

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

Mayor and Council
 Regular Meeting Minutes of July 17, 2023

Mayor Malkin opened the meeting at 7:05 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.

CLOSED SESSION: Borough Clerk read Resolution 23-74 into the record:

Providing for a Private Executive Meeting that Excludes the Public

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

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 – Agricultural Zoning

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 VOTE:

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

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

Time In: 7:08pm Time Out: 7:36pm

MAYOR'S REPORT: None

PUBLIC COMMENT (Agenda items only)

M/Malkin opened the meeting to Public Comment for agenda items only at 7:39 p.m.

1. Burt Ellentuck, 22 Homestead Lane – Questions when someone is coming in with an agricultural use why do we need to amend the zoning ordinance? M/Malkin states that as of now wineries are not included in our ordinance. Burt Ellentuck asks if we have a list of those activities that are allowed in the agricultural ordinance? Attorney Greg Cannon states yes and explains that wineries are not addressed in the Agricultural Ordinance. Burt Ellentuck asks about the potential litigation from the executive session. Attorney Greg Cannon responds that it's about potential development in the agricultural zone. Burt Ellentuck asks if it's because they want to build a winery and grow grapes and states that there is an offer on the property, that's a lovely tax ratable and am sure the people that want to open the winery will add building and will add value to the property. He is concerned that as in the past when we had the opportunity for a grant to fix the sewer plant and it was talked to death and we never received the grant. He does not want to see that happen again.
2. June Counterman, 57 Lake Drive – States she has lived here for 62 years and has enjoyed the quiet and beauty of the town and hopes that the property stays a farm but also has no problem if it turns into a winery. June Counterman also states that on Route 571 just after Spruce Ln there is a passing zone which is very dangerous for the residents coming out of Spruce Ln.
3. Ellen Silverman, 10 N Valley Road - Thanks the council for moving so quickly on the tree inventory.
4. Dianna Moore, 25 Tamara Drive – States the property you're are speaking about is 2 different properties – 66 Lake (Route 571 corner of Lake/Spruce and uphill - 10 acres) and 64 Lake (11.3 acres being sold and goes back to State property line, the house which is 3 bedrooms and 1.5 bathrooms with water and sewer, then there's the barn (well and septic) and riding arena and board room. The winery is mandated by the State to close at 6:00pm, and they have to abide by Roosevelts rules, Alcohol Beverage Control and the NJ Wine Growers rules and Monmouth County Agricultural Board rules. Beth is staying in town.
5. Louise Hoffman, 58 Lake Drive – Asks where is the winery? Dianne Moore explains where the winery would be located. Also concerned with noise and traffic.
6. Brandon Kijowski, 59 Lake Drive – First asks if the farm is protected farm land? It is not. States he is concerned about the noise and traffic and hope the people moving in are community minded and that we can all function together. Is happy that Beth's horses will still be there. Attorney Greg Cannon states that the ordinance we are talking about also addresses parking standards. We listened to what you said at the last meeting about parking requirements, there's a hard stop at 10:00pm, garbage, recycling all quality of life issues.

M/Malkin closed the Public Comment for agenda items at 8:07 p.m.

CORRESPONDENCE: None Presented

MINUTES: None Presented

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 states that this is a requirement from the JIF that any person renting the Borough Hall must have an insurance rider.

C/Hamilton has many concerns regarding the ordinance and made a motion to carry Ordinance 2023-03 to the August 21, 2023 meeting, on second reading, with a second offered by C/Trammell.

C/Esakoff states you are beating this to death, and they are not renting the room, they are using the room, they are leaving a \$300 escrow that they get back. M/Malkin states maybe we need to come up with a better verbiage, maybe right to use. We have never charged to use the room only a deposit. C/Esakoff states that the school demands a fee for use of their building.

Roll Call:

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

Motion to carry Ordinance 2023-03 to the August 21, 2023 council meeting.

Attorney Greg Cannon states that the current Borough Code requires fee of \$150 as per Ordinance 21-09 implemented a rental fee of \$150. Clerk, Kathleen Hart read the following: “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”. It is stated now that we don’t want to rent to non-residents.

FIRST READING

ORDINANCE 2023-07 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE
BOROUGH OF ROOSEVELT TO ADD WINERIES AS A
PERMITTED USE IN THE R-AG/400 ZONE

C/Esakoff made a motion to adopt on first reading Ordinance 2023-03, 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

Second Reading and Public Hearing to be held on August 21, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

CONSENT AGENDA RESOLUTIONS:

- Resolution 23-75 Authorizing the Budget to be Read by Title Only
- Resolution 23-76 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”
- Resolution 23-77 Approving Professional Services Contract for Forestry Services with Forestry Consulting, LLC to Perform a Street Tree Inventory within the Borough
- Resolution 23-78 Resolution Renewing Monmouth County Shared Services Agreement for Monmouth County to Serve as the Public Answering Point (PSAP) for Roosevelt Borough
- Resolution 23-79 Resolution of the Borough Council of the Borough of Roosevelt Approving Change Order No. 2 and Final Payment to S. Brothers, Inc. for Improvements to Farm Lane and School Lane

