legalized Games of Chance
\$	180.00	Richard Ardolino
\$	71.00	Lawn Doctor
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\$	331.00	Endowment Inc Account
\$	2,240.00	All American Mobile Marine
\$	265.00	Ethan Beacher
\$	450.00	Samuel Jake Chandler
\$	140.00	Mary Conklin
\$	455.00	Daniel J Edwards
\$	545.00	John Deere Landscaping
\$	35.00	Cole Lee
\$	7,884.00	Life Savers Inc
\$	75.00	Theodore Montalbano

\$	220.00	Arleen Mulligan
\$	235.00	Morgan Mulligan
\$	159.45	Nelson Press
\$	442.60	Oriental Trading Company Inc
\$	154.60	Rumson Exxon
\$	50.00	Liam Thomas Swanzey
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\$	13,350.65	Recreation Account
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\$	1,600.00	T & M Associates
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\$	1,600.00	Trust Account
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\$	500.00	Current Fund Appropriations
\$	7,660,721.89	Current Fund Appropriations
\$	2.40	Animal Control Fund Expenses
\$	7,400.99	Capital Fund Disbursements
\$	331.00	Endowment Disbursements
\$	13,350.65	Recreation Disbursements
\$	6,320.09	Trust Fund – Other Expenses
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\$	7,688,627.02	Total Of All Funds

Resolution seconded by Councilman Broderick 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:

Mayor Ekdahl stated the Council, Borough Attorney, Borough Administrator and he had a chance to meet in a closed meeting with two representatives from Oxford House—the gentleman who runs the entire State of New Jersey and the gentleman who is charged with overseeing the local chapter that encompasses two or three counties. He reported that the biggest thing to come out of the meeting was for them to meet with the concerned residents in an open meeting on Tuesday, November 26th at 7:00 p.m. at St. George’s-by-the-River Church, 7 Lincoln Avenue. He advised that no one from the Borough would be in attendance; it was strictly a meeting between Oxford House representatives and the public. He added that the public would be free to ask the representatives any questions they have; in order for it to function as an orderly meeting should, he advised that Jim Sylvester has been asked and agreed to moderate the meeting to give it structure and order. The Mayor stated that he felt it was a great opportunity for all concerned residents to attend and ask all the questions that have been on their minds.

The Mayor afforded the public an opportunity to be heard at this time and the following residents responded:

Jim Sylvester, 22 Washington Avenue; Ann Calvanico, 28 Grant Avenue; Tim McCooey, 22 Buttonwood Lane East; Lee West, 8 Maplewood Avenue; Leslie Warrin, 59 Washington Street; Peter Goodhue, 16 Maplewood Avenue; Bea Mahon, 87 Bingham Avenue; Megan Collard, 3 Shrewsbury Drive; Tom Ridgway, 56 Blackpoint Road; Katie Johnson, 58 South Ward Avenue; Andrew Pederson, 1 Washington Avenue; Joanne Iwama, 19 Maplewood Avenue; Gerri Gussin, 20 Edgewood Road; Jim Azaceta, 70 South Ward; Dave Cahill, 29 Oakes Road; Ed Moran, 65 East River Road; Barbara Russell, 27 Washington Avenue; Jennifer Littman, 69 South Ward Avenue; Ann Marie Littlefield, 22 Grant Avenue; Tom Harmon, 87 South Ward Avenue; Tom Calvanico, 28 Grant Avenue; Chris Cornette, 94 East River Road; Cynthia Peterson, 7 Maplewood; and Maryann Baret, 7 Park Avenue.

Jim Sylvester stated he had been asked by a number of concerned residents to ask the Mayor and Council what has occurred since the last Council meeting and to reiterate their principle concerns with respect to Oxford House rules.

- First he would like to address the comments posed in the Rumson Fair Haven Patch on November 4th and allegedly attributed to the Mayor and Police Chief. He stated personally and on behalf of the members of his group, he wanted to state the enormous respect they have for Police Chief Paterson and the members of the Rumson Police Department. He stated that Chief Paterson's alleged statements in the Patch regarding his disappointment of what he perceives as a lack of sympathy by the community to the death of a young man who was a resident of Oxford House were not warranted. Mr. Sylvester stated that the comments seemed insensitive given that many of the residents present had to explain the tragic death to their young children and witness the sympathy/empathy that the children have over the death of this young man and for the other residents of Oxford House.
- This tragic death was a wakeup call; the residents wanted to make sure that the facility was operating in a lawful and proper manner that provided a safe environment to its residents and the community and that would prevent the death of another son, brother or father.
- He stated that in the same November 4th Patch article the following statement was attributed to Mayor Ekdahl: "The recovery home is not considered a boarding house, but a single-family structure, its members considered family, by law, and is permitted by the Borough and protected by the American Disabilities Act (ADA) laws and state statutes." Mr. Sylvester stated that they believed this statement was legally incorrect and that "as we have previously advised federal and State Courts in New Jersey and other jurisdictions have repeatedly ruled that Oxford House is subject to complying with the zoning process and must comply with all fire, safety, construction and maintenance codes and that they are only eligible for accommodation under the Federal Housing Act if the members of the home meet the definition of handicapped." Mr. Sylvester added that Oxford House has been unwilling to show that its members are handicapped.
- Mr. Sylvester stated that since the last Council meeting two of the residents in the community met with Michael Delvecchio of Oxford House New Jersey to discuss the neighbors' concerns. As a follow up to that meeting, the neighbors requested the following in an e-mail:
 - An independent criminal background check be provided for incoming occupants of the facility; the Oxford House representative had advised that the criminal history of the candidates was discussed in an interview, but no independent investigations were performed on incoming residents.
 - It was agreed that the representatives would report weekly to the community on the status of drug tests of the occupants—the report would not have names of the residents, but the reports would give the number of occupants, the number of drug tests performed that week, the outcome of the tests and the status of any occupants who failed the test.
 - It would be helpful if Oxford House could also verify to the community that the occupants were continuing with their drug and alcohol treatment programs.

Mr. Sylvester stated that the response they received from George Kent, the New Jersey State Coordinator for Oxford House, Inc., was not encouraging—quoting the response as follows: "I was made aware of your meeting with Michael a few days ago and he forwarded me the summary of the meeting. After reading through the requests detailed below, I need to say we respectfully decline all of these." He advised that Mr. Kent stated in his letter that the community residents were spreading rumors and Oxford House needed to protect the privacy of their residents.

