

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

Mayor and Council  
 Regular Meeting Minutes of November 9, 2023

Mayor Malkin opened the meeting at 7:10p.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 transmitted to the Asbury Park Press and Trenton Times on October 31, 2023, posted on the Bulletin Board at the Roosevelt Post Office and in the Borough Hall.

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: Christine Malamut, Esq., Borough Attorney and Kathleen Hart, Borough Clerk.

MAYOR’S REPORT:

M/Malkin reports that we have had 2 deaths of very long time residents in the Borough. C/Esakoff’ wife Irma passed away. She was a long time love of Lou’s, a resident for 45 years and a treasured member of the Roosevelt community. Our condolences to Lou. Marvin Block also passed away. His family moved to Roosevelt in 1942 and he lived here until 2022. At one time the Block family had 4 generations living here at the same time and today we have 2 generations living here.

The Health Clinic we are having on Monday unfortunately COVID vaccines will not be available. Flu shots, blood pressure testing and Diabetes screening will be available. The County expects COVID vaccines to be available at the end of the month and at that point we will have another clinic.

Rabies Clinic from 6-7pm on Monday, November 13th.

There has been an issue in town the last couple of weeks regarding a noise complaint from roosters crowing and from that one complaint the rumor mill has taken off. On Facebook it ben stated that the Borough has been taking away roosters. The Borough does not take away roosters, only administer noise complaints. No one has called Borough Hall or the Mayor to see if this was true. We are a farm community. All of this is based on one person posting on social media. You can call Borough Hall with any questions between 8:30am-4:00pm, call the Mayor or any council member and check the Borough website. These are all official means of communication; we also send out code red. We may need at some time to address the noise issue.

PUBLIC COMMENT (Agenda items only):

M/Malkin opened the meeting to Public Comment for agenda items only at 7:19 p.m.

1. Mark Pouch and Beverly Tepper of Rocky Hill – 23 Montgomery Ave, thanks Mayor and Council for bringing forward the Winery Ordinance and have some questions about the draft

ordinance that is to be introduced today. Section 2.1 license - explains that a plenary winery and a farm winery are two different types of licenses (differences are the amount of wine produced and goes on to explain other differences). Their choice would be a plenary license not a farm license. Section 6.22.0A sales room winery – would like to know definition of sales room. Section 6.700a5 – finger food/charcuterie, food preparation area defined? Also many wineries have dinners/harvest dinners and would like to do that. We are not doing cooking on site but would like to have these activities every once in a while. More like a ticketed reservation (knowing how many people are coming). Beverly is a member of the Garden State Wine Growers Association and we have meetings every once in a while and imagines hosting a meeting. These events would be catered only and would not be involved with food preparation. 9a – Asks if they are exempt from site plan approval from the Planning Board? If he understands the section correctly. Attorney Christine Malamut, Esq. clarifies – even though you may be exempt you may need to apply for the exemption status for approval before you move forward.

- 2. Michael Ticktin, 37 N. Valley Road – questions section b4 of winery ordinance: parking issues and doesn't spill into streets. Noise – live entertainment during all hours of operation indoors and outdoors is limited to 10:00pm. 10:00pm for people living right next to farm might be asking much. The noise ordinance should supersede.

M/Malkin closed the Public Comment for agenda items at 7:48 p.m.

MINUTES:

- 1. Regular Meeting Minutes – October 2, 2023

On a motion by C/Esakoff 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/Herrstrom, C/Macher

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

CORRESPONDENCE:

- 1. Letter from the Fund for Roosevelt, Inc., dated October 31, 2023 regarding contributing funds for the Amphitheater project.

ORDINANCE:

FIRST READING

ORDINANCE 2023-16 AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE BOROUGH CODE TO INCLUDE WINERIES AS A PERMITTED USE IN THE BOROUGH'S R-AG/400 ZONE WITH APPLICABLE REGULATIONS

C/Esakoff made a motion to table Ordinance 2023-16 to the November 20, 2023, with a second offered by C/Trammell.

Roll Call:

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

NAYS: None ABSTAIN: None ABSENT: None

CONSENT AGENDA RESOLUTIONS:

Resolution 23-113 Payment of Bills for November 9, 2023

~~Resolution 23-114 — Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional Landscape Architect Services to ETM Associates, LLC for Improvements to the Franklin Delano Roosevelt Memorial Amphitheater~~

~~Resolution 23-115 — Resolution Approving First Addendum to Project Agreement With the Fund for Roosevelt to Reimburse the Soft Costs Associated with the Borough’s Planned Renovation of the Franklin Delano Roosevelt Memorial Amphitheater~~

~~Resolution 23-116 — Resolution Requesting Approval of Items of Revenue and Appropriation NJS 4-A:4-87~~

C/Esakoff asks to pull Resolutions 23-114, 23-115 and 23-116.

