

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

Mayor and Council
 Regular Meeting Minutes of March 20, 2023

Mayor Malkin opened the meeting at 7:03 p.m. and read the Open Public Meetings Act notice which stated, Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 6, 2023 which was posted on the Bulletin Board Roosevelt Post Office and in the Borough Hall. The notice was published in The Times and Asbury Park Press.

ROLL CALL

	PRESENT	ABSENT	LATE ARRIVAL
<i>Councilmember Robert Atwood</i>	✓		
<i>Councilmember Lou Esakoff</i>		✓	
<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., and Kathleen Hart, Borough Clerk.

MAYOR’S REPORT: Mayor Malkin wishes everyone a happy spring as it’s been a very rough few weeks. We had the tragic fire and since then we’ve had 3 deaths who were too young to die and an important part of our community. I just want to express how sorry and heartbroken we all are, hoping now that spring is here we will turn a corner.

Mayor Malkin introduces Ron Mondello, Esq., a Municipal Attorney for cannabis law.

PRESENTATION:

1. Ron Mondello, Esq., Municipal Cannabis Law - Cannabis Discussion – See attached Power Point Presentation.

The Mayor and Councilmembers asked questions. M/Malkin states she has been told that when it’s grown in hoop buildings the greenhouses lights are very bright and on 24 hours a day. Mr. Mondello responds they are. He suggests that you don’t go down the road of hoop houses and make sure that the buildings are enclosed, no lights with a great deal of security. The lights are what gets stolen not the pot plants as the lights are extraordinarily expensive. M/Malkin asks if you could cover the hoop buildings with black coverings so that you don’t see. Mr. Mondello responds it’s up to your town, but I would shy away from hoop houses, it causes more problems than its worth.

C/Trammel states we are looking at cultivation and manufacturing here. Who weighs the crop, is there a chain of custody, are there bar codes? Mr. Mondello responds that you are going to have to trust the cannabis business to say we sold 15 million dollars and a good municipal auditor will be able to figure out whether or not that number is accurate. They have to open their books and dive in, if you decide to go that route. You have to make sure that cannabis business reimburses that municipal auditing firm. Mr. Mondello states he had that issue in Readington. They said they sold to 3 different dispensaries that they owned so they shouldn’t have to pay taxes but that is incorrect. They gave the town \$80,000 instead of half a million dollars. I got involved and they are getting the half a million dollars. C/Trammell asks about odor? Mr. Mondello responds, HVAC is not enough, you need folks in white lab coats to go in

there and measure terpenes in the air and make sure scrubbers are installed, it is costly but make them do it. C/Trammell asks about the noise from the scrubbers? Mr. Mondello responds the technology has gotten so sophisticated that the noise is really inconsequential; you don't want this next to a residential neighborhood, state laws are that the odor can't leave the property line. C/Trammell states it's an interesting concept because as the ripen they stink. Mr. Mondello responds that there have been cannabis businesses that wanted to spend this amount of money on HVAC but we've made them several hundreds of thousands of dollars to make sure they got it right, the bigger companies have no problem with it, they just need to be pushed. Most towns don't want them because they're fragile and you can see the lights. Some towns are doing outdoors or enclosed structures, that's what he is seeing. C/Trammell states a closed structure like an Amazon warehouse? Mr. Mondello responds that someone took over a Walmart. M/Malkin asks can it be typical like a quintessential greenhouse type, that we could regulate? Mr. Mondello responds it could. M/Malkin states that she doesn't believe that anyone here would want anything like a warehouse. Mr. Mondello responds it's up to Roosevelt to decide what you want. C/Macher states once we opt in we can't opt out? Mr. Mondello response yes and states that in another town a new councilmember came onboard and convinced the council that this was evil stuff and asked Mr. Mondello to repeal. However, you cannot repeal for 5 years. There are other things that you can do like change your zoning ordinances. You cannot repeal for 5 years. C/Macher asks if you went to a micro solution and it is working well, is that easy enough to do? Mr. Mondello responds after a year if the micro business can show that the demand far exceeds the supply then they can grow but not without your permission. M/Malkin asks if Hightstown opted in? Mr. Mondello responds yes, for cultivation, manufacturing and retail but in a very specific area that he believes is the industrial zone.