Mr. Sylvester stated that the area residents looked forward to the meeting between the area residents and Oxford House scheduled for November 26th, but Mr. Kent's response was unacceptable to our residents. He added that they would like to see that the Borough shared their concerns and would insist on Oxford House's compliance with their requests.

Mr. Sylvester thanked the Mayor and Council.

Councilman Day stated that at the meeting the Mayor and Council had with George Kent and the same concerns had been brought up. He stated that it was important that the area residents meet with Oxford House on November 26th at St. George's Church. Councilman Day stated that he wanted to thank St. George's for hosting the meeting and Mr. Sylvester for acting as the facilitator and added that he was hopeful that progress would be made.

Mayor Ekdahl asked if anyone wanted to be heard at this time and reminded those in attendance that they must come to the microphone to speak and to state their name and address.

Ann Calvanico stated that she thought that the November 26th meeting with Oxford House was a great idea but was concerned that only West Park residents would be attending and wanted know why members of the Council, the Mayor or someone representing the Borough would not be attending the meeting.

Mayor Ekdahl stated that representatives from the Borough would not be attending because of legal reasons, and he felt that the meeting would allow for both sides to be more forthcoming and frank than if Borough representatives were there. He offered the suggestion that a second meeting with Oxford House representatives and the area residents could be arranged with the Mayor and Council in attendance. He stated that we should see how the first meeting goes.

Ms. Calvanico stated that she thought a second meeting would be useful and asked if the Mayor thought that the Oxford House representatives would change their minds when they have absolutely declined to the requests.

Mayor Ekdahl stated that he didn't think they would necessarily change their minds, but he felt that the community residents deserved to ask the Oxford House representatives direct questions and have them free to answer the questions without the oversight of an audio tape running, as we would have to have if it were a formal Borough meeting. In answer to another question from Ms. Calvanico, Mayor Ekdahl stated that November 26th was the earliest that the Oxford House representatives could make themselves available.

In answer to a question regarding who would be representing Oxford House at the meeting, the Municipal Clerk/Administrator reported that Mr. Kent stated that he had spoken to other people who might also attend and that he would let the Borough know prior to the meeting who would be attending.

Tim McCooley asked the same question that he asked at the last Council meeting, if we were working to put ordinances into effect that would prevent this from happening in the future, and he felt that the Council wasn't. He also wanted to know why only people from West Park were being invited to the meeting, because it was really a concern for the entire town.

Mayor Ekdahl stated that the meeting was actually open to all Rumson residents. He added that, in reference to the question about the ordinances, the Ordinance that was introduced at this meeting addressed the issue. The Mayor advised that Ordinance 13-009 G could be read tomorrow in its entirety on the Borough Website, would be published in the Two River Times and the public hearing would be on December 3rd when any resident could comment on it prior to adoption.

Mr. McCooley stated that, it may be hearsay, but he had heard that there was a meeting of the owner of the property and the Borough Council.

Mayor Ekdahl stated that there was no such meeting with the Council. He added that the Borough Attorney and Municipal Clerk/Administrator had met with the owner, Charlie Farkouh, and his attorney, but it was a private meeting between two attorneys and not open to the public. The Mayor stated that the Council had expected the owner to be present at this meeting, but he was not or not yet.

Lee West stated that the owner of the property was building a house next to his on Maplewood Avenue. He stated that he did not want a facility such as Oxford House next to him. Mr. West stated that if the properties couldn't sell or be rented to ordinary families then the owner would rent to a rehab organization and asked how many such facilities the Borough would allow.

Mayor Ekdahl stated that there was no permitting process and if a neighbor wished to rent out the house to such a facility there was nothing the Borough could do about it. However, he stated that the new Ordinance introduced would make it a bit more difficult with the new requirements. The Mayor stated that there was no legal ordinance that would ban such a facility. He added that the Council wasn't as concerned about new construction, which would be too expensive, as they were about homes that have not been fixed up for various reasons—lawsuits, insurance settlements or whatever. The Mayor stated that the Borough had compiled a list of about twenty residences that had been cataloged and were being monitored as a weak spot as potential sites. He added that the point was that we could not monitor the whole town, but we were monitoring the twenty properties that could become such facilities.

In answer to another question by Mr. West, Mayor Ekdahl stated that the Borough had not been aware of the use for 61 South Ward Avenue and the residents had been there a few weeks when the Police Department began getting calls and it was discovered at that time. He added that there was no way to limit the number of facilities in town and that Middletown has eight or ten such facilities; there was no way to prevent it.

Leslie Warrin stated that the Zoning restrictions for the regular homeowner are so strict on what they can and cannot do to improve their homes, yet we have no way to monitor or restrict these facilities. Ms. Warrin wanted to know how the Borough could be so strict on some Zoning issues and micromanage the residents on one level but not be able to do anything about this issue. She suggested that the Borough have ordinances restricting the number of people living in a house that are not related like some other towns have. She wanted to know what the Council was doing to protect the residents from these situations.

Councilman Broderick stated that he thought that Ms. Warrin was confusing Zoning issues that the Borough does have control over and this issue that we have no control over, as was pointed out by the Borough Attorney at the last Council meeting. He added that we could not pass an ordinance prohibiting such facilities and we had to find another way. Councilman Broderick stated that logistically or geographically he didn't think that Rumson was the right place for Oxford House, mainly because of the lack of transportation, with one bus route and no train station or taxi stands in town—not all the residents have cars and they are required to go to work or school. He added that we cannot put an ordinance in place that says that such facilities are not allowed in town, so we have to approach this a bit differently. Councilman Broderick stated that the members of the Council were residents also and shared their concerns, but the town could only hold them accountable for violations as they would any other residents, whether it was parking, certificates of occupation or whatever. He stated that the Ordinance introduced tonight had been in the works long before this issue arose and it had taken a long time to put this Ordinance together; this Ordinance required the owner to tell the Borough who the tenants were, a certificate of occupancy (CO) must be obtained, and some other requirements were included. He added that the Council had not wanted to over regulate because we never had problems; now there was a problem and this was the way to address it.

In answer to a comment from Ms. Warrin, Councilman Broderick stated that the owner of the property plans to sell it at the end of the two-year lease and we are already a few months into it.

Ms. Warrin asked if there was an ordinance stating the number of unrelated people who could live in one house together.