C/Trammell made a motion to adopt the Consent Agenda Resolution 23-113, 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

C/Esakoff states we cannot afford this project, we need trickling filters repaired for 2.2 million dollars; Stormwater regulations need to be updated at a cost of approximately \$100,000. We have to consider the community and taxes. C/Herrstrom states that Resolution 23-73 reads that the Borough is committed to funds and not a time to rescind. At this time, we are only at the point of accepting the \$23,000 from the Funds for Roosevelt adding to the original \$49,900. C/Hamilton states we have a park here that’s used for graduation and all types of art projects and its falling apart. We’ve repaired it but it’s still falling apart. We have active partners, we are getting 50% of the funding from Monmouth County and you have to match it plus we are receiving funding from the Fund for Roosevelt.

Resolution 23-114 Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional Landscape Architect Services to ETM Associates, LLC for Improvements to the Franklin Delano Roosevelt Memorial Amphitheater

C/Hamilton made a motion to adopt Resolution 23-114, with a second offered by C/Herrstrom.

Roll Call:

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

Resolution 23-115 Resolution Approving First Addendum to Project Agreement With the Fund for Roosevelt to Reimburse the Soft Costs Associated with the Borough’s Planned Renovation of the Franklin Delano Roosevelt Memorial Amphitheater

C/Hamilton made a motion to adopt Resolution 23-115, with a second offered by C/Atwood.

Roll Call:

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

Resolution 23-116 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 4-A:4-87

C/Hamilton made a motion to adopt Resolution 23-116, with a second offered by C/Esakoff.

Roll Call:

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

REPORTS OF COMMITTEE CHAIRS:

Environmental, Health & Safety: No Report.

Administration: No Report.

Finance: No Report.

Community Dev/Code: C/Herrstrom reports, as per Resolution 23-115, we know that the Funds for Roosevelt will be adding an additional \$23,000 for the Amphitheater project. Background on the Amphitheater is as follows: \$826,000 project cost, \$330,000 from Monmouth County and \$412,000 from the Borough Council. We did not receive the amount we applied for in the grant so will the Borough put in for the additional funding. There will be an Amphitheater meeting on November 20, 2023 and we will discuss low maintenance plantings. We also spoke about benches at the Amphitheater that maybe we can get donations for them. We are hoping for a savings of about \$101,000. C/Herrstrom asks the council members to review the updated project costs and get back to her with any concerns. CFO, George Lang states that we need to go out to bid for the entire project and since the County grant has been reduced than the Borough contribution is more like \$500,000. Discussion takes place regarding the bidding process. C/Hamilton’s concern is since the County has approved the project are we allowed to make changes at this point. CFO George Lang states that a Bond of \$500,000 will be an increase in taxes of \$125 to \$130 per year. Council agrees to put a Bond ordinance on for the November 20, 2023 meeting for first reading.

Public Works: No Report

M/Malkin states she has had a conversation with Robert’s Engineering and we are way behind and we must begin the process of the trickling filters at the sewer plant. We need to adopt an ordinance so we can begin the design and the loan application. This needs to be on the agenda for November 20, 2023, all together it is 2.2 million dollars. We need to get Carmella to start on the design.

C/Esakoff asks when will the roof repair start? M/Malkin will ask Ana Debevec when the start date is.

Utilities: C/Trammell reports that construction began on Pine Drive. Violation at plant due to paper issue has been corrected.

NEW BUSINESS:

1. 2023 Best Practice Inventory – CFO, George Lang reports that municipalities need a minimum score of 29.50 or above we scored 38.50 – no State Aid will be held back.

PUBLIC COMMENT (Any item)

M/Malkin opens the public comment at 8:54p.m.

1. Shannon Archer, 42 N. Rochdale Ave – Asks the Mayor what she said in the beginning about the roosters? M/Malkin reiterated what she said at the beginning of the meeting, that someone just posted that Animal Control would be taking away roosters – we administer to the noise but we do not take roosters away. There was never any discussion amongst the council. Someone did lodge a noise complaint... then it took a life of its own. A petition went around on Sunday, never was there any discussion about taking anyone’s bird away. It was all based on one person’s post. I would hope that people would not rely on Facebook for their information and just call Borough Hall. We will have to address the noise issue, that has not even come to the council as of yet. People getting upset about things that are not true. Shannon Archer states that on October 30, 2023 she received a letter on my door. M/Malkin explains the process to Shannon Archer on what takes place when someone lodges

a complaint. Shannon Archer reads the bottom of the letter which states she has 10 days to rectify this problem – she was not aware that there was a problem. M/Malkin again states the process; someone contacts Animal Control to lodge a complaint. Attorney, Christine Malamut responds that is just the noise ordinance, it is a print out from the Borough Website, Borough Council enforces the ordinances. Shannon Archer asks what is defined as frequent or long continued noise? M/Malkin states that is something we will have to discuss. M/Malkin states that we do hire Animal Control to investigate complaints. A person did come into Borough Hall to lodge a complaint and they have to investigate the complaint. Shannon Archer states she started the petition to see if anyone had an issue with the roosters. M/Malkin states there are different issues; noise and roosters. Shannon Archer reads her petition. M/Malkin states that she needs to speak with Animal Control. C/Atwood states that he will call Animal Control and get clarification.

M/Malkin closes the public comment at 9:16p.m.

REPORTS FROM BOROUGH OFFICIALS:

1. Ellen Silverman, 10 N. Valley Road – Reports that the tree inventory is done and we are waiting for the reports.

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

Time Out: 9:19p.m.

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 18, 2023