

BOROUGH OF ROOSEVELT  
33 N. Rochdale Ave, Roosevelt Borough, NJ 08555

Mayor and Council  
Regular Meeting Minutes of September 5, 2024

Mayor Malkin opened the meeting at 7:16p.m. and read the Open Public Meeting Act statement which stated, Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 3, 2024 which was posted on the Bulletin Board Roosevelt Post Office and in the Borough Hall. The notice was transmitted to The Times and Asbury Park Press.

ROLL CALL

	PRESENT	ABSENT	LATE ARRIVAL
<i>Councilmember Lou Esakoff</i>	✓		
<i>Councilmember Michael Hamilton</i>	✓		
<i>Councilmember Constance Herrstrom</i>	✓		
<i>Councilmember Tina Kaufman-Marut</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

M/Malkin and all in attendance sing Happy Birthday to Councilmember Lou Esakoff.

**PRESENTATION:** ETM Associates – Amphitheater Project:

C/Herrstrom introduces Dave Sitler – Project Manager, ETM Associates, LLC, and states that we have been very lucky with the people in town with the experience needed for the Amphitheater project and introduces members:

Gail Hutton, who is part of the Office of Acquisition and she is the one who let us know about the grant funding and works closely with SHPO; Alan Malick, he was a City Planner in Trenton and worked closely with SHPO; Kate John Alder, who is a Rutgers Professor and former Landscape Architect and knows a lot about preservation; Michael Hamilton, Councilmember, has had to deal with SHPO regarding the school; Mayor Malkin and the Borough Engineer, Carmela Roberts, applied for a grant in the past for the Amphitheater that was not awarded; Burt Ellentuck, the original designer of the Amphitheater; Jeb Shahn; John Ord, who is a school board representative; Michael Ticktin, who wears a lot of hats and a Planning Board representative; Ellen Silverman, Chair of the Environmental Commission; Fred Septak, a Borough employee. Borough Attorney, Greg Cannon, who was very helpful in guiding us through the process and Councilmember Steve Macher did the survey of the site. Councilmember Connie Herrstrom who has been working on the Amphitheater project.

We started this project in November 2022 and the grant was submitted in July 2023. We needed a Landscape Architect to control the project and a Request for Bids was sent out around February 2023. ETM Associates, LLC was awarded the project. We applied for \$500,000 grant for this project and \$330,000 was awarded. We went back to the drawing board so we could reduce costs. We said at the last meeting that we would have a rendering of the project so Dave Sitler, Project Manager for ETM, who is very well experienced with this type of project, will now discuss the project.

Dave Sitler, explains SHPO is a branch of the NJDEP and how they govern historic properties and the design and construction of such projects needs to be reviewed by them. We submitted our specifications to them and they came back with a few comments that we have been going back and forth with them.

Pictures are shown of the existing area and states the Amphitheater is about 62 years old and explains some of the concerns with the current status of the Amphitheater. We have come up with a new design and we wanted to retain all the character of the space. We are re-constructing with only minor changes to the layout, utility shed requires some work (but not included in the current package, Borough will get quotes), update lighting, plantings, and also ADA access. Dave Sitler notes that this rendering here was done about 6 months ago (see attachment #1) and there have been some changes. We are looking just to refresh the area and here are some of the revisions: Bluestone on the seating and step area, which was a deliberate decision of the Committee and other community members in previous meetings with a strong request from the community. Some of the reasons were the water issues on the seating and there have been many repairs over time that we are trying to avoid by creating a solid surface along the edge that won't degrade over time. Additionally, we got a lot of communications from the community stating that the brick seating was not comfortable. This was a natural option for us. He assures everyone that the design is 100% to maintain the integrity of the design, we are refreshing and updating not changing the layout. Originally there was a reflecting pool, which is now filled in with grass. It is our intent to just have a concrete pad which will honor the space. These are some of the things that SHPO is reviewing and they generally appreciate the design but there are some sticking points that they are interested in. He wouldn't say they are concerned with but just want more information on like what our lights look like, what are their purpose, are they for safety, are they for a program or events. Some noticeable points are; originally the upper seating wall does not have a patch of paving, on the back of it, an additional band that we are purposing to add so folks in wheelchairs are able to sit up there if they choose not to go all the way down and enter into the Amphitheater below. It will also provide some additional seating, making capacity increase. Lastly, lighting is another component. What we are planning to do is to retain what was originally there only some minor tweaks. Dave Sitler shows the bluestone paving component and what it would look like. We are trying to match the bricks that are already in place and asking for mockups. Dave Sitler explains seating, restoration, planting areas and lighting (dimming and illuminated). Lights will not be on at all times.

#### Question and answer period.

1. Ellen Silverman, 10 N. Valley Road: Asks if the utility building is where all the electrical panel will be? Dave Sitler answers yes, that is correct and there will be a lighting control panel there. The area will be secure and there will be exterior lighting.
2. Michael Ticktin, 37 N. Valley Road: States that some people have raised the issue that bluestone gets to hot and asks Dave Sitler what his response to this is? Dave Sitler responds temperature difference s is very little between bluestone and brick.
3. Burt Ellentuck, 22 Homestead Lane: States his background includes being Assisting Director of Planning for the City of Trenton for 20 years and Project Manager for Ramapo College. Wants to talk about the bust of Roosevelt and wanting to collecting money and the best place to get money is from old people, old people that remember Roosevelt, that were impressed by Roosevelt, and know what he did for this country and know he was one of the longest serving presidents this country ever had and there is nothing about that in the memorial. It should be in the promotional brochure, not the rows of seating, as this is a memorial about Roosevelt and that is what should be emphasized. Dave Sitler responds that he agrees that some of his words could be on the bluestone in front of him. Again, Burt Ellentuck believes it should be emphasized in a fund-raising brochure.
4. Jeff Ellentuck, 40 Pine Drive: Asks if there is any lighting on the bust? M/Malkin responds that Jeb Shahn did not want lights on the bust. C/Hamilton states lights would cast downward shadows. Jeff Ellentuck states if we are trying to emphasize Roosevelt then in the night why isn't it lit at 45° angle.
5. Jane Rothfuss, 3 Tamara Drive: Asks if anything has been included for audio? Dave Sitler responds we've been working with Joe Trammell regarding audio. C/Trammell responds that all we need is electricity at the base of the stairs. Jane Rothfuss replies you are saying there are going to be a couple outlets down by the stairs? Dave Sitler shows a picture of the outlets on the wing wall at 2 locations. Jane Rothfuss then asks if that layout with the outlets will that also

