

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

Mayor and Council
 Regular Meeting Minutes of June 19, 2023

Mayor Malkin opened the meeting at 7:10 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., Borough Attorney and Kathleen Hart, Borough Clerk.

C/Esakoff makes a motion to go out of order, with a second from C/Herrstrom with the following roll call vote:

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

MAYOR’S REPORT: No Report.

PRESENTATIONS:

1. Potential Winery Proprietors – M/Malkin introduces Mike Pouch and Beverly Tepper of Crosswick Creek Winery. They are potential buyers of Footlight Farms. They give an overview vision for a winery business, their background of their expertise and skills and their hopes for growing 3 acres of grape vines on the property at 64 Lake Drive. They have 7 acres currently in Allentown and would be able to start production as soon as they get approval from the State Alcohol Beverage Control. Mike Pouch explains the improvements they plan for the property which would include a shop, office, a tasting room and a board room. Maybe down the road they will have a wine garden. Beverly Tepper hopes that this could also be used as a community meeting place for the people of the town. M/Malkin asks if customers would come and buy bottles of wine and also anticipate having a garden setting, where you could buy a bottle of wine and sit there and drink it? Mike Pouch responds absolutely. M/Malkin then asks can people bring their children? Mike Pouch responds that they haven’t resolved that yet. There’s a possibility at the arena of creating a large seating area and there is space there for potentially a game area. C/Hamilton asks about a parking area and how many parking spaces? Mike Pouch responds there is already a small parking lot and would start with that and possibly request a modest adjustment of the size and shape for up to a 30 car parking lot. M/Malkin asks about selling of food such as cheese and crackers, or can people bring their own. Mike Pouch responds that maybe charcuterie boards would be available. C/Atwood asks if it would be organic grape growing business or would you be using fertilizers? Mike Pouch responds he doubts

fertilizers would be needed, grapes and grape vines are very good on poor soils. Organic is a very large challenge.

- Burt Ellentuck, 22 Homestead Lane – Asks about festivals/events? Mike Pouch states yes, they would be considering having a small number of festivals, possibly a seasonal festival, spring, summer and fall and we would be considering cheese plates and possibly food trucks.
- Michael Ticktin, 37 N. Valley Road – you said something about using 3 acres to grow grapes how does that relate to the statute that says farmland is assessed at 5 acres. Mike Pouch responds; the 3 acres plus all the buildings makes up the 5 acres. The Council will have to make a decision because at some point there will be no agricultural activity on the property, the 3 acres will not be producing for 3 years. According to the rules, if we can supply a satisfactory plan that will be sufficient to meet the agricultural assessment requirement.
- Nona Sherak, 4 Maple Court – questions if the property uses Borough water or does it have a well and what type of events and concerned about large events? Mike Pouch states that the property has a well and that grapes do not take a lot of water. We will be working with the Council as we don't want to disturb the neighbors.
- C/Trammell questions if there will be a tasting room in Allentown? Mike Pouch said no.
- Ellen Silverman, 10 N Valley Road – questions if they are aware that part of the property fronts on County Route 571?

M/Malkin thanks Mike Pouch and Beverly Tepper for coming this evening and Mike Pouch thanks the council for inviting them. M/Malkin states that she appreciates that Beth Battel gave a lot of consideration on who she would sell her farm too.

2. Public Hearing regarding the County of Monmouth Municipal Park Improvement Grant Program 2023 for Restoration of the Franklin Delano Roosevelt Memorial Amphitheater and Grounds located on that part of Block 3, Lot 33 (Roosevelt Public School). C/Herrstrom explains how the Amphitheater has been in the need of restoration and Monmouth County offers grants to towns that qualify, grants can be up to \$500,000 of which the Borough would be responsible for half. We put together a committee for input from all groups within the Borough. At this point we are looking for public comment and see the concept design. C/Herrstrom introduces David Sitler, from ETM Associates. David Sitler gives a presentation of the Conceptual Design (see attached presentation).

M/Malkin opened the Public Hearing at 8:07 p.m.

