

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

**Mayor and Council
Regular Meeting Minutes of June 12, 2017 @ 7:00 PM**

Mayor Ellentuck opened the meeting at 7:01 p.m. and 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 3, 2017, which was posted on the Bulletin Board at the Roosevelt Post Office, on the Bulletin Board in 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: Richard Shaklee, Borough Attorney, George Lang, CFO, Kathleen Hart, Borough Clerk, Kelly Tyers, Deputy Clerk

MAYOR’S REPORT:

- Primary election went well; 3 candidates running in November for 2 seats on the Council
- RPS 80th Graduation and Reunion was a success
- Thanked Councilmember Lipoti and Kelly for flushing hydrants prior to Graduation/ Reunion due to brown water caused by a backwash on Friday night
- School evacuation drill was successful
- The June 26 council meeting has been cancelled

APPROVAL OF MINUTES: April 24, 2017 Regular Meeting

On a motion by C/Ticktin, second by C/Lipoti the April 24, 2017 minutes were approved by the following vote:

Roll Call:

AYES: C/Bonna, C/Lipoti, C/Malkin, C/Ticktin, C/Trammell

NAYS: None
ABSTAIN: C/Hamilton
ABSENT: None

PUBLIC COMMENT FOR CONSENT AGENDA: None

CONSENT AGENDA:

C/Hamilton pulled Resolution 17-84 Payment of Bills to Other Resolutions for separate discussion.

Resolution 17-81: Adjusting Salaries of Certain Roosevelt Borough Employees

Resolution 17-82: Adopting an Environmental Preferable Purchasing Policy to Commit to Purchasing Green Cleaning Products for Borough Hall

Resolution 17-83: Authorizing Temporary Emergency Appropriations #6

On a motion by C/Ticktin, second by C/Bonna Lipoti the Consent Agenda, without Resolution 17-84, was approved by the following vote:

Roll Call:

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

OTHER RESOLUTIONS:

Resolution 17-84: Payment of Bills

Discussion regarding Resolution 17-84 by the Council:

- Councilmember Hamilton questioned the Attorney bills and would like to review with the Attorney right after the meeting.
- Councilmember Lipoti and Mayor Ellentuck said there are additional expenses on the payment of bills regarding two resolutions that were passed at the May 22, 2017 Council meeting. Resolution 17-74 & 17-78 now exceed the amounts that were set forth. Mayor Ellentuck stated that we are now in a conundrum. Expenditures were spent without authorization and appropriations. Councilmember Lipoti stated that the resolutions would have to be amended.
- George Lang, CFO, stated that there is \$1,500.00 in the proposed budget for the July 4th celebration and he can certify the additional funds. Councilmember Malkin stated it was not brought to her attention beforehand, she is only the liaison to the Recreation Department and stated Eric does not need to ask for approval.

Mayor Ellentuck asked for a motion to approve payment for: \$625 for the party rental, \$400 for the magic show and \$300 for tent rental, totaling \$1,325.00 for Fourth of July.

On a motion by C/Ticktin, second by C/Malkin to approve payment by the following vote:

Roll Call:

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

Mayor Ellentuck opened the discussion for music night. Resolution 17-78 authorized expenses up to \$500 which exceeded the amount by an additional \$370.

- Councilmember Malkin asked if we can amend the resolution. There was approximately 100 or 110 people at \$8 per person. We don't offer a lot of programs in town for the young people.
- Councilmember Bonna asked why it is ok to amend some bills and not others.
- Councilmember Malkin said not to make this personal. Eric felt comfortable with going ahead with the music night.
- Mayor Ellentuck said it is the same issues with the engineer bills. It was authorized but not appropriated.
- Councilmember Hamilton asked for a Point of Order, we are not discussing engineering bills and if there is no appropriations for music night, then don't pay.
- Councilmember Ticktin said if the CFO certifies the funds then he has no issue with paying the vendors.
- George Lang, CFO will certify the funds for Resolution 17-78 by increasing the amount to \$870.00.