- work for the school? C/Trammell answers someone will need to know how to operate the equipment.
6. Nona Sherak, 4 Maple Court: States that she is anti-bluestone not only because it gets hot but also it gets slippery and is concerned if someone falls, then the Borough is responsible. It's just a bad choice. It should be something with texture so people won't fall. Dave Sitler responds that there are a number of treatments that can be applied to bluestone and explains some examples. Nona Sherak replies her concern is the 2-year-old child that takes their shoes off and burns their feet. Also concern about the handicap area and it is a long way down and asks if there should be another pathway down. Dave Sitler states that SHPO will not allow us to do 2 pathways.
  7. Maureen Parrot, 2 Tamara Drive: Asks Dave Sitler if he prepared Roosevelts grant under the Monmouth County Municipal Park Improvement Grant Program? Dave Sitler responds no he did not. Maureen Parrott then asks if he received an email from SHPO on July 17, 2024 (see attachment #2) that said the application was not yet technically and professionally complete in accordance with NJAC 7:4-7.1d? Dave Sitler responds yes. Maureen Parrott then asks if SHPO told him on August 9, 2024 (see attachment #3) that this plan does not comply with the Secretary of Interior's standards for historic places? Dave Sitler responds he is aware. Maureen Parrott then asks didn't SHPO ask you to submit alternatives to include a no build alternative and an alternative that satisfies the Secretaries Standards and an alternative that the Borough prefers? Dave Sitler responds yes. Maureen Parrott then asks did he respond on August 23, 2024? Dave Sitler responds that he did respond and provided them with a detailed alternative analysis. Maureen Parrott asked who authorized those alternatives on behalf of the Borough? Dave Sitler responds the committee of Alan Malick, Mike Hamilton and Connie Herrstrom.
  8. Jeff Ellentuck, 40 Pine Drive: States that another outlet on the existing brick wall would be needed for the microphone amp.
  9. Kurt Rothfuss, 3 Tamara Drive: States it's not a bad idea to add AC power on that existing wall and also add another outlet by the shed.
  10. Jeff Klein, 21 Homestead Lane: We are talking about all these changes, like we can do all that. SHPO has all the information and will determine what we can do and what we can't do, is that correct? Dave Sitler answers yes. Jeff Klein then asks whatever we say doesn't really matter until SHPO gets it and says its fine; so it's really in the hands of SHPO, is that correct? Dave Sitler again answers yes, the process we go through with SHPO is we go back and forth through emails, discussions and on site meetings at the Amphitheater (that's when they requested the alternative analysis). So we've updated and SHPO has the analysis and has 30 days to respond, with that they will tell us if we are in compliant. There is a path forward for all options. Jeff Klein states that this can go on and on until SHPO is satisfied with the project and will that have any impact on the grant? C/Herrstrom states that the grant says we have to comply with SHPO who will make the final decision.
  11. Bob Kragen, 7 School Lane: Asks what is the usage factor of the Amphitheater? What are we trying to do? Do we need the Amphitheater at all? M/Malkin states that the Amphitheater and the Memorial are historic and they are the responsibility of the Borough. We are proud of it and we are obligated to take care of it. The controversy is to what extent and how much money do we want to spend. We need to and want to take care of it.
  12. Nona Sherak, 4 Maple Court: Asks if there is going to be any potable water? Dave Sitler answers no.
  13. Jane Rothfuss, 3 Tamara Drive: Asks if this plan has to go to another board and they say no to the bluestone, then do you re-design with the brick? Dave Sitler replies yes.
  14. Bob Kragen, 7 School Lane: States his concern is that it sounds like the grant is not activated until final approval on the completion of the project, is that true? M/Malkin answers yes. Bob Kragen then states as a resident of Roosevelt you people need to come to the residents of Roosevelt and ask what do we want, if they want to spend a million dollars on the Amphitheater, the fine but it has to be a line item vote. We need to work out these issues.
  15. Maureen Parrott, 2 Tamara Drive: States that the last SHPO meeting was August 15, 2024 and was on Zoom, it was 3.5 hours and only 1 application. It was NJ Transit and many professionals spoke at great length, then the public spoke up. SHPO deliberated and made recommendations in writing to the DEP Commissioner. That project was denied 100% because it did not comply with the standards.

When Maureen heard that she said there was no way the demolition of a historic site would be approved.

16. Jeff Klein, 21 Homestead Lane: Asks if the bluestone is voted on and they say no we need the brick or whatever SHPO decides, its then redone and shown to them can that keep going on and on? Dave Sitler responds it could, but there is a time frame that they like to get it done, usually 3 months. We are also working with the DEP on permitting associated with the project and their timeline is even longer than SHPO.

M/Malkin also asked questions to Mr. Sitler regarding the following: Why the community nor the Borough Council were consulted for their opinion on bluestone; why was the Borough Council, nor Ana Debevec (who is the contact person) were not copied on emails or letters (specifically, the July 17, 2024 and August 9, 2024); why was the Borough Council not consulted on alternative/updated plans; why was C/Trammell consulted and not the whole Borough Council on lighting/electric and even more concerning why was the Borough Council not made aware of SHPO concerns.

C/Hamilton states when he was on the BOE many years ago we had this same kind of issues and we went back and forth before we finally came to a solution. This is not uncommon with SHPO and then explains how the bluestone came about. M/Malkin asks C/Hamilton why he didn't bring that back to the council? C/Hamilton states we had a lot of comments from the council meetings about the bluestone. M/Malkin states and we were not in favor. C/Hamilton thinks the plan is very respectful. Dave Sitler states the SHPO is required to adhere to strict standards and there is a lot of leniency. Dave Sitler states he wants to give the community what it wants, he is here to help. M/Malkin asks Dave Sitler can he explain why he is still pushing the bluestone? Dave Sitler states he has been given a message that this is what the community wants.

PUBLIC COMMENT: (Agenda items only)

M/Malkin opened the meeting to Public Comment for agenda items only at 8:53p.m.