The Municipal Clerk/Administrator stated that other towns and individuals have taken this matter to court over the years and the federal court ruled that a group of people recovering from an addiction were considered to have a disability and if they lived together they were considered a single family under the Americans with Disabilities Act. He added that local towns were limited in what they could do because local ordinances could not trump a federal decision; the order to be followed was federal, state, county then municipality. The Municipal Clerk/Administrator stated that we could have a new certificate of occupancy program to require that every time a house was rented to a new tenant, whether it was to an Oxford House, individuals or family members, a Borough official was going to visit to make sure the house was suitable and met all of the qualifications. In addition, the landlord would be required to provide the Borough with a copy of the lease prior to the tenant moving in so the Borough would have a record of every rental. He added that the Borough had never gone that far, but would be going forward. We cannot discriminate, whether it is individuals or groups and all types of rentals, seasonal or yearly, would be registered with the Borough. The Municipal Clerk/Administrator added that with the new Ordinance when a house sold, the Borough would require a true CO; presently the only requirement at the time of sale was for an inspection to make sure there were working smoke alarms and CO detectors and not check any electrical, plumbing or construction issues. With the new Ordinance prior to the sale of the house, all electrical, plumbing and construction matters would have to be inspected and up to code and sump pumps would be checked to make sure they were not connected to the Borough's sewer system.

The Municipal Clerk/Administrator stated that all the steps outlined above were the things that we could do as a municipality to regulate rentals and private house sales. In answer to a question from Ms. Warrin, he advised that we could only regulate going forward in January with new leases and sales and could not go back to properties already leased or sold.

Councilman Hemphill stated that one of the biggest problems was that the Borough would get the leases after the fact and the homeowner could lease to whomever he wanted—we could monitor it after, but we could not control who it was leased to.

Peter Goodhue stated that he was thankful that the Council was doing the Ordinance with the required CO and rundown properties. He stated that his question was how much rent was Oxford House paying for the facility and was told that the rent was \$3,300 per month.

The Borough Attorney stated that the lease was with Oxford House and not the individuals.

Mr. Goodhue stated that he felt that renting was a good way for the owner to hold the property for two years and didn't know if there was anything that could be done about it.

The Borough Attorney stated that they spoke with Mr. Farkouh and his attorney and they indicated that they were looking at possibly selling the property or giving notice to Oxford House. He added that the property owner's attorney was on vacation this week and not able to give him a report on the options that he was looking into. The Borough Attorney stated that the attorney would reach out to him next week when he returned from vacation and we would find out what kind of progress was being made.

The Municipal Clerk/Administrator stated that it was important to note that proper notice would have to be given to end the lease and that the State protects the tenants, as well as landlords.

Mr. Goodhue stated that if Mr. Farkouh rented the property next to his on Maplewood Avenue to Oxford House, his property value would be lowered.

The Municipal Clerk/Administrator reported that during the meeting with Mr. Farkouh and his attorney, two matters were discussed:

1. make sure that his attorney would review the lease and if there was a way to terminate the lease then they would do that; his attorney said that he would do that
2. we didn't want two years to go by and then he would try to decide what he was going to do and extend the lease, we would rather that he have a plan now to put into action at the end of the lease.

He stated that the Borough's goal was to have the attorney work with Mr. Farkouh to look at the options and be aware of the timeline so it didn't go beyond the two years.

Mr. Goodhue thanked the Municipal Clerk/Administrator for his answer but said it didn't address his problem of Mr. Farkouh renting the property next to him for two years to a facility to wait for property values to go up or whatever.

The Borough Attorney stated that Mr. Farkouh could do that, but he thought that Mr. Farkouh understood from the meeting that it would not be favorably looked upon by the Borough and that Mr. Farkouh had been asked to attend this meeting.

The Municipal Clerk/Administrator stated that he had personally asked Mr. Farkouh to attend and suggested that it would be very helpful if he could state what his plans were going forward. He advised that he had obtained the house plans for Mr. Farkouh's property on Maplewood Avenue.

Mr. Goodhue said that he had also reviewed the house plans and was happy with it as long as a regular family moved in.

The Municipal Clerk/Administrator stated that he wanted everyone from Maplewood Avenue in attendance to know that he had the plans with him at the meeting in case anyone wished to review them.

Bea Mahon asked if the Ordinance for the CO required that there be a certain number of bedrooms for the number of residents with a sketch provided to the town.

Mayor Ekdahl stated that Oxford House had advised that their requirement was that there be no more than two residents per bedroom.

Ms. Mahon stated as a realtor she knew that other towns required that the number of bedrooms be identified with the town so that if the owner tried to add more to be used for bedrooms they would be stopped.

The Borough Attorney stated that the lease with Oxford House limited the number of residents allowed to live there. He said that there will be an application for the CO that will require everything about the house to be described.

The Municipal Clerk/Administrator stated that the application would require the owner to provide a decent sketch. He stated that two separate things would happen with the new Ordinance:

- the first section was the registration of the house as a rental property – the landlord would register the house with the Borough as a rental and list the number of bedrooms and the basic layout
- the second section was when the unit was rented – the landlord would provide the Borough with a copy of the lease and the Building Department would go out to do the inspection and make sure that the rooms listed as bedrooms qualified as such; a bedroom had to be a bedroom and must satisfy the requirements of the building code with a window and a form of egress.

He added that these requirements would tighten up a lot of what Ms. Mahon had pointed out. He stated that he suspected that there were houses in town that had bedrooms in the basement and when the Ordinance became effective, that would no longer be allowed because it didn't have a proper form of egress to allow for exit in a fire. He added that it would affect everyone in the Borough and not only the rentals because we had to treat everyone in the same manner.

Ms. Mahon thanked the Municipal Clerk/Administrator.

Megan Collard stated that she had submitted an OPRA request for the police report for the call at Oxford House on October 13, 2013 when the young man passed away and she had been denied the record. She asked Chief Scott Paterson, who signed the request, why her request had been denied.

Chief Paterson stated that until the ongoing investigation of the death was concluded, nothing would be released. He advised that she could contact the Monmouth County Prosecutor's Office, but again it would be some time before they could be released.

Ms. Collard asked if a crime had been committed on October 13th, and she wasn't sure if the young man's death qualified as a crime, but perhaps paraphernalia on the scene or another person using drugs, would that disqualify Oxford House from being an ADA compliant situation.

Chief Paterson stated that he didn't have an answer for her question.