Mayor Ellentuck asked for a motion to approve payment for: \$400 and \$300 for the bands and \$170 for pizza, totaling \$870.00 for Music Night.

On a motion by C/Ticktin, second by C/Malkin to approve payment by the following vote:

Roll Call:

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

Mayor Ellentuck questioned the \$500.00 payment to the Borough Bulletin. Councilmember Hamilton said the money comes from the clean communities grant.

Resolution 17-84: Payment of Bills

On a motion by C/Bonna, second by C/Lipoti Resolution 17-84 was approved by the following vote:

Roll Call:

AYES: C/Bonna, C/Hamilton, C/Lipoti, C/Malkin, C/Ticktin, C/Trammell

NAYS: None

ABSTAIN: None

ABSENT: None

OTHER RESOLUTIONS:

Resolution 17-85 Resolution to Deny Request for Waiver of Water/Sewer Overage Charges in the Amount of \$72.00 for 7 School Lane

Mayor Ellentuck asked for discussion:

- Councilmember Trammel said Mr. Kragen asked him to go to the sewer plant with him to discuss this issue with Toby. Toby said the meter was tampered with and Mr. Kragen stated he did not do it. Councilmember Trammell would like to allow the request for the waiver so Mr. Kragen does not have to pay the \$72.00.
- Mayor Ellentuck spoke to Toby regarding the following:
 - The conversation Mr. Kragen described in detail never happened. Toby told Mr. Kragen he could not speak to him as he was in Church preaching at the time.
 - The reason why the meter had to be replaced on the homeowner's side was because it was cracked due to multiple times the homeowner turned the valve on and off. Water would then come thru creating a vacuum, filling the pit with muddy infected water, which constituted an emergency.
- Mayor Ellentuck continued to say that the Borough Ordinance states those expenses on the Borough side to the meter is the responsibility of the Borough and anything from the meter up to the house is the homeowner's responsibility. There was a strong push not only to deny the \$72 but to pass on the cost on the far side of the meter totaling \$900 to the homeowner, which is standard practice. In light of this dispute, I think "middle ground" is appropriate; \$72 against \$900.
- Councilmember Malkin asked if there can be something in writing from Toby prior to making a decision.
- Councilmember Lipoti presented an email from Toby dated May 18, 2017 and proceeded to read the email regarding the issues at 7 School Lane. (See attached).
- Councilmember Hamilton asked if the meter was functioning properly and if it wasn't functioning properly, then we need to pay the overage charge. Mayor Ellentuck stated the meter was fine and explained in more detail the reasons.

On a motion by C/Lipoti, second by C/Malkin Resolution 17-85 was approved by the following vote:

Roll Call:

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

Resolution 17-86: Introduction 2017 Municipal Budget

On a motion by C/Malkin, second by C/Ticktin, Resolution 17-86 was approved by the following vote:

Roll Call:

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

Second Reading and Public Hearing to be held on July 10, 2017 at 7:00 p.m. at the Roosevelt Borough Hall, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

C/Hamilton asked if budget would be available for the public. Mayor Ellentuck stated that the budget would be available for the public and posted on the Borough's website.

Resolution 17-87: Resolution Authorizing Effluent Pump Repair to Rapid Pump and Meter Service Co., Inc. to Perform Pump Repairs at the Roosevelt Sewage Treatment Plant

On a motion by C/Lipoti, second by C/Bonna, Resolution 17-87 was approved by the following vote:

Roll Call:

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

ORDINANCES:

2017-004 SECOND READING AND PUBLIC HEARING
AN ORDINANCE OF THE BOROUGH OF ROOSEVELT AMENDING AND SUPPLEMENTING CHAPTER 7 "VEHICLES AND TRAFFIC", SECTION 7-10 REGARDING PARKING ON HOMESTEAD LANE

Mayor open up the public hearing at 7:42 p.m.
No Public Comment
Mayor Ellentuck closes the public hearing at 7:42 p.m.

