

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

**Mayor and Council  
Regular Meeting Minutes of October 18, 2021**

Mayor Malkin opened the meeting at 7:05 p.m. and explained that due to the Coronavirus and the need for social distancing, this meeting is being held remotely and available to the public in a live feed. M/Malkin read the Open Public Meetings Act statement: “Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 25, 2021, 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**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>LATE ARRIVAL</b>
<i>Councilmember Robert Atwood</i>	✓		
<i>Councilmember Lou Esakoff</i>			✓ 7:12 PM
<i>Councilmember Michael Hamilton</i>	✓		
<i>Councilmember Constance Herrstrom</i>	✓		
<i>Councilmember Steven Macher</i>	✓		
<i>Councilmember Joe Trammell</i>	✓		
<i>Mayor Peggy Malkin</i>	✓		

Also in attendance: Greg Cannon, Esq., Kathleen Hart, Borough Clerk.

**MAYOR’S REPORT:** None.

**PUBLIC COMMENT (Agenda items only):**

M/Malkin opened the meeting to Public Comment for agenda items only at 7:07 pm.  
No public comment.  
C/Malkin closed the Public Comment for agenda items at 7:07 pm.

**APPROVAL OF MINUTES:**

1. Regular Meeting Minutes – September 20, 2021

C/Hamilton made a motion, with a second offered by C/Herrstrom, to approve the minutes. No discussion.

Roll Call:

AYES: C/Hamilton, C/Herrstrom, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: C/Atwood  
ABSENT: C/Esakoff

2. Regular Meeting Minutes – October 4, 2021

C/Hamilton made a motion, with a second offered by C/Herrstrom, to approve the minutes. No discussion.

Roll Call:

AYES: C/Atwood, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell

NAYS: None  
ABSTAIN: None  
ABSENT: C/Esakoff

**CORRESPONDENCE:**

1. Email from Maureen Parrott, dated September 22, 2021 opposing a rental fee for Borough Hall on non-profits.
2. Letter from June Counterman, dated September 23, 2021 regarding contracting with Millstone Fire and First Aid services.
3. Email from Dave Herrstrom, President of the Roosevelt Arts Project, dated October 5, 2021 regarding the proposed Borough Hall rental fee.

**ORDINANCES:**

**FIRST READING**

**ORDINANCE 2021-06 AN ORDINANCE AMENDING SCHEDULE A OF CHAPTER Z: “ZONING” TO INCREASE, ELIMINATE, AND IMPLEMENT CERTAIN ADMINISTRATIVE FEES**

C/Hamilton made a motion to adopt on first reading Ordinance 2021-06, with a second offered by C/Atwood.

Roll Call

AYES: C/Atwood, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: None  
ABSENT: C/Esakoff

Public Hearing to be held on November 15, 2021 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

Councilman Esakoff joins the meeting at 7:12 pm.

**FIRST READING**

**ORDINANCE 2021-07 AN ORDINANCE AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE VII: “ADMINISTRATIVE FEES”, SUBSECTION 2-57 VITAL RECORDS**

Council discuss the increase in fees and feel that the fee for additional copies is excessive.

C/Hamilton made a motion to table on first reading Ordinance 2021-07, with a second offered by C/Trammell.

Roll Call

AYES: C/Atwood, C/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**FIRST READING**

**ORDINANCE 2021-08 AN ORDINANCE AMENDING CHAPTER 5 “ANIMAL CONTROL”, ARTICLE I: “DOGS”, SUBSECTION 5-2.6 LICENSE FEES**

C/Esakoff made a motion to adopt on first reading Ordinance 2021-08, with a second offered by C/Herrstrom.

Roll Call

AYES: C/Atwood, C/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: None  
ABSENT: None

Public Hearing to be held on November 1, 2021 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

**RESOLUTIONS:**

**Resolution 21-109** Payment of Bills for October 4, 2021

C/Hamilton made a motion to adopt Resolution 21-109, with a second offered by C/Trammell. No discussion.

Roll Call

AYES: C/Atwood, C/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**Resolution 21-110** Resolution Authorizing a “Fair and Open” Process and Issuance of a Request for Proposals for 2022 Professional Services Within the Borough

C/Trammell made a motion to adopt Resolution 21-110, with a second offered by C/Esakoff. No discussion.