The Borough Attorney stated that the Oxford House Charter required that the facility comply with their rules and that the residents could not use drugs or drink alcohol. He stated that the situation had been brought to the attention of their National Headquarters, a copy of the letter was provided to Mr. Sylvester, and a follow up letter had been sent to National, but he had not received a response. He added that we have spoken to both the State and local Oxford House representatives and he assumed that National had turned the matter over to the State and local levels and he didn't think that he would hear from National. The Borough Attorney stated that the Charter for the 61 South Ward Avenue Oxford House was with National Headquarters and that it was something to pursue with the Oxford House representatives when they meet with them on November 26th; the Borough would pursue it also; the lease between Mr. Farkouh and Oxford House specifically required that the facility complied with the Charter.

Ms. Collard stated that she understood that they had a preliminary charter.

The Borough Attorney stated that National had been notified of that also.

Councilman Broderick stated that in the meeting with the Oxford House representatives they reported that they performed random drug testing and anyone who failed must leave the facility.

Ms. Collard stated that from her conversation with George Kent, representative from Oxford House, it was her understanding that there was no set schedule for the testing and he had said that at the time of the young man's death a couple other residents tested positive and were made to leave. She stated that her concern was that there was no oversight in the facility.

The Municipal Clerk/Administrator stated that it was not unusual for tests to be conducted randomly. He advised that the Borough employees in the Department of Public Works with

commercial driver's licenses were tested and it was done randomly so they didn't know when the testing would take place.

Ms. Collard stated that she was still concerned that other towns have taken the matter to court to represent the best interest of their residents and she felt that Rumson had grounds with the death and the positive drug tests in the first few months of a new charter for this facility to be taken to court to challenge them legally.

The Municipal Clerk/Administrator and the Borough Attorney agreed that Ms. Collard made a good point and made sense. The Municipal Clerk/Administrator stated that they had discussed the point with Mr. Farkouh and his attorney because the lease was between the owner and Oxford House and had nothing to do with the Borough. He added that the October 13th police report would not drive that, whatever happened would happen whether the Prosecutor released the report or not. The Municipal Clerk/ Administrator stated that, as Police Chief Paterson could attest, when certain things happened in town it went beyond our Detective, who still worked on the case, but it went to the County or State level. He added that some of the information could not be shared until a certain time when it was released.

Chief Paterson stated that there were matters in an investigation that if he told the public they would understand, but he was not at liberty to give out certain information until it was allowed to be released.

Ms. Collard stated that it comforted her to know that if there were criminal activities that took place on that evening or they were no longer in compliance with the Charter and thus not ADA protected, then there were steps to be taken.

Chief Paterson stated that he thought it would be difficult to find a rehab facility where some people didn't relapse even though it was outside of the rules and it was the facility's obligation to put the offenders out of the facility.

Ms. Collard stated that those other facilities might not be ADA compliant or located in single-family neighborhoods; she felt that Oxford House was hiding behind the ADA protection. She stated that in her conversation with Mr. Kent of Oxford House he reported that most of the residents did relapse and it could be their third visit to a facility. She asked if those lapses would they still allow them to be considered under ADA protection and remain in the single-family neighborhoods.

Councilman Broderick stated that Oxford House was a very litigious organization and in the meeting they had answers to every question or comment made by the Borough; they had told us that they thought that the death in the facility would stop the other residents from starting to use drugs again.

Ms. Collard stated that she thought that Oxford House wouldn't be very responsive but that perhaps we could work through the owner, but it no looked that way to her.

Councilman Broderick stated that we have to be creative in handling the matter but also have to be careful not to get the Borough into a lawsuit.

The Municipal Clerk/Administrator agreed that there wasn't one solution and that he was going to help Mr. Farkouh in any way he could to try to figure out how he could cancel his lease. He added that was the reason that he and the Borough Attorney met with Mr. Farkouh and his attorney to see how the Borough could help them. The Municipal Clerk/Administrator stated that the other things we could do were putting ordinances in place to start to correct the situation and also police investigations.

In answer to a question from Ms. Collard, the Municipal Clerk/Administrator stated that at the end of the current two-year lease with Oxford House, Mr. Farkouh would have to file an application for the new lease and at that point we would be able to go in the house for the required inspections. He added that the current lease was with Oxford House and not the individual residents, so he would not be required to put in an application each time residents came or went.

The Municipal Clerk/Administrator stated that we took some of the information from the West Long Branch ordinances for ours, but in the case of their rentals, the lease has the names of the residents or their parents for the rentals to college students. In the 61 South Ward Avenue case, the

lease is with Oxford House and not the residents and the checking account is set up for the facility not for any individuals.

Ms. Collard stated that she appreciated being heard and thanked the Mayor and Council.

Tom Ridgway asked if it would be possible to have an ordinance requiring a property be leased to an individual and not a not-for-profit organization.

The Borough Attorney stated that would abrogate someone's property rights and didn't think it could be done and added that if Mr. Ridgway owned the property to be rented, he wouldn't want that restriction on him. He stated that the Borough has studied this for a long time because this was a restriction on all property owners in the Borough. He added that with this new Ordinance every time a house was sold a CO would have to be obtained and we never had that before—and most of the small towns around here didn't have that. The Borough Attorney stated that before Oxford House arrived, the Borough had conducted a study and a decision had been made to adopt this Ordinance. He added that with the new Ordinance if they didn't pass the inspections, they wouldn't get the CO and could not sell the house.

Mr. Ridgway asked if a house had to qualify with all the physical ADA requirements before such an organization with ADA qualified residents could rent the property.

Councilman Broderick stated that there were different levels of ADA compliance with different requirements.

Mr. Ridgway stated that the renters would already be in the house because they had a lease before the inspections would take place and then it would be difficult to get the renters out.

The Municipal Clerk/Administrator explained to Mr. Ridgway that whether they had signed the lease or not, the renters could not move in without a CO. A person could not move into a house they bought without a CO and renters could not move in until the landlord obtained a CO.

Mr. Ridgway asked if he understood it correctly that if someone needed to rent his house right away he would have to tell him that it might take thirty days before he could move in so and he was told that was correct.

Tim McCooley stated that there have been times that residents have taken someone to court to stop a subdivision or the like that they were against in their neighborhoods, and he was pretty certain that the residents in the South Ward Avenue neighborhood would be willing to do so in this case.