1. Jeff Ellentuck, 40 Pine Drive: Speaks about construction and restoration, which happens in this state and every state in the country. If we continue to go back and forth discussing bluestone vs brick; the price will only increase. The committee makes its recommendation to the council. We have engineering reports, there are foundational issues. When you have these referendums, putting aside the costs, and compares this with the fire referendum of the past.
2. Maureen Parrott, 2 Tamara Drive: Asks about the emails from SHPO of July and August and why they were kept secret and states that the public was excluded. Maureen Parrott states she put in an OPRA to the State SHPO to find the status of the project. The Monmouth County Grant that we received expressly states that historic projects must comply with the US Secretary of the Interior. Currently the project does not meet those standards therefore we will not receive the grant. We were informed by SHPO on August 9<sup>th</sup>. that the project does not meet the standards of the US Secretary of Interior. There is nothing in the minutes that show that this council authorized the application that SHPO received. Our form of government the borough council acts by resolution and that 1 or 2 council members cannot act on behalf of this borough. So Ms. Parrott does not believe this application was ever authorized. Ms. Parrott asked Mr. Sitler about the August 23rd. alternatives analysis email that he sent – the council did not authorize and urges the Mayor to contact SHPO and advise that this council did not authorize the analysis. Let's have an open discussion on alternatives. Also the standards are posted online any anyone can read them and would like to know why Mr. Sitler submitted an application that does not comply with the standards. Through an OPRA request Ms. Parrott got the structural analysis and quotes "a restoration of the structure may be possible" and recommends that the structure be completely re-constructed. Ms. Parrott reads the recommendations. Ms. Parrott thinks Mr. Sitler contact should be withdrawn. Ms. Parrott reads from Ordinance 2-1.5 the Mayor has the power to appoint members to a committee with the advice of the borough council and has sent an OPRA for the resolution where this council approved members to the Amphitheater Committee back to 2022 and Clerk stated no resolution existed. Also the minutes do not show these appointments and believes that this committee is illegal. See attachments 2, 3 and 4.

3. Bob Kragen, 7 School Lane: Asks the Attorney for his thoughts on what Jeff Ellentuck said and what Maureen Parrott said, what is the fiduciary trust responsibility is for each member of the council and what best practices demand of the council.
  4. Attorney, Greg Cannon states that he thinks the project could've been more effectively communicating among the people on this dais, there is a lot of disconnect between people up here, people could communicate better. Best practices – he wrote all the resolutions that legally authorized all the money that has been spent to date, donations that have been received, the contract with Mr. Sitler that was approved by resolution of the governing body under Local Public Contract Law and everyone has the right to come up here and voice their opinion. The Borough has not done anything illegal. Mr. Kragen asks if there is another State organization that can advise on best practices specifically on bonds such as this. Attorney, Greg Cannon responds yes the New Jersey League of Municipalities and the Borough has Bond Attorney. Mr. Kragen asks can we submit this whole project to them? Attorney, Greg Cannon says no they do not have bonding authority, they provide guidance, it's a great resource on how things work, at the end of the day this is a debatable project and people disagree. He does not feel people are doing anything illegal, but can communicate better. It's a policy question not a legal question.
- M/Malkin closed the Public Comment for agenda items at 9:16 p.m.

MINUTES:

1. Regular Meeting Minutes – July 15, 2024  
 On a motion by C/Trammell to accept the minutes as amended, with a second offered by C/Hamilton; (Corrections: C/Herrstrom had corrections, C/Hamilton spoke regarding Roberts Rules of Order, Attorney, Greg Cannon states Roberts Rule of Order are not an authority on how to run your meetings, it is a guide book only.) Clerk Hart made corrections and the minutes were approved by the following roll call vote:  
 Roll Call:  
 AYES: C/Hamilton, C/Herrstrom, C/Kaufman-Marut, C/Macher, C/Trammell  
 NAYS: C/Esakoff ABSTAIN: None ABSENT: None

CORRESPONDENCE:

1. Letter from Roberts Engineering Group LLC, dated August 13, 2024, recommending that the Borough request a 6-month extension with the NJDOT regarding Improvements to North Valley Road.
2. Letter from Roberts Engineering Group LLC, dated August 23, 2024 regarding updating the Stormwater Pollution Prevention Plan.
3. Letter from Fund for Roosevelt, Inc., dated August 25, 2024 regarding Amphitheater project.

ORDINANCES:

SECOND READING  
 2024-09

BOND ORDINANCE PROVIDING FOR THE FRANKLIN DELANO ROOSEVELT AMPHITHEATER PROJECT, APPROPRIATING \$710,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$676,000 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

M/Malkin opens the public comment at 9:36pm

1. Nona Sherak, 4 Maple Court: Is in favor of fixing but not happy about the money being spent and who is going to take care the landscaping?
2. Michael Ticktin, 37 N. Valley Road: States the grant is for \$330,000 and another \$85,000 from the Fund tor Roosevelt that's a total of \$415,000 which would not be available if this bond is voted down.

The problem is not going to go away; the deterioration has to be addressed now or later. This is our heritage and it needs to be preserved.

3. Burt Ellentuck, 22 Homestead Lane: Suppose a private committee to solicit funds – would it still be under SHPO? It’s a historic site, so yes it’s still under SHPO, no matter who funds it.
4. Jane Rothfuss, 3 Tamara Drive: It’s important we preserve our community, we deserve nice things.
5. Bob Kragen, 7 School Lane: Inspect site and find out what would it cost to repair not renovate. Why not get another quote on the project?
6. Maureen Parrott, 2 Tamara Drive: What is the urgency with passing the bond since we do not have approval from SHPO. Discussion takes place regarding statutes that Ms. Parrott has referred to. Ms. Parrott states you cannot pass this bond ordinance until the state has approved the project. We need 37 signature for a referendum, then we will have to pay for a special election.
7. Burt Ellentuck 22 Homestead Lane: He agrees with Ms. Parrott and this project needs to be looked at again.

M/Malkin closes the public comment at 9:53pm.

M/Malkin states it’s premature to pass tonight, we do not have approval from SHPO since there are many concerns. This project is not at the point of any kind of approvals or dis-approvals. We still do not have any approvals from the Board of Education and it may have to go before the Department of Education. We have no idea what the alternative plan is going to cost. Right now the Borough has to spend more money than we have ever had to and explains the upcoming projects and their costs including needing a new additional if not 2 DPW employees. C/Herrstrom states that she has spoken to people who are willing to donate to this project. C/Hamilton describes the process and that SHPO is involved in the process and has gone through this before. We passed the bond and were still in negotiations with SHPO. We are voting on a funding instrument to go forward with the process. We built in 2-10% buffers for overruns. Attorney, Greg Cannon states there is a possibility that if the 20% contingency is not enough you will have to do an amendment to the bond ordinance, this ordinance can be passed now and amended later. Attorney, Greg Cannon states you can cancel the balance of the bond ordinance and repay only the portion spent. M/Malkin asks Attorney, Greg Cannon if he can give his legal opinion about passing the bond ordinance tonight without getting Board of Education and Department of Education and SHPO approvals. Attorney, Greg Cannon states those can create uncertainty and that you may have to do another bond ordinance again which is subject to be challenged. C/Kaufman-Marut asks can SHPO come back and say you are going to fix it and not demolish it and if that is what happens is it up to us as the council members to say how the money gets spent and do what SHPO says. Attorney, Greg Cannon states you have Mr. Sitler who has to get approval of the design from SHPO, money that you need is for Mr. Sitler to get SHPO’s approval, you have to pay that. Once that design to approved by SHPO then it goes to bid specifications, advertised, bidders will send in sealed bids with what they say it will cost to rebuild. Attorney, Greg Cannon explains the bidding process once the bids are received and how it moves forward.