AYES: C/Atwood, C/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**Resolution 21-111** Awarding State Contract for 2021 Ford F350 4x4 Pickup Truck

C/Esakoff made a motion to adopt Resolution 21-111, with a second offered by C/Atwood.

C/Hamilton questions whether the Borough should be looking for a 2022 model. M/Malkin states that this truck is available and should be purchased before the weather changes. This purchase is on State Contract at a great price and includes a snow plow package and lift gate. C/Esakoff states the current truck needs repairs and is over 20 years. C/Trammell has some concerns on purchasing a new truck this year and request that the Borough should hire a second driver for snow storms. The Council discusses the new features on the new truck. C/Macher likes the F350 over a F250. The old truck would go to auction once the new truck is delivered.

Roll Call

AYES: C/Atwood, C/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**Resolution 21-112** Payment of Bills for October 18, 2021

C/Hamilton made a motion to adopt on first reading Ordinance 2021-112, with a second offered by C/Atwood.

Roll Call

AYES: C/Atwood, C/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell

NAYS: None  
 ABSTAIN: None  
 ABSENT: None

**REPORTS:**

1. Certificate of Determination and Award – Bond Anticipation Note. C/Hamilton explains the certificate is for refinancing older debt and commends the CFO and bank getting a rate at .34%. This cuts the interest rate in half.

**REPORTS OF COMMITTEE CHAIRS:**

**Environmental Health & Safety:** No report.

**Administration:** C/Esakoff asks Council to move forward with the ordinance regarding the Borough Hall fees.

**Finance:** C/Hamilton discusses the Finance Committee meeting held on September 30th. The Pine Drive reconstruction project was the main topic discussed. The committee questioned if the water mains need to be replaced at the same time the road paving project is being done. C/Trammell came to the finance meeting and showed the committee a section of pipe that is very corroded from Elm and Tamara. M/Malkin holds up the rusted section of pipe. C/Trammell explains that the appearance of the pipe is jarring but it is standard for a pipe that old and should be replaced. Council discusses the cost increase but the necessity of replacing the pipes. There will be more wiggle room in the budget due to a previous loan from the 1990s that will be paid off in 2022. There is possibility of federal money/grants on improvements to the treatment plant that we do in the future. C/Hamilton advises Council that there will be more debt looming in the coming months due to the issues with the pipes, the water mains and the sewer plant. The Finance Committee recommends that we move ahead with the water main replacement at the same time as the road project. C/Trammell does not think we will need to raise the water/sewer fees for this coming year; just need to be mindful.

**Community Development/Code Enforcement:** No report.

**Public Works:** No report.

**Utilities:** C/Trammell states that he would like a public meeting for the residents to come and view the sewer plant. He will speak with Mike Lyons.

**UNFINISHED BUSINESS:**

1. NJDOT Municipal Aid Program for Improvements to Pine Drive between North Rochdale Avenue and Maple Court regarding Engineering Fees for roadway improvements and water main improvements.  
 Kathleen Hart, Borough Clerk, will have a resolution for the next meeting, November 1, 2021 to authorize Roberts Engineering to move forward with the project.
2. Borough Fee revisions.  
 Council discusses at length the Borough Hall fees and the regulations needed to maintain a clean and safe environment.

C/Esakoff makes a motion to amend the agenda to add Ordinance 2021-09 for introduction, with a second from C/Atwood.

**Roll Call**

AYES: C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell  
 NAYS: C/Hamilton  
 ABSTAIN: None  
 ABSENT: None

Kathleen Hart, Borough Clerk, reads in 2021-09 Ordinance for introduction October 18, 2021.

**ORDINANCE 2021-09**  
**INTRODUCTION DATE: 10-18-2021**

**AN ORDINANCE AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE VII:  
“ADMINISTRATIVE FEES”, CREATING A NEW SUBSECTION 2-59 BOROUGH HALL  
RENTAL**

**WHEREAS**, the Borough of Roosevelt (the “Borough”), as a municipal corporation, is empowered by Title 40 of the New Jersey Revised Statutes to issue and administer certain licenses and approvals, and to regulate and license certain activities within its limits; and

**WHEREAS**, the Borough charges certain fees for the provision of municipal services and the administration of its duties under New Jersey law and the Borough Code; and

**WHEREAS**, from time-to-time, pursuant to its authority under New Jersey law, it is necessary for the Borough to amend certain administrative fees to reflect changed circumstances and/or the cost(s) to the Borough of administering the applicable service or regulation;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey, hereby amends Chapter 2 “Administration, Article VII: “Administrative Fees”, creating a new Subsection 2-59 as follows: (~~stricken text~~ indicates deletions, underlined text indicates additions):