Councilman Broderick stated that the Borough deals with the Counsel on Affordable Housing (COAH) every year collecting fees to purchase affordable housing properties and we have a plan that we file with the State. He stated that by filing that plan and having a plan, those lawsuits that Mr. McCooley cited regarding the subdivisions are prevented. He added that it wasn't because of the people in that neighborhood taking it on themselves, but rather the COAH plan that the Borough has in place that protected against the subdivisions.

Mr. McCooley stated that his point was that if we have individuals in town willing to step up to try to move Oxford House to another town and revoke their charter in Rumson, the majority of the residents would be willing to fight Oxford House in court.

Councilman Rubin stated that if we were given a legal opinion that there was some litigation that we could move against them on a solid basis then the Council would be for that and that we were trying to identify what those remedies might be.

Katie Johnson stated that she lived directly across from 61 South Ward Avenue and had seen a lot of activity in the house beginning on August 1st and had e-mailed the Municipal Clerk/Administrator asking what was going on in the house. She stated that he had answered her e-mail in mid-August and told her it was all good, couldn't touch it and they all came from the same place. She asked if the Council knew at that point that it was a drug and alcohol recovery facility, why hadn't they let the neighbors know so that when they did see suspicious activity, such as the texts that were going back and forth with all the neighbors' comments, they could have stopped this young man's tragic death. She stated that the Borough knew about the facility because Mr. Farkouh had already presented the lease.

The Municipal Clerk/Administrator advised that he had not seen the lease at that time. He stated that when he called Mr. Farkouh to ask him about the lease, he said he would get it to the Borough, but it took him over a month to do so. He stated that he had a copy of the lease and it was a matter of public record now, but there was no one in the house to give him the lease before the Borough did this Ordinance.

The Municipal Clerk/Administrator stated that at the last meeting there had been a question from the residents about bus stops and advised that he had reached out to Forrestdale School and spoke to the Business Administrator. He found out that as a Borough official, he could not request a change, but if a parent called either the School Superintendent or Business Administrator with their concern about a bus stop location something could be done. He advised that they would not change the bus route, but they would move the stop up a block or down a block from its current location. He stated that Superintendent Maryrose Caulfield-Sloan or Administrator Denise Friedmann would be willing to assist and they were also in charge of private school bus pickups.

Andrew Pederson stated that he recently read that the towns of Long Branch and Mantoloking had invoked eminent domain to seize property for projects they wanted to do. He stated that, given the fact that of the storm damage from Hurricane Sandy, he wanted to know if the Council would give consideration to trying to invoke eminent domain and if it would supersede the ADA rules. He also stated that he wondered if the town would give consideration to funding a lawsuit, if required, to a rollback in property taxes in a half-mile radius, or a radius that would be agreeable, based on the fact that the property values have been devalued with the presence of this house, as well as the damage that the neighborhood still suffers from the hurricane.

The Borough Attorney advised that it would not be a rollback, but each property owner would have to file a petition of tax appeal on their own behalf—the deadline had been by April 1st and had been changed to January 15th in Monmouth County, as an experimental county in 2014. He stated that Mr. Pederson should have received a letter from the Tax Assessor with their tax bill indicating that petition of appeal must be filed by January 15, 2014 and appeals would be heard in the spring rather than the end of June as in past years. He stated that we had tax appeals all the time and anyone of the residents in that area could file an appeal, but it had to be done on an individual basis and there was a procedure that had to be followed.

The Municipal Clerk/Administrator advised that about fifty percent of the people who file appeals did them themselves and that it was not difficult to do; the other fifty percent hired a firm to do it.

The Borough Attorney explained that the eminent domain required a town to have a public purpose to seize that particular property—a town could not just take someone's property without a particular purpose.

Mr. Pederson asked if Mr. Farkouh agreed, would it be possible for the town to take over the property under eminent domain.

The Borough Attorney explained that it wouldn't be under eminent domain but the Borough would just purchase the property if the Borough was inclined to purchase it.

The Municipal Clerk/Administrator stated that in this case if it was a single house it would be a sale to the Borough, and if we purchased the house, the lease would transfer with it.

Joanne Iwama wanted to say that she had raised her three children in Rumson and had a wonderful experience living here, but things had changed drastically and something needed to be done. She stated that she sympathized with the residents who lived by the Oxford House and what they were going through. She said in her neighborhood she had lived down the street from a house owned by a Zoning Board member that had been in disrepair for the last fifteen years and she had found out that the house was sold to Mr. Farkouh. She stated that she wondered if that was going to be a second Oxford House. She stated that her neighbors have had problems with the equipment and port-a-john at the construction site, one neighbor had problems with the Zoning Board regarding the repairs to their home after Hurricane Sandy and couldn't get back in the house after a year, and three other houses had been empty and not opened since Sandy. Ms. Iwama wanted to let the Mayor and Council know that the trust was not there any more and it saddened her.

Mayor Ekdahl asked Borough Construction Official Dennis Peras to come forward to shed some light on the subject.

Dennis Peras stated that some of the residents had made some very valid points, including the comment about limiting the number of such facilities that the Borough would allow. He stated that perhaps we should include that in the Ordinance. Mr. Peras stated that the Construction Department had the opportunity to go back into a house each time a new lease was done, whether the lease was with an individual or a corporation, to do the required inspections for the CO. He added that the Construction Department was working on the CO portion of the Ordinance in September of 2012 and then Hurricane Sandy hit and it was put on hold until this year. Mr. Peras stated that the residents could view the Ordinance on the Borough's Website and he would be willing to sit down with anyone who had ideas for any changes.

In regard to the Maplewood Avenue property being used as an Oxford House facility, Mr. Peras stated that the facilities in other New Jersey towns have six (6) to eight (8) people and the new house would not accommodate that number. He added that the Oxford House facilities were "cost share" and for them to consider the Maplewood Avenue house with only six residents would not make sense from the organization's perspective of trying to maximize tenants and keep the cost down.

Mr. Peras stated that he had spoken to Mr. Farkouh and asked him a lot of questions, but stated that he didn't know the use for the South Ward Avenue house until the public knew about it. He had asked him to come to this meeting and was disappointed that he hadn't. Mr. Peras advised that he had spoken with him about the house being built on Maplewood Avenue and Mr. Farkouh had said that it was built on speculation. Mr. Peras told him that he could understand how the neighbors would be concerned; he stated that he did not feel that another Oxford House would be coming there. He added that, with the size of the Oxford House nationwide organization and the money behind it, the money the neighborhood could put up to fight this one house wouldn't stop the next one. He stated we had to think it through with the Borough Attorney and other attorneys and put something in place so that other organizations didn't try to put the same types of facilities in Rumson.