C/Trammell made a motion to adopt Ordinance 2024-09 on second reading, with a second offered by C/Herrstrom.

Roll Call:

AYES: C/Hamilton, C/Herrstrom, C/Kaufman-Marut, C/Macher, C/Trammell  
 NAYS: C/Esakoff ABSTAIN: None ABSENT: None

**FIRST READING**

2024-10 AN ORDINANCE OF THE BOROUGH OF ROOSEVELT AMENDING CHAPTER 5: “ANIMAL CONTROL” TO AUTHORIZE THE BOROUGH’S ANIMAL CONTROL OFFICER TO ENFORCE WILDLIFE FEEDING REGULATIONS

C/Trammell made a motion to adopt on first reading Ordinance 2024-10, with a second offered by C/Esakoff. C/Hamilton asks are we doing this because someone is feeding feral cats? M/Malkin responds that the Animal Control Officer comes out and people refuse to comply and right now the

Animal Control Officer cannot issue a summons and now they will be able too. C/Trammell states what the process is.

Roll Call:

AYES: C/Esakoff, C/Hamilton, C/Herrstrom, C/Kaufman-Marut, C/Macher, C/Trammell  
NAYS: None ABSTAIN: None ABSENT: None

Second reading and public hearing scheduled for October 7, 2024 at 5:00pm at Borough Hall, 33 North Rochdale Avenue, Roosevelt, NJ.

**PUBLIC HEARING OF THE 2024 BUDGET**

Resolution 24-88 Resolution Adopting the 2024 Budget

M/Malkin opens the public comment at 10:44pm.

- 1. Nona Sherak, 4 Maple Court: states she has her tax bill from 1994 to present, we have gone up \$2,000 in 20 years, which she doesn't think is traumatic.

M/Malkin states that the budget public hearing will be held opened until September 16, 2024.

**CONSENT AGENDA RESOLUTIONS:**

- Resolution 24-89 Payment of Bills – September 5, 2024
- Resolution 24-90 Resolution Authorizing the Borough Engineer to Request a Six-Month Award Extension from the New Jersey Department of Transportation in Connection with the Grant Received for Improvements to North Valley Road
- Resolution 24-91 Resolution of the Borough Council of the Borough of Roosevelt Approving Change Order No. 3 and Payment No. 4 to P.M. Construction Corp. for Improvements to Pine Drive
- Resolution 24-92 Resolution Authorizing Roberts Engineering Group, LLC to Prepare an Updated Stormwater Pollution Prevention Plan

C/Esakoff made a motion to adopt the Consent Agenda Resolution's 24-89 through 24-92, with a second from C/Herrstrom by the following roll call vote:

Roll Call:

AYES: C/Hamilton, C/Herrstrom, C/Kaufman-Marut, C/Macher, C/Trammell  
NAYS: C/Esakoff ABSTAIN: None ABSENT: None

**REPORTS OF COMMITTEE CHAIRS:**

Administration: No Report.

Finance: No Report.

Community Dev/Code: C/Herrstrom states the cost of a referendum against the bond ordinance for the Amphitheater would cost about \$20,000. and this committee and the public can help in getting donations for this project, everybody has time. If you can't pay money and you have time so with the time help us to get donations, if you want to do that call C/Herrstrom.

Environmental, Health & Safety: No Report

Public Works: No Report.

Utilities: No Report.

**REPORTS OF BOROUGH OFFICIALS:** None

**OLD BUSINESS:**

Senior Citizens of Roosevelt – Request for Reimbursement: C/Hamilton states we have money in the

2024 budget and recommends the reimbursement of the trip cost of \$863.31.

C/Hamilton makes a motion to reimburse the cost of the trip with a second from C/Trammell.

Roll Call:

AYES: C/Esakoff, C/Hamilton, C/Herrstrom, C/Kaufman-Marut, C/Macher, C/Trammell  
NAYS: None ABSTAIN: None ABSENT: None

**NEW BUSINESS:**

1. End of Summer Concert – 09/15/24: There will be a live band, food and beverage. It goes from 5:00pm - 7:00pm and held at the Memorial.
2. Council Meeting – 10/7/24 at 5:00pm: The special meeting on 9/25/24 is cancelled and is now scheduled for 10/7/24 at 5pm.

**GOOD AND WELFARE:**

C/Esakoff thanks everyone for the cake and wishing him a Happy Birthday.

C/Hamilton thanks the members of the public who expressed their opinions throughout this process. Maybe we can send a letter of thanks to the Monmouth County Park System for approving the grant for the Amphitheater and also the Fund for Roosevelt for their more than \$90,000 in contributions.

C/Trammell makes a motion to send the letters with a second from C/Hamilton, all are in favor.

M/Malkin reads a text she received: Why of course the people don't want war, why should some poor slob on a farm want to risk his life in a war when the best he can get out of it is to come back to his farm in one piece, naturally the common people don't want war neither in Russia or England nor for that matter in Germany that is understood, but after all it is the leaders of the country who determine the policy and is always a simple matter to drag her people along whether it's a democracy or fascist dictatorship or a parliament or a communist dictatorship. Voice or no voice the people can always be brought to the bidding of the leaders, that's easy all you have to do is tell them they are being attacked and denounce the peace makers for the lack of patriotism and exposing the country to danger it works the same in any country – that was written by Herman Gering one of the designers of the Holocaust

**PUBLIC COMMENT: (Any item)**

M/Malkin opens the public comment at 11:08pm.

1. Jeff Klein, 21 Homestead Lane: states everyone did a wonderful job, that's the way it works.

M/Malkin closes the public comment at 11:09pm.

