

**Borough of Roosevelt
33 N. Rochdale Avenue
Roosevelt, NJ 08555**

**Mayor and Council
Special Meeting Minutes of January 12, 2017 at 7:00 p.m.**

The meeting was called to order by Mayor Ellentuck at 7:00 p.m. and he read the Open Public Meetings Act statement which stated, “Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 9, 2017, which was posted on the Bulletin Board at the Roosevelt Post Office and in the Borough Hall. The notice was published in The Times and Asbury Park Press.”

Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bonna</i>	✓	
<i>Councilmember Hamilton</i>	✓	
<i>Councilmember Lipoti</i>	✓	
<i>Councilmember Malkin</i>	✓	
<i>Councilmember Ticktin</i>	✓	
<i>Councilmember Trammell</i>	✓	
<i>Mayor Ellentuck</i>	✓	

Also in attendance: Roger McLaughlin, Borough Attorney, Kelly Tyers, Deputy Clerk, Kathleen Hart, Municipal Clerk.

Mayor’s Report: Mayor Ellentuck stated that this is a Special Meeting. The only discussion can be the language of the Resolution and Referendum Question.

RESOLUTION:

Resolution 17-29: Resolution Of The Borough Council Of The Borough Of Roosevelt, County Of Monmouth, State Of New Jersey, Setting The Polling Times And The Referendum Question To Be Put To The Voters In Accordance With N.J.S.A. 40:49-10 And Borough Council Resolution 17-26

Mayor Ellentuck asked if Council would like to discuss. Councilmember Hamilton discussed the wording of the Resolution and read into the record N.J.S.A 40:49-10 (see attached) and stated that the statute is very specific and drafted a resolution (see attached) that was specific to the law. He would like the Council to discuss both Resolutions. Borough Attorney stated that Councilmember Hamilton is correct and that both resolutions are framed that way. There is case law that make it clear to include an interpretive statement, be neutral in content and explain what the question is about. The law permits an interpretive statement but not required. Resolution 17-29 certainly is neutral and simple as it can get. Mayor Ellentuck stated that the language is the same and distributed a sample ballot from the last special election. Councilmember Ticktin would like 4 bay removed from the interpretive statement. The Council discussed in detail. Councilmember Lipoti stated that the date was incorrect on the Resolution 17-29 under Public Question. The correct date is December 7, 2016.

On a motion by Councilmember Lipoti, second by Councilmember Ticktin, to change the date under Public Question to December 7, 2016.

Roll Call:

AYES: Bonna, Hamilton, Lipoti, Malkin, Ticktin, Trammell
 NAYS: None
 ABSTAIN: None
 ABSENT: None

On a motion by Councilmember Ticktin, second by Councilmember Trammell, remove the words 4 bay from the interpretive statement.

Roll Call:

AYES: Hamilton, Malkin, Ticktin, Trammell
 NAYS: Lipoti
 ABSTAIN: Bonna
 ABSENT: None

On a motion by Councilmember Lipoti, second by Councilmember Ticktin, to approve Resolution 17-29 with changes.

Roll Call:

AYES: Bonna, Lipoti, Ticktin, Mayor Ellentuck (broke the tie)
 NAYS: Hamilton, Malkin, Trammell
 ABSTAIN: None
 ABSENT: None

PUBLIC COMMENT:

Maureen Parrott, 12 Tamara Drive – Would like to know what the case law is to change the statue.

Steve Yeager, 3 Lake Drive – Tired of the Council going back and forth and would like this issue to end with one final referendum for the public to vote yes or no.

Councilmember Tickin moved to adjourn at 7:25 p.m., Councilmember Bonna second. All ayes.

Respectfully Submitted,

Kathleen Hart, Borough Clerk

Adopted Date: February 27, 2017