Resolution 23-80 Resolution of the Borough Council of the Borough of Roosevelt Waiving of the March/April 2023 and May/June 2023 Water and Sewer Utility Billings for 5 & 6 Cedar Court

Resolution 23-81 Payment of Bills for July 17, 2023

C/Esakoff made a motion to adopt, with a second offered by C/Hamilton, to adopt the Consent Agenda Resolution’s 23-75 through 23-81, 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

PUBLIC HEARING OF THE 2023 BUDGET

M/Malkin opens the public comment at 8:23pm

No Public Comment

M/Malkin closes the public comment at 8:23pm

RESOLUTION:

Resolution 23-82 Adopting the 2023 Budget

M/Malkin states that we will not be adopting the budget resolution tonight as this year we are under State review and the State has not completed their review. We will have a special Zoom meeting on August 14, 2023 at 7:00pm to adopt the resolution.

C/Hamilton made a motion to carry the Budget Resolution 23-82, for adoption to the August 14, 2023 Zoom meeting, with a second offered by C/Esakoff.

Roll Call:

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

The resolution to adopt the 2023 budget will be held at a special meeting on August 14, 2023 @ 7PM via Zoom. Special meeting will be advertised and posted on the website.

REPORTS OF COMMITTEE CHAIRS:

Environmental, Health & Safety: None

Administration: None

Finance: C/Hamilton states the budget is ready for adoption just waiting on the States review. Only changes are to Fire and First Aid. No increase in the water/sewer budgets. Tax Rate up 2.3%.

Community Dev/Code: C/Herrstrom states we have submitted the FDR Amphitheater grant application to Monmouth County on July 7, 2023. We will wait now to hear if we get the grant. The Senior group will start up once again and the first meeting will be on Tuesday August 1, 2023 in Borough Hall. We have 15 voting members that have paid dues. All others are invited. M/Malkin states that when you accept County Grant money, like for the Amphitheater, then anyone in the County is allowed to use that space. If we get the County grant money anyone else from Monmouth County can also use the Amphitheater. M/Malkin thinks that should be consider even though we have already submitted the grant application. C/Hamilton states that’s the same for every other town. Attorney Greg Cannon states you can also require permits, especially if it becomes a public park; you may want to discuss a permit system before it becomes operational.

Public Works: C/Macher states that public works has done some trimming at the site triangles.

Utilities: None

REPORTS OF BOROUGH OFFICIALS:

Ellen Silverman, 10 N Valley Road: States the Environmental Commission is working on planning for the fall and also working on their goals and mission statement.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Use of the Amphitheater – Open Mic hosted by Gus Vuolle on August 19, 2023 from 5pm – 9pm.

C/Esakoff made a motion to approve, with a second offered by C/Trammell, with an All in favor. C/Hamilton states it will be a lot simpler if the Administration/Office Manager can approve use of the room. M/Malkin states we can take it off the agenda, that's how it is in most towns. We may need to strike it as one of the requirements that's in the ordinance.

M/Malkin states that the 4th of July picnic was a huge success. We had a very large turnout. We had different types of entertainment for the kids and a great band. Unfortunately, it rained towards the end. Borough Camp started this week. Very sad to announce Paul Prestopino passed away yesterday, a very long time resident. M./Malkin discusses the usage of the council room and we have to come up with some kind of blueprint for what we are going to do when the room is rented out. Ana sent out an email about the mess of the council room after its usage this past weekend, is unacceptable. It was left in deplorable condition and Ana had to clean the room up before the Council meeting. We don't charge a cleaning fee, we don't charge to use the room but we are going to have to come up with a plan on what to do when people rent the room. As long as the ordinance is tabled we should think about what we can do before the 8/21 meeting? C/Esakoff states charge them for her time. Attorney Greg Cannon states that's the appropriate thing to do. C/Atwood states it goes back to C/Hamilton's question about a checklist? M/Malkin states she did have a checklist and she signed it. C/Esakoff states he's sorry but you don't need a checklist to leave a building with dirt, garbage on the floor and the bathroom a mess. M/Malkin states the cleaning people come on Thursday so Ana couldn't leave it the way she found it because we are all here tonight and other people were here earlier in the day along with employees. Even if we take money from the deposit it doesn't negate that Ana had to clean it. Clerk Hart states that there was an email from Ana to the person using the room and she agreed to everything and said she'd leave it in a better condition than she found it.

PUBLIC COMMENT (Any item)

M/Malkin opens the public comment at 8:44pm

No Public Comment

M/Malkin closes the public comment at 8:44pm

ADJOURNMENT

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

Time Out: 8:45 p.m.

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

Respectfully Submitted,

Kathleen Hart, Borough Clerk

Adopted Date: September 5, 2023