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

Time Out: 11:09pm

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: February 3, 2025

# FDR AMPHITHEATER REHABILITATION

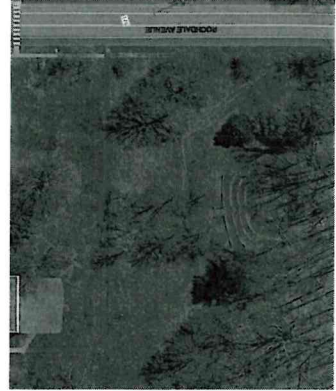
## BOROUGH OF ROOSEVELT

ROOSEVELT, NJ 08555 -BLOCK 3 LOT 33

### ATTACHMENT #1



1. THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND USE APPROPRIATE SURVEYING INSTRUMENTS AND PROCEDURES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND THE CONTRACTOR SHALL NOTIFY THE RESPECTIVE UTILITY COMPANIES FOR THE LOCATION OF UTILITIES SHOWN ON THESE PLANS AND APPROXIMATE. THE CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITY COMPANIES FOR THEIR EXACT LOCATION.
2. THE LOCATIONS OF UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITY COMPANIES FOR THEIR EXACT LOCATION.
3. TRIMMER OR AERIAL EXCAVATOR ARE TO BE BACK FILLED WITH USABLE MATERIAL AND TOPPED WITH QUARRY PROCESS STONE AT THE END OF EACH WORKING DAY AND PAVED AT THE END OF THE WORK WEEK. NO TRIMMERS WILL BE PERMITTED TO BE LEFT OVERNIGHT.
4. ANY MATERIAL THAT MAY BE SPILLED DURING THE REMOVAL AND REPLACEMENT TO USE THE CORNER AND REPAIRS. MUST BE RETURNED TO ITS ORIGINAL CONTAINER. THE COST FOR THIS SHALL BE INCLUDED IN THE BIDDING PRICE FOR THE RECONSTRUCTION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING PROPOSED WORK TO MEET EXISTING CONDITIONS IN A WORKMAN MANNER.
6. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY APPROVALS FROM ALL LOCAL, COUNTY, AND STATE GOVERNING AGENCIES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE BOROUGH OF ROOSEVELT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE BOROUGH OF ROOSEVELT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE BOROUGH OF ROOSEVELT.
7. THE CONTRACTOR SHALL MAINTAIN CONTINUOUS SURVEILLANCE DURING CONSTRUCTION.
8. THE CONTRACTOR SHALL CONDUCT TESTS AT ALL CROSSINGS TO VERIFY EXISTING UTILITY LOCATIONS AND DEPTHS PRIOR TO THE START OF CONSTRUCTION AS DIRECTED BY THE SUBMITTER.
9. ALL COSTS RELATIVE TO BE AVOIDANCE OF ANY, SHALL BE ELUCIDATED IN BOTH PHASES.
10. THE CONTRACTOR WILL NOT BE PERMITTED TO STORE ANY MATERIALS WITHIN THE PUBLIC RIGHT OF WAY OVERNIGHT. AT NO TIME MAY ANY MATERIALS BE STORED WITHIN THE PUBLIC RIGHT OF WAY. ALL TRUCKS MUST BE RETURNED TO THEIR ORIGINAL CONDITION AT THE END OF THE PROJECT AND NO COST TO THE CITY OF ROOSEVELT.
11. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, NOTES AND CONDITIONS AT THE SITE BEFORE ANY CONSTRUCTION WORK IS STARTED. THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES OR CONFLICTS BETWEEN THESE DRAWINGS AND FIELD CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE BOROUGH OF ROOSEVELT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE BOROUGH OF ROOSEVELT.
12. AT COMPLETION OF THE FINAL CONSTRUCTION IS TO REPAIR ALL EXISTING PAVEMENT AND SITE FEATURES DAMAGED BY CONSTRUCTION.



**SITE LOCATION PLAN**

BOROUGH OF ROOSEVELT

TITLE OF REQUIRED SIGNATORY

TITLE OF REQUIRED SIGNATORY

**FDR AMPHITHEATER REHABILITATION**  
BOROUGH OF ROOSEVELT, NJ

**DRAWING LIST**

1.00	TITLE SHEET
2.00	SITE SURVEY
3.00	EXISTING CONDITIONS
4.00	MATERIALS & LAYOUT ENLARGEMENT PLAN
5.00	GRADING PLAN
6.00	PLANTING AND DETAILS
7.00	SEEDING AND EROSION CONTROL PLAN
8.01	SEEDING AND EROSION CONTROL DETAILS
8.02	SEEDING AND EROSION CONTROL DETAILS
8.03	SEEDING AND EROSION CONTROL DETAILS
8.04	SEEDING AND EROSION CONTROL DETAILS
8.05	SEEDING AND EROSION CONTROL DETAILS
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8.99	SEEDING AND EROSION CONTROL DETAILS
9.00	SEEDING AND EROSION CONTROL DETAILS

**ETHN ASSOCIATES LLC**  
LANDSCAPE ARCHITECTURE  
PUBLIC SPACE MANAGEMENT  
1025 MARKET AVENUE SUITE 200  
ROOSEVELT, NJ 08555  
TEL: 732.774.4600  
WWW.ETHNASSOCIATES.COM