On a motion by C/Hamilton, second by C/Malkin, Ordinance 2017-004 was approved by the following vote:

Roll Call:

AYES: C/Bonna, C/Hamilton, C/Lipoti, C/Malkin, C/Ticktin, C/Trammell

NAYS: None

ABSTAIN: None

ABSENT: None

REPORTS OF COMMITTEE CHAIRS:

C/Hamilton, Public Works:

- Received 3 quotes for full roof replacement at Borough Hall. C/Trammell asked if quotes include removing columns in the First Aid. Council discussed and the Borough Engineer, Carmela Roberts will be called to give estimate to raise roof, remove supports and new ventilation system.
- Several trees have come down on Eleanor and Allen Tree Service was called.
- New vendor is doing a good job maintaining the public lands.

C/Ticktin, Community Dev/Code/Senior Rep.:

- New bulletin board installed. Thanked to Dave Curtis, John Ord, Sharyn Waltz, Joe Trammel. Fund for Roosevelt will be reimbursing the costs
- School graduation was held and the great granddaughter of President Roosevelt was in attendance.

C/Bonna, Administration/Environmental Rep.:

- The job descriptions are still in the works.
- Forest Management Council approved the plan and will submit.
- Stream monitoring will be June 17, 2017.
- Invasive Species Committee, along with volunteers, planted 300 native plants at the Pocket Park on June 3rd.
- Trails - maintenance on the wooden platforms continues.
- Environmental Commission will have a table at the 4th of July celebration.
- Borough staff is doing a great job and hopes everyone appreciates.

Richard Shaklee, Borough Attorney: No Report

C/Malkin, Finance/Planning Board Rep.:

- Finance has been working on the budget.
- Planning Board working on some future projects to the master plan. Welcomes all to attend.
- Continue to work on the 4th of July celebration. Any volunteers are welcomed. Would like the 1st Aid squad to participate in the parade along with Millstone Twp. Fire Department.

- Congratulates Joe Trammell and Maureen Parrot for winning the Primary Election. Mayor Ellentuck stated the Danny Archer will also be running for Council.

C/Lipoti, Utilities:

- Sustainable Jersey preliminary report was submitted. Thanked Sharon and Eitan for their help.
- Sewer treatment plant has had a number of issues. Council voted tonight on repair of one of the pumps, replacement of the sodium hypochlorite tanks; tanks stands will be ready in the next two weeks. May need to get 1 55 gal. drum delivered prior to completion. Valves at the base of the settling tank are not holding. Sludge is going septic and is rising in the tank, which clogged the overflow line. Need to repair valves. Auger has been clogged with WIPES and will be taken off site tomorrow for repair. Muffin Monster breaks up the toilet paper and wipes. Wipes are a big problem with sewer treatment plants. C/Malkin suggest sending another reminder about wipes. C/Lipoti stated that a reminder is on every bill that is sent out but will send a separate reminder out. C/Hamilton asked if the system needs to be redesigned. C/Lipoti stated that the auger is not good for the system; Toby recommends the rake.

C/Trammell, Envi, Health & Safety: No Report

REPORTS OF BOROUGH OFFICIALS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

1. Received letter from the State, Department of Community Affairs regarding the 2017 Budget not filed on time. C/Malkin stated we receive this letter every year. George Lang, CFO stated we have a very small budget and certain expenses can make a big difference and we are in the time frame.
2. 5 Year Community Forest Management Plan (CFMP) to Submit For Approval to the NJ State Forest Service. Eitan Grunwald said this has been approved by the Environmental Commission and requests approval from the Borough Council to submit to the NJ State Forest Service for their approval. A motion was made by C/Bonna, second by C/Trammel approval. All in favor.
3. Letter Regarding Consulting Engineering Services-Water Treatment Plant Compliance with Toxic Catastrophe Prevention Act. C/Lipoti explain that the Council needed to be informed about the act. Chlorine storage needs to be below the 1,000 lb. threshold. An alternative would be to switch to liquid sodium hypochlorite.
4. Letter from State of NJ, Department of Transportation for 2017 Municipal Aid Program for Improvements to Homestead Lane and Cedar Court in the amount of \$210,000.