1. Rick Pressler, 23 Farm Lane – Asks about the stability of the Amphitheater as a performance space and the possibility of a side stage. Also you mentioned lighting for pedestrian and highlighting the monument, but is there lighting that would support performances and what are some of the other features that would make it more suitable for a performance space? Mr. Sitler responds that we've talked about permanent infrastructure and having speakers. Performances can be held right in the orchestra area.
2. Burt Ellentuck, 22 Homestead Lane – Glad to see you have high headed trees, that's the right solution. We've gone from water in the center to grass in the center and we are now going to concrete in the center – that's a very large change, then you have a walkway going right down the middle – that's very disturbing. Questions the handicap access coming through the center of the standing area. You haven't solved the problem of where the handicap person is going to sit. The upper path is the solution to the problem because you can add another area back there with raised pavers and it makes it much easier for anyone who is handicapped to access that area. I can't see coming into the middle. This is a Roosevelt Memorial and there is nothing there that states that. Mr. Sitler states that it has been discussed that as you are walking down there will be an inscription.
3. Nona Sherak, 4 Maple Court – feels this plan discriminates the handicap. The children are not walking with their classmates. Also, the parents will not be able to see their handicapped child coming down if they have to walk around. It just doesn't work for graduation. Questions if there is going to be water on the property. There used to be a water fountain. How are you going to water the beautiful plants and who is going to take care of the beautiful

- shrubbery? Also, has an issue with the blue stone. Blue stone gets very hot during the summer. M/Malkin states that the Department of Public Works will take care of the area.
4. Jeff Ellentuck, 40 Pine Drive – there was a reflecting pond and during graduation you came down the stairs and one would turn right and one would turn left and gather on the other side. If you have a student in a wheelchair or require assists, the teacher would change the promenade and make all students walk together going down a different pathway. Shrubbery has always been there but some has fallen in disrepair. Many people also come with their own chairs and can sit around. There is a lot of mobility to move around.
 5. Marry Tullous, 21 Lake Drive – questions how many mature trees are you planning to take down? Also states that it looks to manicured and would like more natural setting. How many are native plants that would support pollinators? Mr. Sitler said that some of the mature trees are near the end of their life and will need to be replaced and really just strengthen what is already there. Can bring in similar plants that are native and focus on easy maintenance.
 6. Jeb Shahn, 18 Tamara Drive – said that as the wife of the sculpture he did not want up lighting. If you want to light the sculpture is there a way to have some kind of post hidden in the woods behind and go down. He liked natural light or down lighting.
 7. Kevin McNally, 3 School Lane – would like to compliment C/Herrstrom and her committee on all the work that has been done so far and is very pleased with the design concept. You also need to have access for performers who could be handicapped as well as the students. The walkway down the center looks too steep for anyone who has difficulty walking or is handicapped and would need a railing. Mr. Sitler states that currently the stairs are to code and doesn't require a railing. Also, the area on N. Rochdale Avenue could also be potential handicapped parking.
 8. C/Hamilton states that the stage area is not just for graduation, this will be used for art programs and performances. The plantings are going to be low maintenance shrubbery. I like a lot of eliminates to the design. There was a lot of work that went into this project and input from different stakeholders, including the original designer. A lot of letters have been received in support of the project, including the school administration and teachers that are excited about using the area.
 9. C/Macher states that you are limited to where you can put the ADA access due to the topography of the site without making real changes.
 10. Mr. Sitler states that this concept plan allows us to submit the grant application.
 11. C/Trammell asks if there can be checker board on the benches? Mr. Sitler said that can be incorporated in and would be great addition.
 12. Burt Ellentuck asked if any costing been done on the project. Mr. Sitler states that not at this time and will be coming soon.

M/Malkin closed the Public Comment for agenda items at 8:45 p.m.

3. The Roosevelt Water Story presented by the Environmental Commission. Ellen Silverman states that Hilary Wilder took on the task of creating the Water Story which is part of the Sustainable actions. Public input is very important. The Water Story is posted on the Borough Website. Ellen Silverman asks for any comments to be sent to her email address. M/Malkin thanks Ellen Silverman for the presentation and asks her to thank Hilary Wilder for all her hard work.

MINUTES:

1. Regular Meeting Minutes – May 1, 2023

On a motion by C/Hamilton 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/Esakoff, C/Hamilton, C/Herrstrom, C/Macher, C/Trammell
 NAYS: None ABSTAIN: None ABSENT: None

2. Regular Meeting Minutes – May 15, 2023

On a motion by C/Esakoff 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/Esakoff, C/Herrstrom, C/Macher, C/Trammell
 NAYS: None ABSTAIN: C/Atwood, C/Hamilton ABSENT: None

M/Malkin opened the meeting to Public Comment for agenda items only at 9:29 p.m.