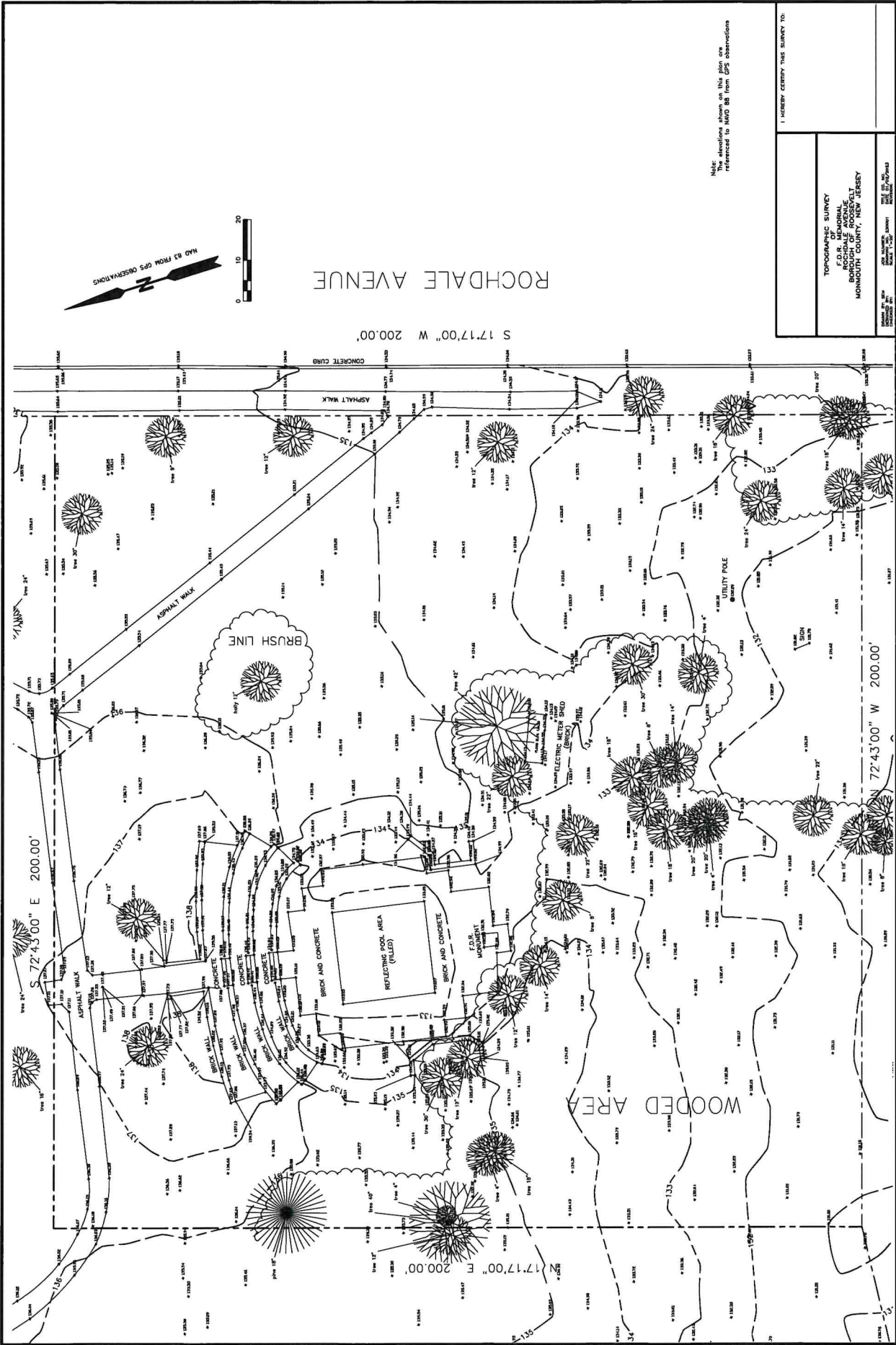


**ETHN ASSOCIATES LLC**  
LANDSCAPE ARCHITECTURE  
PUBLIC SPACE MANAGEMENT  
1025 MARKET AVENUE SUITE 200  
ROOSEVELT, NJ 08555  
TEL: 732.774.4600  
WWW.ETHNASSOCIATES.COM



**KNOW WHAT'S BELOW - CALL BEFORE YOU DIG!**  
Dial 811 or 800-272-1000. It's FREE and it's the LAW

TITLE SHEET  
**1.00**



Note: All elevations shown on this plan are referred to MVD 88 from GPS observations

I HEREBY CERTIFY THE SURVEY TO:	
<b>TOPOGRAPHIC SURVEY</b> <b>F.D.A. MEMORIAL</b> <b>BOROUGH OF ROOSEVELT</b> <b>MONMOUTH COUNTY, NEW JERSEY</b>	
SURVEYED BY: [Name] DATE: [Date]	DRAWN BY: [Name] DATE: [Date]





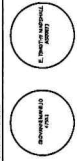




# FDR AMPHITHEATER REHABILITATION

BOROUGH OF ROOSEVELT, NJ

ETM ASSOCIATES LLC  
PUBLIC SPACE DESIGN  
& PROJECT MANAGEMENT  
1000 PARKWAY, SUITE 100  
ROOSEVELT, NJ 07070  
TEL: 732 977 7111  
www.etmassociates.com



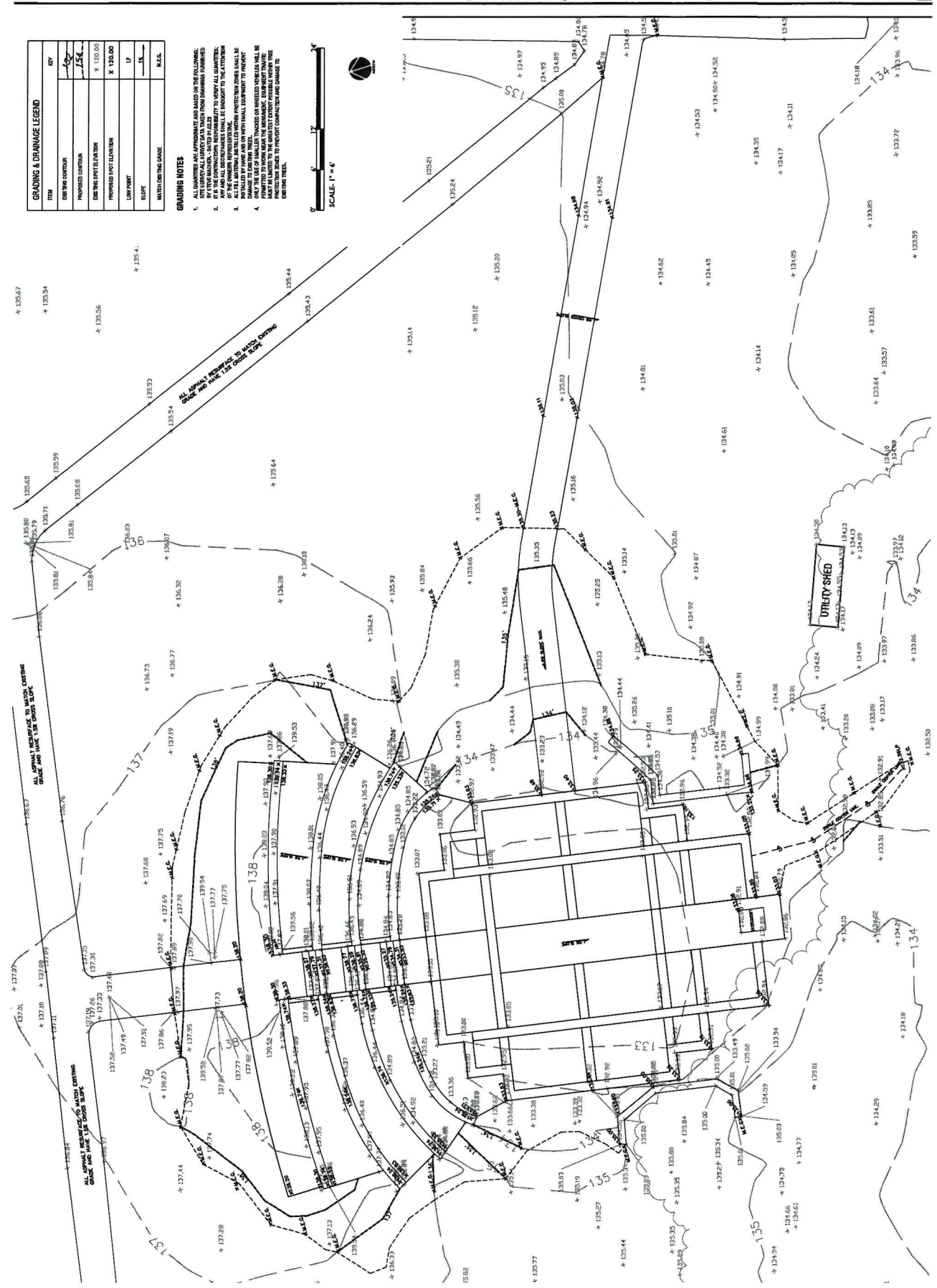
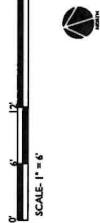
GRADING PLAN