5. Quote regarding Street Sweeping Monmouth County DPW & Engineering. Received quote for street sweeping. A resolution will be on for the next meeting for approval.

6. Use of Borough Hall: 7-01-17 from 3 pm to 7 pm, 07-08-17 from 3 pm to 7 pm or 07-15-17 from 3 pm to 7 pm – Cheshier. Mayor Ellentuck said this has been brought to the Council prior and was denied. The charity has been subject to Attorney General Order to cease and desist. C/Malkin and C/Ticktin would like more information and request to table until the July 12, 2017 Council meeting. TABLED

PUBLIC COMMENT: 5 Minute limit

Robert Kragen, 7 School Lane:

- Expressed his disappointment of the Mayor and Council and request Toby be put under oath. Believes the water meters are out of date, suggested why we have out of date water billing system that could cause errors in many residents.
- Upset about the 5 minute rule tonight. Where is it stated that there is a 5 minute rule.

Jeb Shahn, 18 Tamara Drive:

- Need additional mowing on Homestead Lane due to visibility issues.

Maureen Parrot, 2 Tamara Drive:

- Asked Council if there will be any vote tonight after executive session on the \$100,034 unpaid engineering bills to R3M? Mayor Ellentuck said possibly. Objects to this being considered in executive session and should be in public session as this was a bond.
- Has no threat to sue; however any rate payer has the right to sue.
- There is no 5 minutes rule.
- Council has a fiduciary duty to the rate payer not to pay a bill that the law states it is null and void.

Gary Shyner, 46 Lake Drive:

- People have a right to talk and voice their opinion whether the Council and Mayor like it or not.

Sharyn Waltz, 25 North Valley Road:

- Stated that there were several Council members leaving the Borough Hall the night before the referendum after the voting machines had been set up. Surprised and very upset that they were in there unsupervised. Looks really bad when the voting machines were already set up.

Alana Porter 12 Farm Lane:

- Question the entire council why there is such division in this town. Never has seen it this bad. This town had a “unique character” about it, now all we have is unique characters.

Mary Tulloss, 21 Lake Drive:

- Has a sample resolution on opposition to H.R. 38 and S. 446, the Concealed Carry Reciprocity Act of 2017 and the Constitutional Concealed Carry Reciprocity Act of 2017 that she would like the Council to consider for the next agenda.

There being no further public comments, Mayor Ellentuck closed the public portion at 9:00 p.m.

CLOSED SESSION:

Richard Shaklee, Borough Attorney, read Resolution 17-88 in full:

C/Ticktin offered the following Resolution and moved its adoption, which was second by C/Bonna.

PROVIDING FOR A PRIVATE EXECUTIVE MEETING THAT EXCLUDES THE PUBLIC

WHEREAS, the “Open Public Meetings Act” enacted October 21, 1975 permits a public body to exclude the public from meetings or portions thereof wherein matters are to be discussed which are exempted from the requirements of the Act; and

WHEREAS, the said Act requires that prior to the holding of a meeting or portion thereof from which the public shall be excluded, the public body should adopt a Resolution at a public meeting providing for the holding of a private meeting; and

WHEREAS, the Borough Council of The Borough of Roosevelt has determined that a meeting should be held from which the public should be excluded in order to discuss a subject which is exempted under the said Act;

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

1. That the next portion of this meeting be held in Private Session.
2. That the general nature of the matter(s) to be discussed relate to the following pending or anticipated litigation matters: R3M Engineering Invoices
3. That no official action will be taken at the meeting but Minutes shall be kept and shall be available to the public after official action on the subject matter has been taken.
4. It is anticipated the discussion conducted in closed session can be disclosed to the public after no further action is required in the matter.