1. Mary Tulloss, 21 Lake Drive – questions the cost of the emergency roof repair on the Water Treatment Plant and was surprised on the cost. M/Malkin states that this has been discussed for 2 years, we had an estimate but it was never acted on and now 2 years later it’s gotten worse. The original company no longer has a state contract and this is the price he has given us. It is an emergency, it’s a bad leak.
2. Ellen Silverman, 10 N. Valley Road - Asks about yard waste collection and are you planning to schedule for leaf and grass removal? M/Malkin states we have never had leaf pick up. Ellen Silverman states that your proposed yard waste collection ordinance recommends that you do. If you are compelled to set up leaf and grass pickup which is fully compostable and it is very costly and you can charge the residents that use the pickup. M/Malkin states that your input will be very valuable at the time that we are proposing the ordinance. Ellen Silverman speaks about wildlife feeding, which is allowable in the Assunpink but not in Roosevelt. We probably need signage in the portions controlled by Roosevelt.

M/Malkin closed the Public Comment for agenda items at 9:34 p.m.

ORDINANCES:

SECOND READING AND PUBLIC HEARING

ORDINANCE 2023-03 AN ORDINANCE AMENDING CHAPTER 2
 ADMINISTRATION”, ARTICLE VII: ADMINISTRATIVE
 FEES”, SUBSECTION 2-59 BOROUGH HALL RENTAL

M/Malkin opens the public comment at 9:34pm

1. Ellen Silverman, 10 N. Valley Road – is not concerned on the requirements, but is concerned with this room only being considered a council meeting room. It has always been a multi-purpose room. C/Esakoff speaks about repairing the garage area to be a community room. M/Malkin states that it will continue to be used as a multi-purpose room.
2. Mary Tulloss, 21 Lake Drive – states that she agrees with Ellen Silverman and maybe the room needs a more generic name.

M/Malkin closes the public comment at 9:38pm

Council members discuss: C/Herrstrom states that now that we are starting up the Roosevelt Senior group, will they need their own insurance. Attorney Greg Cannon states this ordinance is for renters; the seniors are a Borough group. M/Malkin states that the seniors are part of the Borough. C/Esakoff talks about damage that has been done in the room and that is why this ordinance is needed. If it is a borough sponsored event or meeting, then there is no cost. C/Hamilton questions if the fee is refundable and insurance requirements? C/Atwood states it is a refundable fee. M/Malkin replies that the insurance is mandated by the JIF. They either get a rider with their own insurance or purchase from JIF. C/Hamilton states that 3 week notice prior to an event is difficult and sometimes the room is needed, such as a funder. M/Malkin states we have never denied anyone the use of the room especially for a funeral and we would approve as an emergency. Attorney Greg Cannon states that the homeowner’s insurance would probably just send a COI naming the Borough as additionally insured. C/Hamilton states that some of the residents felt like this was an unwelcoming ordinance and feel like we were putting regulations on them. M/Malkin asked C/Hamilton if he explained that this has been mandated by our insurance company. People can film the room when they rent it so they can show what the room looked like when they rented the room and how they left the room.

Municipal Clerk Kathleen Hart states that we do not charge for the room, it's a refundable deposit. C/Hamilton makes a suggestion that we keep this hearing open and not pass tonight and would like a short committee meeting to address these concerns and then move on it at the next meeting.

C/Hamilton made a motion to carry Ordinance 2023-03 to the July 17, 2023 meeting, on second reading, with a second offered by C/Trammell.

Roll Call:

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

C/Esakoff states that we have been discussing this ordinance for months and it was our insurance company that insisted that we add the requirement for the insurance. He objects.

Motion carried to table Ordinance 2023-03 to the July 17, 2023 meeting.

SECOND READING AND PUBLIC HEARING

ORDINANCE 2023-04 CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA. 40A:4-45.14)

M/Malkin opens the public comment at 9:57pm
No Public Comment
M/Malkin closes the public comment at 9:57pm

C/Hamilton states that we do this Ordinance every year, it's needed prior to the adoption of the budget.

C/Esakoff made a motion to adopt Ordinance 2023-04 on second reading, 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

FIRST READING:

BOND ORDINANCE 2023-05 BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2022-03 ADOPTED ON APRIL 4, 2022, PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$180,000 FOR A TOTAL APPROPRIATION OF \$525,000, AND TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$180,000 FOR A TOTAL DEBT AUTHORIZATION OF \$525,000, AUTHORIZED IN AND BY THE BOROUGH OF ROOSEVELT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

C/Hamilton made a motion to adopt on first reading Ordinance 2023-05, with a second offered by C/Esakoff.

C/Hamilton states that this is an amendment to a prior ordinance where we funded road repair work and some infrastructure work to Pine Drive between N. Rochdale and Tamara. The Borough

Engineer recommends that we replace a sewer line due to the condition of it.

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 July 3, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555.

FIRST READING:

BOND ORDINANCE 2023-06

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO NORTH VALLEY ROAD, APPROPRIATING \$470,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$238,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ROOSEVELT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

C/Esakoff made a motion to adopt on first reading Ordinance 2023-06, with a second offered by C/Hamilton.