Attorney Greg Cannon states he is a member of the ILGA and receives Mr. Mondello email updates and asks by making the ordinance less restrictive the only class of claimant is a citizen objector? Mr. Mondello states that if you opt in you cannot repeal the ordinance but you can always change your zoning. Attorney Greg Cannon so you opt out can be changed to opt in? Mr. Mondello responds yes. Attorney Greg Cannon asks if Mr. Mondello is aware of any citizens that have brought a case to challenge an opt in? Mr. Mondello responds yes, some very rich people that don't want cannabis in their town, their all losing and will send the case to Attorney Greg Cannon.

M/Malkin asks if anyone from the audience has any questions:

Maureen Parrott – 2 Tamara Drive: States that we are surrounded by a wealthy area could someone from another municipality sue Roosevelt? Mr. Mondello responds anyone can sue but not sure if anyone from another town would have any standing. Ms. Parrott asks if a referendum can be done to issue a license or to opt in. Mr. Mondello said yes. You could have a high renewal fee. Ms. Parrott asks in what capacity does Mr. Mondello represent towns? Mr. Mondello responds that some municipalities hire him to draft ordinances, agreements, a liaison and guides towns. Mr. Mondello states make sure you have your Planning Board on board.

Mary Tulloss – 21 Lake Drive: Asks that land assessed for farming cannot be used for cannabis cultivation? Mr. Mondello responds if it is assessed as farmland it cannot be, and if there is a deed for preservation or easement it can never be. If there is not a deed for preservation or easement with the state and you own the property and decided not to submit your paperwork for farmland assessment going forward, then your assessment will change. You will pay the normal taxes on that property now and you can cultivate.

2. FDR Amphitheater Committee Update & Discussion – C/Herrstrom and Alan Mallach reports: The main task of the meeting was to communicate to the full group where we are in the process of choosing a consultant for the project. Everyone had the opportunity to read the three proposals and to make comments. The smaller group checked out the qualifications and references while all could comment on the design compatibility and concept narrative according to the Firm Selection Criteria. Most comments were favorable for all three. To ensure we got feedback from Bert, both Gail and I visited with him on separate occasions.

The prices diverged for the three proposal for different stages of the project. All quoted prices were outside the \$50,000 we were budgeting. We eliminated the Clarke Canton Hintz option as the price was further out-of-line with no hope of bringing it into consideration. For the remaining two proposals (Sikova, Wells, Appel and ETM Associates) we requested further clarification which resulted in changes in price. We eliminated both the roof covering and the berm for now in the estimates for this project. Sikova increased in price and ETM lowered their price. In a further review, it was the consensus of the smaller group that we bring the ETM option to the full committee. ETM had the lowest cost for the project and is a known quantity in the design and construction of public, historical spaces particularly in New Jersey and New York area. (ETM had designated its project manager for this project (David Sitler). David came to the site in early February which was designated in the RFP as a date to see the site and ask questions. At that time, he met both Alan and Mike.)

This still left how to pay for the costs that were over the \$50,000 level. Gail and Alan suggested we write a contract for all except the construction plan and supervision and wait until the design aspects are worked out to award the rest of the project. This will keep the cost to \$49,900 for this phase. When we get the grant, we will award the rest of the contract. Gail agreed to write the award letter making it clear that there will be a phase 2 for construction. This is to ensure ETM availability for the next phase. We also discussed that the project construction cost at this point are estimated to be \$500,000. This was not put in the RFP but was discussed on February 2 when the landscape architects were on site.

The date for the grant application has been changed to July 15, 2023 per Gail which means the next schedule for this project will need to be worked out fairly quickly as we were using the September 15th deadline. Fortunately, the grant does not need to include "bid ready" plans but concept design only. Gail offered to notify Tim of ETM of this change in date to ensure they can meet deadlines and to find out dates for a possible first meeting in early April. This meeting will be to get to know the RFP more specifically from both points of view and for ETM to learn more about the town of Roosevelt.

To move this project forward, Mike Hamilton will be working with the appropriate people to have an invoice prepared for the contract for \$49,400 to be given to the Fund for Roosevelt in order to pay the Borough. All payments will be paid from the Borough. The next meeting of the Roosevelt Borough Council, scheduled for March 20th, will need a presentation to the Council and an approval to award a contract for the chosen consultant. Alan will be presenting at the Council meeting. A contract will need to be drawn up by the Borough Attorney to the consultant for acceptance of the project and sent out electronically to be signed. We will be requesting that the acceptance be sent back by March 28 in order for a resolution to be prepared, presented and approved in the Council meeting on April 3rd.