ROLL CALL:

AYES: C/Bonna, C/Lipoti, C/Ticktin, M/Ellentuck (broke the tie)
NAYS: None

ABSTAIN: C/Hamilton, C/Malkin, C/Trammell
ABSENT: None

C/Hamilton stated he doesn't know of any potential litigation and objects to closed session. Another concern is regarding conflict of interest with C/Lipoti and the Mayor. Potential for civil or criminal liabilities against C/Lipoti. Would like the Borough Attorney to see if there is a conflict of interest. Many residents are asking him why the Council is pushing to pay the bills. We might be opening up to litigation from rate payers.

Mayor Ellentuck said that on one occasion a Superior Court Judge said to C/Hamilton and others in this room that you are making up facts, you are assuming facts. C/Hamilton said that is a lie. Mayor Ellentuck quoted what the Judge stated "that is not true, that is not what happened". You are asking the Borough Attorney to rule, based on your assumption that C/Lipoti authorized the work. I see no proof on this.

The Council continued their discussion on this matter.

Richard Shaklee, Borough Attorney, said he does not see that this is a conflict of interest and any criminal action would go against the Borough.

Time in: 9:14 p.m.

C/Ticktin moved to adjourn from executive session, second by C/Trammell. All ayes

Time Out: 10:03 p.m.

Mayor Ellentuck said that no action will be taken and no conclusions. The June 26, 2017 Council meeting has been cancelled due to Borough Hall will be closed during June 26 – June 30, 2017 for record retention.

Mayor Ellentuck asked for a motion to adjourn.

C/Bonna moved to adjourn at 10:04 p.m., C/Ticktin second. All ayes.

Respectfully Submitted,

Kathleen Hart, Borough Clerk

Adopted Date: August 14, 2017

From: "Toby Moore" <tooby.moore.jr@[REDACTED]>
Sent: Thursday, May 18, 2017 3:54 PM
To: jlipoti@rooseveltnj.org
Subject: Re: Water meter at 7 School Lane

It is accurate.

On Thu, May 18, 2017 at 3:53 PM, Toby Moore <tooby.moore.jr@[REDACTED]> wrote:
This is the whole story.

Toby

On Thu, May 18, 2017 at 3:30 PM, Councilperson Lipoti <jlipoti@rooseveltnj.org> wrote:

Toby,

As per Rich Shaklee's recommendation, I need to have a short description of the issue with the water meter at 7 School Lane. Please review the facts outlined below and if they are correct, just reply to the email. I want something in writing for the file.

The meter at 7 School Lane had to be changed to a new "smart" meter because the old meter was completely corroded due to the flooding in the meter pit.

George Vasseur reported that he had been asked to come to 7 School Lane every year to shut off the water at the meter while the occupants went away for the winter. Then George would turn it back on when they returned. The building owner would drain the water from the pipes and shut off his heat while he was away. One year, the owner stopped calling George, and George discovered that the owner had obtained his own wrench to turn off the water.

Several things contributed to stripping the threads on the pipe. One is the repeated water turn-off, another is perhaps turning the wrench a little too hard with the aging infrastructure in the ground, and the third is the draining of the water from the house into the meter pit. The old water meters were not designed to be submersible. The water was drained from the house into the pit by the homeowner, and sat there all winter. This corroded the meter.

KTK was engaged to dig up the old meter because there was leakage. A new meter has been installed. The homeowner was shown that the new meter turns when he is using water in his house, and it does not turn when the water is shut off, so he knows that the new meter is in working order. These new meters are designed to be submersible in water, so it should not be damaged by water in the pit.

The homeowner is now requesting that he not be required to pay the overage charges for the water usage as measured on the old meter. However, replacement of that meter was extremely costly because of the need to dig up the pit. Additionally, the meter replacement was necessary, in part, because of the manipulation of the water valve by the homeowner, instead of contacting the Water/Sewer department. Draining the water from the household into the pit and submerging the meter caused corrosion which led to its inoperability.