**§2-59 BOROUGH HALL RENTAL.**

- A. Availability. The Borough Hall Council Meeting Room, together with its Kitchen and Restrooms, shall be available for event rental at such times as may be designated and upon such conditions as may be imposed by the Borough in its sole discretion.
- B. Rental Application. Any person or entity seeking to schedule an event rental shall make such request upon an Application to be provided by the Borough, which shall be accompanied by the Security Deposit, and if applicable, the Rental Fee. All Applications must be approved by the Borough Council prior to the requested event date. All applicants shall make application at least seven (7) business days before the regularly scheduled Borough Council meeting immediately prior to the requested event date.
- C. Security Deposit. All Applications shall be accompanied by a Refundable Security Deposit in the amount of \$300.00. The Borough shall have the right to retain the Security Deposit, and charge the applicant for any sum in excess of the deposit, to clean, repair, and/or restore the premises to its original condition, including cleaning and sanitizing the Borough Hall Council Meeting Room, and its attendant Kitchen and Restrooms, following the event.
- D. Rental Fee. All Roosevelt residents and Roosevelt-based community organizations shall be exempt from the Rental Fee. All other Applications shall be submitted with a non-refundable Rental Fee in the amount of \$150.00 to cover the Borough’s administrative and janitorial costs.

**BE IT FURTHER ORDAINED** that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies for their review and comment pursuant to applicable New Jersey Statutes; and

**BE IT FURTHER ORDAINED** that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect; and

**BE IT FURTHER ORDAINED** that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable; and

**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and take effect immediately upon final passage and publication.

C/Esakoff makes a motion to adopt Ordinance 2021-09 for introduction, with a second from C/Atwood.

Roll Call

AYES: C/Atwood, C/Esakoff, C/Macher, C/Trammell  
NAYS: None  
ABSTAIN: C/Hamilton, C/Herrstrom  
ABSENT: None

Public Hearing to be held on November 1, 2021 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

3. Use of Borough Hall – RAP – Jacob Landau’s Stained Glass Windows Event on December 4, 2021 from 8pm – 10pm.

C/Esakoff makes a motion to approve, with a second from C/Trammell.

Roll Call

AYES: C/Esakoff, C/Macher, C/Trammell, M/Malkin  
NAYS: None  
ABSTAIN: C/Atwood, C/ Hamilton, C/Herrstrom  
ABSENT: None

#### **NEW BUSINESS:**

C/Hamilton asks to have a place on the agenda for Reports of Borough Officials reports. C/Hamilton gives a brief summary of the Watershed Institute presentation at the Environmental Commission meeting in September. They did a water study on 16 towns regarding impervious coverage and stormwater runoff and properties that contribute to runoff. They came up with recommends for each town reviewed. The Borough ordinances should be reviewed by the Borough Engineer on stormwater management.

#### **PUBLIC COMMENT (Any item):**

M/Malkin opened the meeting to Public Comment for any item at 8:33 pm.

No Public Comment.

M/Malkin closed the meeting to Public Comment at 8:34 pm.

#### **CLOSED SESSION**

C/Esakoff made a motion to move to Closed Session, seconded by C/Atwood.

The Borough Clerk read Resolution 21-113: 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:

- That the next portion of this meeting be held in Private Session.
- That the general nature of the matter(s) to be discussed relate to the matters:
  - a. Potential Litigation – Encroachment on Green Acres
  - b. Potential Litigation – Nurko Road Right-of-Way Encroachment
- 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.
- 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/Atwood, C/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell

NAYS: None

ABSTAIN: None

ABSENT: None

Time in: 8:35 pm Time out: 9:39 pm

**ADJOURNMENT:**

C/Esakoff asks the Borough Engineer about where the water is coming from that is in the garage. Borough Engineer states that this area is in a high ground water area including the slope in the back of the garage has caused this. Putting a French drain and water proofing is the best solution.

C/Esakoff made a motion to adjourn, with a second offered by C/Trammell, and with all in favor the meeting adjourned at 9:45 pm.

The audio tape is available in the Clerk’s Office at Borough Hall.

Respectfully Submitted,

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Kathleen Hart, Borough Clerk

Adopted Date: December 20, 2021