The timeline we are working towards is: Borough Council presentation and approval to award a contract to ETM on March 20; Contract for the consultant to be prepared by the Borough Attorney and sent electronically by 22 March; Invoice to be prepared and sent to the Fund for Roosevelt before April 3rd meeting; Signed acceptance by ETM sent back electronically by March 28; Resolution for be prepared for acceptance at the April 3 Borough Council Meeting; Payment from Fund for Roosevelt to the Borough by April 5; First meeting with the consultant to be scheduled ideally by the first week of April or if necessary by April 12 for an evening meeting. At this time questions and comments from the full committee regarding issues mentioned in the meeting such as lighting, connecting with adjacent areas, rain garden, type of materials, etc. would be discussed; (Ana to give us dates that are possible.); At first meeting ask ETM for a schedule to meet our deadline of June 15 for a concept plan (or earlier if possible.); Subsequent meeting will be held as needed with ETM from first meeting in early April -July 1; Public meeting for this project will be held once Committee has approved of the design. Date to be determined; Draft grant to be completed by July 1; Finalized grant to be delivered by 10 July to the County; Award of contract from the County could be between 1 and 15 September.

Once grant is awarded, the construction estimate from ETM will need to be submitted and the soft costs approved by the Fund for Roosevelt, then presented to the Council. Dates to be determined for this as well as the construction schedule.

Attorney Greg Cannon states they will need a copy of the signed lease moving forward with the grant. The title to the property is going to be a hurdle, so the sooner you have the paperwork from the school district the better. The point is you have to go and talk with the school board regarding the grant. The school board has adopted a resolution approving the project.

PROCLAMATION: M/Malkin read into record the following proclamation:

PROCLAMATION MARKING THE 90TH ANNIVERSARY OF THE INAUGURATION OF
PRESIDENT FRANKLIN DELANO ROOSEVELT ON MARCH 4, 2023

Whereas, March 4, 2023 marked the 90th anniversary of the inauguration of President Franklin Delano Roosevelt; and

Whereas, President Roosevelt, having taken office in the midst of the Great Depression, promised a New Deal of social and economic reform to the American people; and

Whereas, President Roosevelt began his administration with an outpouring of legislation designed to correct problems that had led to the great hardship being experienced by most Americans; and

Whereas, one of the most significant legislative proposals was the one that was signed into law on June 16, 1933 as the National Industrial Recovery Act; and

Whereas, section 208 of the National Industrial Recovery Act provided as follows:

SEC. 208. To provide for aiding the redistribution of the overbalance of population in industrial centers \$25,000,000 is hereby made available to the President, to be used by him through such agencies as he may establish and under such regulations as he may make, for making loans for and otherwise aiding in the purchase of subsistence homesteads. The moneys collected as repayment of said loans shall constitute a revolving fund to be administered as directed by the President for the purposes of this section.

Whereas, at the initiative of Benjamin Brown and his associates, an application for funding under Section 208 was submitted to the recently-created Division of Subsistence Homesteads in the Department of the Interior, headed by M. L. Wilson; and

Whereas, the approval by Wilson of Brown's proposal for an agro-industrial Jewish cooperative subsistence homesteads community helped to lay the groundwork for the establishment of this community;

Therefore, I, Peggy Malkin, Mayor of the Borough of Roosevelt and the Borough Council, hereby call upon all citizens of Roosevelt to join us in commemorating the 90th anniversary of President Roosevelt's inauguration as marking the initiation of the process leading to the creation of this New Deal community.

Dated this 20th day of March 2023.

PUBLIC COMMENT: (Agenda items only)

M/Malkin opened the meeting to Public Comment for agenda items only at 8:28 p.m.

Maureen Parrott, 2 Tamara Drive: After listening to the Cannabis presentation what is the very first step to take moving forward? M/Malkin responds the Borough Council would to vote to opt back in. Ms. Parrott then states if you decided to have a committee I urge you to put equal number of people both in opposition and in favor of cannabis, have it advertised and open to the public. Attorney Greg Cannon explained how they did it in Aberdeen. C/Hamilton speaks about the possibility of a testing facility on the old gas station property.

Mary Tulloss, 21 Lake Drive: Asks about Micro business and doesn't understand what that is? Attorney Greg Cannon explains that per New Jersey's cannabis licensing laws, a microbusiness is a cannabis business with strong established connections with New Jersey that is subject to certain size and operational limitations. A significant number of licenses to operate in the cannabis industry will be earmarked solely for such microbusinesses. As such, microbusinesses will only need to compete against one another during the application process, rather than needing to compete directly with larger, more established businesses. This potentially gives entrepreneurial start-up companies seeking to delve into the cannabis industry a path forward without getting pushed aside by multi-state operators (MSOs). Fees are reduced.