6.00

GRADING & DRAINAGE LEGEND	
ITEM	KEY
EXISTING TOPSURFACE	
PROPOSED TOPSURFACE	
EXISTING SPOT ELEVATION	X 120.00
PROPOSED SPOT ELEVATION	X 120.00
LOW POINT	LP
SLOPE	1%
WATER RUN OFF DRAINAGE	W.R.O.D.
NOTE:	

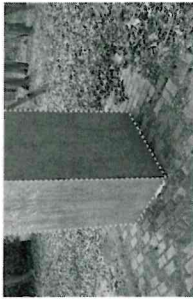
### GRADING NOTES

1. ALL PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE GRADING PLAN AND ALL SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE BOROUGH ENGINEER.
2. ALL EXISTING UTILITIES SHALL BE PROTECTED AND SHALL BE RELOCATED AS NECESSARY.
3. ALL EXISTING UTILITIES SHALL BE PROTECTED AND SHALL BE RELOCATED AS NECESSARY.
4. ONLY THE USE OF BALLAST TRACKS OR WHEELED VEHICLES SHALL BE PERMITTED ON THE GRADING. ALL OTHER VEHICLES SHALL BE PROHIBITED. THE GRADING SHALL BE PROTECTED FROM OVERLOADING AND DAMAGE TO THE GRADING.





TEMPORARY PROTECTION OF MONUMENT - THE BRONZE BUST OF FRANKLIN D. ROOSEVELT WILL BE PROTECTED BY GRANITE SUPPORT BASE WILL REMAIN IN THE CURRENT LOCATION DURING THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT. THE STATUE AND BASE SHALL BE ADEQUATELY PROTECTED DURING THE CONSTRUCTION PROCESS WITH A TEMPORARY WOOD ENCLOSURE CONSTRUCTED OF A DIMENSIONAL LUMBER FRAME WITH 1/2" PLYWOOD SHEATHING. THE WOOD ENCLOSURE MUST BE COVERED WITH 1/2" PLYWOOD MATERIAL. THE PROTECTIVE ENCLOSURE MUST BE FITTED WITH FOAM INSULATION PANELS AS A BUFFER BETWEEN THE STATUE/BASE AND THE WOOD ENCLOSURE (MINIMUM 1" THICKNESS). APPROXIMATE PEDESTAL AND BUST OVERALL DIMENSIONS - 16" HEIGHT X 4" WIDTH/LENGTH



CONTRACTOR TO PROVIDE SHOP DRAWING OF ENCLOSURE FOR REVIEW AND APPROVAL.

- CAULKING NOTES:
- 1) ALL CAULKING TO BE FULLY REMOVED AND JOINTS CLEANED AND DRIED PRIOR TO RE-CAULKING.
  - 2) CAULKING TO BE PROFESSIONALLY INSTALLED WITH A HIGH QUALITY ELASTOMERIC CAULK.
  - 3) CAULK COLOR SELECTION SAMPLES TO BE PROVIDED TO CLIENT FOR SELECTION.

**1** FDR MONUMENT PROTECTION AND CAULK REPLACEMENT

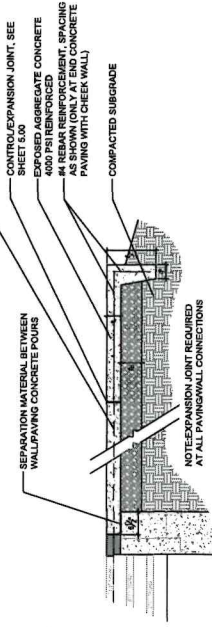
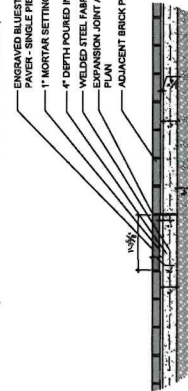
8.00 3/4" = 1'-0"



"We cannot always build the frame for our youth, but we can build our youth for the future." - Franklin D. Roosevelt

**2** ENGRAVED BLUESTONE PAVING INLAY

8.00 3/4" = 1'-0"



**4** CONCRETE PAVING AT SEATING

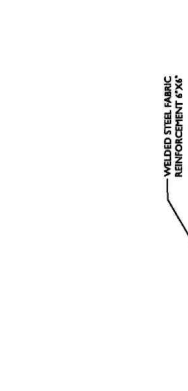
8.00 3/4" = 1'-0"

CONTRACTOR TO PROVIDE SHOP DRAWING OF ENCLOSURE FOR REVIEW AND APPROVAL.