Mr. Peras stated that he understood the public's concern because he would be concerned if his children's bus stop was located in front of such a facility. He stated that everyone should do their due diligence and that he would visit with the officials in Belmar and Bradley Beach to see how they have handled the situation in their towns. He added that although everyone probably opposed, once it was in town they had to deal with it.

Mr. Peras stated that he had told the Municipal Clerk/Administrator that we had to get something in the Borough Ordinances and then we could build on it. He stated that he would welcome any changes or suggestions that the residents might have.

The Municipal Clerk/Administrator stated that he wanted to add that one idea that we had gotten from the Manasquan ordinance was that they required every bed to have a mattress, box spring and frame. He stated that if the Inspectors visited the facility and didn't see that it was set up as a real house with everything required, we would shut it down.

Geri Gussin stated that the death in the facility was tragic, but her concerns were that the local builder in our town had allowed the facility to lease his property, he had built a number of houses in town that she knew had major problems, the builder had purchased a property from someone on the Zoning Board and that she felt this was a huge conflict of interest. Ms. Gussin stated that we should focus our attention on the local builder who she felt was ruining our town.

Jim Azaceta stated that he would like to follow up on Ms. Gussin's comments. He stated that he had paid the builder a lot of money and he had said that he didn't care about the people. Mr. Azaceta stated that he understood that the lease was with Oxford House and asked what the six-month thing was that if there was any use of drugs the lease could be broken.

The Borough Attorney stated that it was not in the lease but was a probation period between Oxford House and the local chapter.

Mr. Gussin stated that we needed to remember that the house was located in West Park, but it was in Rumson and if property values were affected in the neighborhood they would also be affected in the whole town. He stated that the Police Department would need more police officers to handle potential problems and the Construction Department would need more employees to handle the extra work once the Ordinance took effect. He also warned that the builder was a problem for this town.

Mayor Ekdahl stated that he thought the public should ask their questions and that we didn't need statements at this point.

Dave Cahill thanked the Mayor and Council for the 7:00 p.m. meeting start time because 4:30 p.m. made it impossible for many residents to get to the meetings. He stated that he wanted to ask some questions to clear up some things that he had heard regarding the condos across the street from Victory Park that were supposed to include low-income units but did not.

Mayor Ekdahl stated that was not true. There were two units out of the six (one low-income and one moderate-income) that had tenants chosen through a lottery system and had occupied the units for over a year and a half with no issues.

Councilman Broderick stated that the restriction on the units was on the deed and even if they were sold they would remain as low- and moderate-income units.

Mr. Cahill asked how long the Ordinance introduced at this meeting had been on the table.

The Municipal Clerk/Administrator advised that part of it had been discussed prior to Hurricane Sandy; prior to this Ordinance the Inspectors only inspected for the smoke alarms and the CO detectors, as mandated by the State. He stated that when the alarm/detector inspections were done, the Inspectors would walk right past some things that were questionable, but there was no authority to do anything at that time. (It didn't include houses that were purchased and immediately torn down; a waiver would be obtained in those cases.) He stated that the landlord registration portion, which was approximately a third of the Ordinance, was added in the last two weeks.

In answer to a question from Mr. Cahill, the Municipal Clerk/Administrator stated that the recent events had accelerated portions of this Ordinance.

Councilman Rubin stated that the Council had begun ordinance discussions about two years ago.

Councilman Broderick stated that the reason the Ordinance had been introduced tonight was because if it was done at a later date there wouldn't be enough time to publish the Ordinance and hold the public hearing and it would have to be held off until 2014.

The Municipal Clerk/Administrator stated that we could not introduce an ordinance in December and hold the public hearing in January, so each October the Council reviewed the Borough Ordinances to make sure that we included State statute changes and that we had incorporated the changes discussed tonight into that. He advised that the Ordinance would be posted on the Borough Website tomorrow. He added that the necessary modifications to the Development Regulations would be done by ordinance and introduced at the next meeting; then the ordinance would be sent to the Planning Board for their review before the public hearing at a December Council meeting. (The General Ordinances do not have to be reviewed by the Planning Board but the Development Regulations do.)

Mr. Cahill stated that the issues upsetting the residents were more than just the Oxford House facility; there were a number of disconnected issues including someone on the Zoning Board selling property.

Councilman Broderick stated that he wanted to clarify that statement because the lot in question on Maplewood Avenue was owned by Fred André and his sister. He stated that Mr. André was a Borough employee and not a member of the Zoning Board and didn't have the power that the Zoning Board did.

Mr. Cahill stated that he thought the point that someone made earlier was not the sale of the house as much as the state of disrepair that a Borough employee was allowed to continue for a long time. He added that with the Oxford House facility, he wanted to know if it was correct that since the lease was between Mr. Farkouh and Oxford House then the Borough couldn't do anything about it.

The Municipal Clerk/Administrator stated that he and the Borough Attorney met with Mr. Farkouh and his attorney not to tell them what to do but only help them to get there. He said the

objective of the meeting was to make them aware that something had to be done and ask what they planned to do.

In answer to another question from Mr. Cahill, the Borough Attorney stated that the lease between the owner and tenant was a personal matter.

Mr. Cahill stated that the public's perception of the Borough was that the Council hadn't been proactive and asked what they planned to do.

Mayor Ekdahl stated that the Borough had been proactive by holding the private meeting between the Municipal Clerk/Administrator and Borough Attorney and the owner and his attorney, the Council met with the representatives with Oxford House, and the Borough had arranged a meeting on November 26th for all Rumson residents to meet with Oxford House representatives. The Mayor asked Mr. Cahill how he could say we were not being proactive.

Mr. Cahill stated that he was going to commend the Council on the steps that they had taken but wanted to know what additional steps they planned for the future to fight this perception.

Councilman Broderick stated that at the last Council meeting the members of the Council were viewed as being passive or not interested. He stated that they knew it was going to be a difficult meeting and from experience knew that when the members of the Council commented during the public comments it tended to make the people in the audience speak from their seats where the microphones could not pick up what had been said. This made it difficult for the woman typing the minutes to know who was speaking and that was the reason the Mayor would field the questions and direct the discussion. He stated that Mr. Cahill was correct that we were fighting a perception, but there were reasons why the Council did what it did.