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 July 3, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555.

RESOLUTION:

Resolution 23-63 Introduction of the 2023 Municipal Budget

C/Hamilton made a motion to adopt on first reading Resolution 2023-63, with a second offered by C/Trammell.

C/Hamilton states the Finance Committee and CFO met on June 13, 2023. The Borough is in good shape. We have almost a 99% tax collection rate. Water/Sewer budget is in good shape too generating a surplus. The 40-year farmer bank loan has been paid off but the trickling filters will need to be repairs in the next 3-5 years. There is no deficient in the water/sewer budget. Interest cost have gone up. Big hits to the budget are Fire and First Aid services, up about \$30,000.

M/Malkin states no residents have been billed for any first aid service, which was a concern of the residents when we went ahead with the shared service agreement. The committee has agreed upon hiring a PT Public Works person, recommend vacuuming of storm drain at least once a year. The Municipal Tax rate is going up about 2.3 cents per \$1,000 which is about a \$43 a year increase. School taxes could go up 9.8 cents that will be about another 20 cents.

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 July 17, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555.

CONSENT AGENDA RESOLUTIONS:

- Resolution 23-64 Payment of Bills for June 19, 2023
- Resolution 23-65 Resolution Authorizing the Execution of an Agreement with Meghan Ann Bennett of Dilworth Paxson LLP, as Bond Counsel for the Borough of Roosevelt
- Resolution 23-66 Authorizing a Shared Services Agreement with the Millstone Township Board of Education for Electric, HVAC and Mechanic Services
- Resolution 23-67 Resolution Approving Shared Services Agreement with Monmouth County Board of Health for the Provision of Local Public Health Services
- ~~Resolution 23-68 Resolution Awarding Emergency Contract for the Repair and/or Replacement of the Leaking Roof of the Borough’s Water Treatment Plant- PULLED/DIED~~

Resolution 23-69 Resolution Authorizing Temporary Emergency Appropriations #3

C/Trammell made a motion to pull 23-68, with a second from C/Hamilton to discuss the resolution separately

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

C/Hamilton made a motion to adopt Resolution’s 23-64 through 23-67 and 23-69, 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

- Resolution 23-68 Resolution Awarding Emergency Contract for the Repair and/or Replacement of the Leaking Roof of the Borough’s Water Treatment Plant

M/Malkin states that we have been aware for 2 years that the roof has been leaking, it is only getting worse and is leaking into the water treatment plant. We cannot take a chance that it could contaminate the water or any of the equipment. We need repairs immediately, we’ve lost the ability to hire the company that has the state contract and prices have gone up. C/Trammell states that he is head of the Utilities committee and had a tour out their last week and did not know there was an emergency out there. Joe Trammell spoke with John Holden, who runs the water plant and he didn’t know there was an emergency either. C/Trammell also reviewed some old quotes for the repair and replacement and can’t understand how it’s gone up to \$30,000 and doesn’t see anything that needs to be done as an emergency. M/Malkin has already authorized the emergency. Gregg Defoe is always cleaning up the leaves every day that he is here. Attorney Greg Cannon explains what constitutes an emergency and how it pertains to the Local Public Contract Law. M/Malkin states that everyone received an email from Ana Debevec on June 15, 2023 regarding the Water Treatment Plant and leak. C/Hamilton would like to see us get additional quotes.

M/Malkin asked for a motion to adopt Resolution 23-68. No motion was made and resolution died.

REPORTS OF COMMITTEE CHAIRS:

Environmental, Health & Safety: None

Administration: None
Finance: None
Community Dev/Code: C/Herrstrom
Public Works: None
Utilities: None

REPORTS OF BOROUGH OFFICIALS:

UNFINISHED BUSINESS:

1. Discussion regarding proposed Ordinances for Yard Waste, Wildlife & Salt Storage was carried to the July 17, 2023 meeting

NEW BUSINESS: None

PUBLIC COMMENT (Any item)

M/Malkin opens the public comment at 11:00p.m.
No Public Comment
M/Malkin closes the public comment at 11:00p.m.

CLOSED SESSION:

Resolution 23-70 Providing for a Private Executive Meeting that Excludes the Public

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

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:

Potential Litigation – Roosevelt First Aid

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

C/Esakoff made a motion, with a second offered by C/Herrstrom, to adjourn closed session meeting with an All in Favor.

Time In: 11:07p.m. Time Out: 11:16p.m.

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

Time Out: 11:16 p.m.

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

Respectfully Submitted,

Kathleen Hart, Borough Clerk

Adopted Date: August 21, 2023