Ben Johnson, 36 Pine Drive: Asks if cannabis becomes legal on the federal level, what happens to the 2 percent fee structure? Attorney Greg Cannon states that tax revenue would remain and the Federal Government has no power over it.

M/Malkin closed the Public Comment for agenda items at 8:42 p.m.

MINUTES:

1. Regular Meeting Minutes – February 6, 2023

On a motion by C/Herrstrom to accept the minutes, with a second offered by C/Atwood the minutes were approved by the following roll call vote:

Roll Call:

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

2. Regular Meeting Minutes – February 21, 2023

On a motion by C/Atwood to accept the minutes, with a second offered by C/Herrstrom the minutes were approved by the following roll call vote:

Roll Call:

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

CORRESPONDENCE:

1. Resolution from the Environmental Commission regarding recognizing Arbor Day. They would like Council to also adopt – put on April 3, 2023 agenda.
2. Resolution from the Environmental Commission regarding Sustainable Land Use Pledge. They would like Council to also adopt – put on April 3, 2023 agenda.

ORDINANCE:

SECOND READING

ORDINANCE 2023-01 An Ordinance Repealing And Replacing Current Code Section 12-5: "Registration And Maintenance Of Vacant And Abandoned Residential Properties In Foreclosure" With New Code Section 12-5: "Vacant And Foreclosed Properties; Registration" Within Chapter 12: "Property Maintenance" Of The Borough's Revised General Ordinances To Update Regulations Pertaining To Vacant Properties Within The Borough To Comport With Newly Adopted State Law.

C/Hamilton made a motion to adopt Ordinance 2023-01, on second reading, with a second offered by C/Atwood.

M/Malkin opens the public comment at 8:45pm

No Public Comment

M/Malkin closes the public comment at 8:45pm

Roll Call:

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

NAYS: None ABSTAIN: None ABSENT: C/Esakoff

CONSENT AGENDA RESOLUTIONS:

Resolution 23-40 Payment of Bills for March 20, 2023

Resolution 23-41 Authorizing Transfer of Appropriations for 2022

Resolution 23-42 Authorizing Temporary Emergency Appropriations

C/Atwood made a motion to adopt, with a second offered by C/Herrstrom, to adopt the Consent Agenda Resolution’s 23-40 through 23-42, C/Hamilton questions the invoice on flag poles? Ana is contacted and explains the current poles have been falling over in the meeting room and that’s why new poles were purchased.

Roll Call:

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

NAYS: None ABSTAIN: None ABSENT: C/Esakoff

REPORTS OF COMMITTEE CHAIRS:

Environmental, Health & Safety: C/Atwood states we are working on a speed hump committee.

Administration: No report.

Finance: C/Hamilton states he is waiting on the CFO to schedule a meeting and also states his concerns with all that is going on in the banking industry. C/Hamilton explains the guarantees on how our dollars are insured.

Community Dev/Code: C/Herrstrom reports that senior group meeting is progressing.

Public Works: C/Macher states the roof over the generator at the water treatment plant.

Utilities: C/Trammel states that T-Mobile was here working under the water tower and it seem they leave their lock unlocked. When I pass by I lock it and request that any Public Works personnel do the same. We have had some pumps go down at the sewer plant, they need to be repaired and replaced.

REPORTS OF BOROUGH OFFICIALS:

Ellen Silverman, 10 N Valley Road: Asks M/Malkin if she wants to plant a Pitch pine or a Birch? M/Malkin responds a Birch. Earth Day/Arbor Day, we also have the stream cleanup on April 22, on April 1 there will be a Clean Communities Day. The Environmental Commission will be going back to live meeting starting April 15, 2023.

UNFINISHED BUSINESS:

1. Ordinance Revision regarding Borough Hall Rental – carry to April 3, 2023 meeting for discussion.

NEW BUSINESS:

1. Clean Communities Clean Up Day – April 1, 2023 from 10am – 12pm.
2. Bulk Trash Pickup – May 1, 2023

PUBLIC COMMENT (Any item)

M/Malkin opens the public comment at 9:00pm

No Public Comment

M/Malkin closes the public comment at 9:01pm

C/Atwood made a motion, with a second offered by C/Trammell, to adjourn meeting with an All in Favor.

Time Out: 9:02 p.m.

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

Respectfully Submitted,

Kathleen Hart, Borough Clerk

Adopted Date: April 17, 2023