He stated that he understood the Council's concerns and that their purpose was to serve the town, but he wanted to know if the Council could set up workshops for the local residents so certain things could be explained, like when it would be the appropriate time to call the Police and when they could file restraining orders. He stated that this would help educate and empower the people to be more proactive in their approach.

Chief Paterson stated that he was available anytime to the residents and had met with many people to discuss the issues and welcomed people to contact him at anytime. He added that Mr. Cahill had covered a lot of things that were important in their own way and that the Department was available to them; he added that if they didn't have the answers, they would get them.

In answer to a question from Mr. Cahill, Chief Paterson stated that, if the residents of Oxford House or anyone was disruptive, the residents should call the Police with their concerns.

In answer to a question from Councilman Broderick, Chief Paterson stated that aside from the tragic death, the complaints regarding Oxford House had been minor. He added that there had been reports of the residents drinking, but the Police could not do anything about adults drinking on private property; they didn't have the authority.

In answer to a question from Mr. Cahill regarding residents challenging property values, the Borough Attorney stated that the letter had been sent from the Borough Tax Assessor advising of the process for tax appeals and the change of the deadline date for the appeals in Monmouth County that had changed to January 15, 2014 beginning this year. He added that if anyone had questions, they should call the Tax Assessor's office right away or you could go to the County website.

In answer to a question from Mr. Cahill, the Municipal Clerk/Administrator stated that the Borough finally became aware that Oxford House had rented the house at 61 South Ward Avenue when Mr. Farkouh finally gave a copy of the lease to him about the third week in September. He added that at the time there was no ordinance that required a landlord to provide that information to the Borough.

Leslie Warrin stated that she was put off by the Mayor not allowing the concerned residents to make statements and only allowing questions.

Mayor Ekdahl stated that he made that statement because two people in a row made statements that amounted to character assassinations, and whether the residents like him or not, he wouldn't allow that.

Ms. Warrin stated that she would think that the Mayor would want to hear the comments of the concerned residents. She stated that the perception that the residents had was that the individual homeowners were treated differently than the builders. Ms. Warrin listed many complaints, including that she had to go online and read a warning on Rumson Patch that there were car break-ins and Rumson residents should lock their vehicles.

Mayor Ekdahl told Ms. Warrin that was not true and asked Chief Paterson how many warnings the Police Department had posted.

Before Chief Paterson could answer Ms. Warrin complained that there were no warnings that there were burglaries in town around the time that her home had been broken into.

Councilwoman DeVoe stated that the Police Department had sent the message about the burglaries on the automatic call system to all residents.

Chief Paterson stated that they had exhausted the limit on the Code Red warning system and had to change to the Nixel system. He added that they had complaints from residents that we had overused the system.

In answer to a comment about the change in Rumson and the Oxford House situation, Councilwoman DeVoe stated that the Mayor and Council were very concerned about the changes that had transpired and the tragic death at Oxford House. She stated that they were frustrated because there was only so much that could be done in a certain period of time. Councilwoman DeVoe stated that the Mayor and Council understood the concerns of the residents in West Park, but everyone must be patient; it was being worked on, but it would take time to get it straightened out.

Ed Moran stated that he wondered if it could be added to the Ordinance that if a landlord rented to a higher risk group that could potentially put greater stress on the Police Department and Emergency Services, such as Oxford House, the landlord would be required to notify the Borough; and if they didn't the Borough would have the authority to terminate the lease and remove the occupant. Mr. Moran stated that it wouldn't just be Oxford House but could also be other types of rehab facilities that could put the Police and emergency crews into dangerous situations that they would not otherwise be aware of.

The Borough Attorney stated that with the new Ordinance the Borough would be getting a copy of the lease with the tenants' names and asked if that wouldn't be sufficient.

Mr. Moran stated that if it was an LLC for example, it wouldn't include the use of the facility and potential danger.

The Borough Attorney stated that he would check the Ordinance, but he thought that it required that the use be noted on the lease.

The Municipal Clerk/Administrator agreed that it was included in the Ordinance and added that the information we would require was a combination of several towns' versions and very detailed, even including such things as what type of fuel they used and their supplier. He stated that there was a great deal of information required of the landlord for their registration and tenants.

Mr. Moran requested that it be included that the Borough would have the authority to bypass the landlord and terminate that lease if a higher risk renter blindsided us with its use.

The Municipal Clerk/Administrator stated that he understood what Mr. Moran was saying.

Councilman Day asked if Mr. Moran had access to a lease that had that terminology to help us define ours, and Mr. Moran stated that he did not.

The Municipal Clerk/Administrator read a section of the Ordinance that stated what detailed contact information was required on the registration and stated that he would add the information that Mr. Moran had requested about the termination of the lease due to certain violations.

Barbara Russell asked if 61 South Ward Avenue had been inspected to determine how solid it was at its foundation because of the many times that it had flooded over the years.

Dennis Peras stated in the aftermath of Hurricane Sandy he had conducted the electrical inspections in West Park but he would have to check the file on the property to see what other inspections had been conducted and when.

In answer to a comment by Ms. Russell, Mr. Peras stated that he has always prided himself on the fact that he treated everyone the same whether it was an inspection for a \$150,000 house or a \$3.5 million estate. He added that he had patience for the homeowners, but not so much for the builders.

Ms. Russell stated that she wondered if we could get stricter with the new wave of builders that have come to town.

Jennifer Littman stated that she knew that the current lease for 61 South Ward Avenue did not come under this Ordinance but asked if Mr. Farkouh would have to abide by it when the lease was up in two years, and the Municipal Clerk/Administrator stated that he would.

Lee West asked if the owner got any kind of tax break for a certain number of years for renting to Oxford House, and the Municipal Clerk/Administrator advised that they did not.

Bea Mahon asked if the Borough knew if the owner sought out Oxford House or if Oxford House sought him out; the Borough Attorney stated that question was in dispute.

The Municipal Clerk/Administrator stated that what he could say based on the lease, because it was public record, was that the lease stated that two realtors received payment for the rental of the property. He added that the property had been multiple listed and Oxford House had told the Borough that they had a few realtors that they worked with as a corporation to look for properties that were usually six or more bedrooms.

Bea Mahon stated that she was aware that the cause of death of the young man at Oxford House had not been determined yet, but she understood that it had been established that others had used drugs in the house. She asked what the distance was prohibiting drug use in a school's proximity.

Chief Paterson stated that because the drug tests were done by Oxford House, it was not something that the Police could access.

Bea Mahon stated that if the residents in West Park remain patient that the residents might be caught using or distributing drugs and then they would have a good case.

Ann Marie Littlefield stated that she had reviewed ordinances for rentals in other towns and found that they had a fine system for the landlord; after a certain number of complaints to the police about the tenants, the landlords were fined. She suggested that we add that to our Ordinance.

The Municipal Clerk/Administrator stated that they were referred to as "Animal House Ordinances" and that they were seen mainly in shore towns and required repeat offenses in a calendar year. He added that the Borough looked into such an ordinance, but he couldn't find the right verbiage to include in this Ordinance. He stated that we would try to do that.

The Borough Attorney stated that we would probably want to do that as a separate ordinance.

The Municipal Clerk/Administrator advised that the ordinance would have to specify what would qualify as an issue and most would be quality of life issues.

Ms. Littlefield stated that the residents should be protected by such an ordinance and not be put in the position of calling the police all the time.

Tim Harmon thanked Dennis Peras for all his hard work following Hurricane Sandy. He asked the Borough Attorney for his opinion as to whether the Borough would be legally entitled to question if the house was in fact ADA compliant and determine such beyond self-certification.

The Borough Attorney stated that he would check on that certification. He added that they were protected by Supreme Court decisions, if in fact they meet the criteria, and that was one reason the Council was meeting with the Oxford House representatives.

Mr. Harmon asked if the no overnight parking on the street rules were in effect again this year.

The Municipal Clerk/Administrator stated that they were and it would begin on December 1st. He added that last year it was suspended throughout the Borough because of Hurricane Sandy, but this year it would apply to all residents even if they have dumpsters or construction equipment on the property.

Tom Calvanico asked who was the legal entity to be responsible for the Oxford House residents should the landlord need to contact them.

The Borough Attorney stated that it was 61 South Ward Avenue and the signature was illegible on the lease.

The Municipal Clerk/Administrator stated that when they met with the Oxford House representatives they said that they recognized that this had been somewhat of a disaster. He added that one of the ways that they felt they could respond to the community's concerns was to put one of their managers, who was not in the recovery program, into the home to help manage the process. He stated that a good question for the residents to ask Oxford House in the November 26th meeting would be how long they planned to have the manager in residence. He stated that they also committed to increasing the frequency of the area managers visits to the site to multiple days from just each Thursday.

The Borough Attorney stated that the Oxford House organization didn't normally have someone living onsite; the concept was self-regulating. He added that in this particular case they recognized that there were many problems and the gentleman would be there as long as necessary.

Chris Cornette wondered why the name on the lease wasn't the person living there as was usually the case on a lease.

The Borough Attorney stated that it appeared to be a corporation in this case.

In answer to another question by Mr. Cornette, the Municipal Clerk/Administrator stated that he was not allowed to have boarders in his home.

Mr. Cornette asked why Oxford House was different than someone taking on boarders.

The Borough Attorney stated that the residents of Oxford House were not boarders but were recovering addicts, had to meet certain criteria, be approved by Oxford House and then new people had to be interviewed and approved by the people already in the facility.

Councilman Broderick stated that they had been ruled as a family and not designated as boarders.

The Borough Attorney stated that it was the way that Oxford House, Inc. was set up internationally and it wasn't just to get around the Rumson ordinance against boarding houses. In answer to another question from Mr. Cornette regarding what would stop other builders from doing the same thing until we have ten or more facilities in Rumson, the Borough Attorney stated that if you looked at the list of Oxford House facilities in New Jersey, they were of a certain size to accommodate a certain number of beds, they were in an area that had a need and had access to transportation to get to work if they didn't have a car.

Mayor Ekdahl stated that we were doing this Ordinance to try to prevent that from happening. He added that if someone was absolutely determined to have another house here, then they could get away with it, because we could not have an ordinance that absolutely forbade it.

In answer to a question from Mr. Cornette, the Municipal Clerk/Administrator advised that in the meeting with Oxford House they had explained that the residents paid a certain amount each week and it went into the bank account to pay the bills; if a tenant fell behind more than two weeks he was put out of the house.

Councilwoman DeVoe stated that the location for the houses were chosen for their accessibility to transportation to their jobs.

In response to a statement made by Mr. Cornette, the Borough Attorney stated that the Borough couldn't just say that Oxford House couldn't have a facility in Rumson and let them sue us, because they could sue the Borough for damages and discrimination. He added that was the reason we were being cautious.

Jim Sylvester stated that the difference and protection of the Oxford House facility was established by federal courts.

Cynthia Peterson requested a definition of exactly what Oxford House was because she had heard different terminologies; when she called Oxford House they used the term "transitional housing" to get the people back in the workforce and out on their own. She added that she had heard the terms "recovery house" and "treatment house" used and there was a big difference.

The Borough Attorney stated that the first description that she got from Oxford House was what they envision it to be. He added that the way it was supposed to work was that the residents came to Oxford House after they were clean and sober.

Ms. Peterson stated that it was her understanding that under the ADA there were additional guidelines beyond what the Borough required for their housing codes and that this should be checked and perhaps could be another tool to have them removed.

The Municipal Clerk/Administrator stated that public buildings had to meet all the ADA requirements, but 61 South Ward Avenue was a private house with different requirements. He added that safety requirements would fall under the building category that would be covered by the CO requirement.

Mayor Ekdahl stated that the date for the public hearing on Ordinance 13-009 G was Tuesday, December 3rd at 7:30 p.m. and all were welcome to come to weigh in on it before it got approved. He stated that the full ordinance would be on the Borough Website tomorrow and they could contact the Borough with any questions or comments. He also reminded everyone of the meeting for the residents with the representatives of Oxford House on Tuesday, November 26th at 7:00 p.m. at St. George's Church with Jim Sylvester to monitor the meeting.

Councilwoman DeVoe stated she urged everyone to prepare questions for the meeting.

Maryann Baret asked if the residents would have the opportunity to prepare questions to give the Oxford House representatives prior to the November 26th meeting.

Many of the other residents stated their objection to Ms. Baret's suggestion.

Mayor Ekdahl thanked everyone for attending the meeting and hoped that a lot of their questions were answered. He added that for those who gave the Council positive input, he thanked them for their suggestions.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 9:20 p.m. All in favor.

Respectfully submitted,

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