- CAULKING NOTES:
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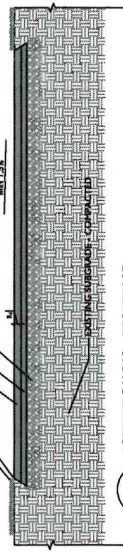
**3** CONCRETE PAVING AND BRICK PAVING ON CONCRETE BASE

8.00 3/4" = 1'-0"



**5** ASPHALT PAVING - FULL DEPTH

8.00 3/4" = 1'-0"



**6** ASPHALT PAVING - RESURFACE

8.00 3/4" = 1'-0"



**FDR AMPHITHEATER REHABILITATION**

BOURNE OF ROOSEVELT, NJ

NO.	DATE	DESCRIPTION
1	10/15/2024	ISSUE FOR PERMIT
2	11/15/2024	ISSUE FOR PERMIT
3	12/15/2024	ISSUE FOR PERMIT

ETA ASSOCIATES L.L.C.  
PUBLIC SPACE DESIGN  
1200 Parkway Avenue  
Suite 100  
Princeton, NJ 08540  
www.etaassociates.com

**main** PUBLIC SPACE DESIGN

8.00 SITE CONSTRUCTION DETAILS 1

8.00



# FDR AMPHITHEATER REHABILITATION

BOURGH OF ROOSEVELT, NJ

NO.	DATE	DESCRIPTION	BY	CHK
1	10/1/13	ISSUED FOR PERMIT	MM	MM
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**ETA ASSOCIATES, L.L.C.**  
PUBLIC SPACE DESIGN  
PUBLIC SPACE MANAGEMENT  
1222 Taylor Avenue  
New York, NY 10019  
Tel: 212 633 8200  
www.etaassociates.com

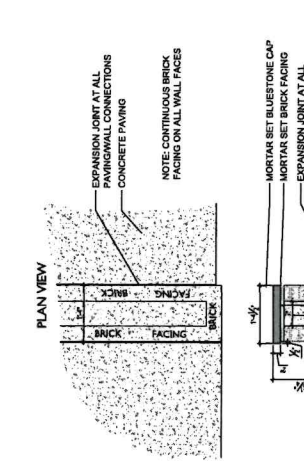


**mon**  
MUNICIPAL OPERATIONS  
1222 Taylor Avenue  
New York, NY 10019  
Tel: 212 633 8200  
www.mon-nyc.com

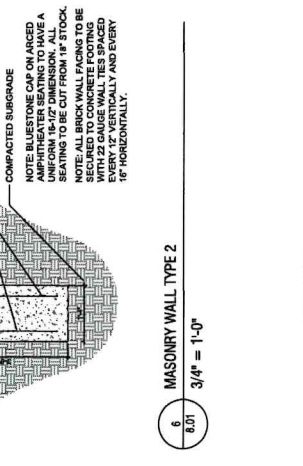


SITE CONSTRUCTION DETAILS 2

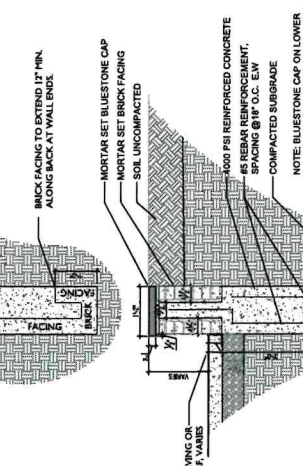
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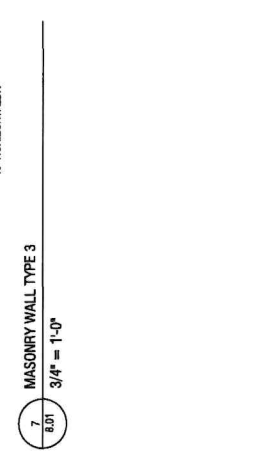
1 MASONRY STEPS WITH BLUESTONE CAP  
3/4" = 1'-0"



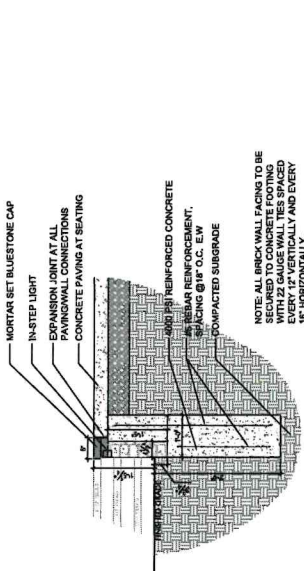
2 MASONRY WALL TYPE 1 - CONDITION B  
3/4" = 1'-0"



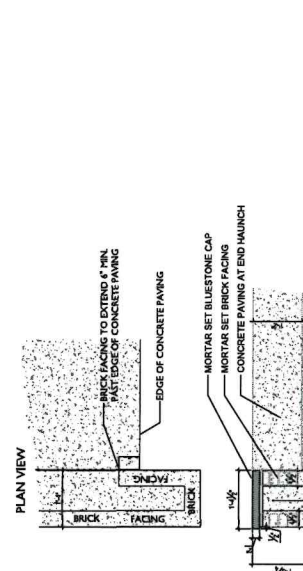
3 MASONRY WALL TYPE 1 - CONDITION A  
3/4" = 1'-0"



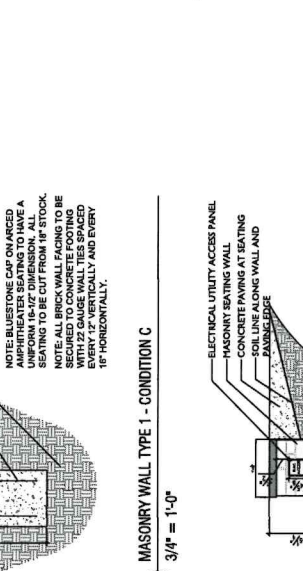
4 ELECTRICAL UTILITY ACCESS PANEL LOCATION  
3/4" = 1'-0"



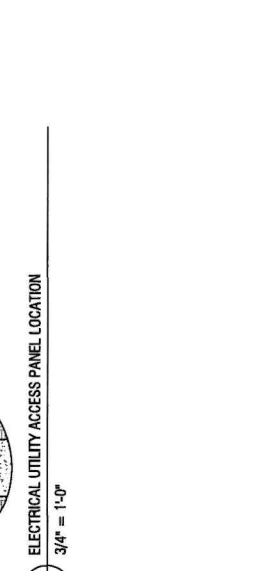
5 MASONRY WALL TYPE 1 - CONDITION C  
3/4" = 1'-0"



6 MASONRY WALL TYPE 2  
3/4" = 1'-0"



7 MASONRY WALL TYPE 3  
3/4" = 1'-0"



8 MASONRY WALL TYPE 1 PLAN - CONDITION LOCATOR  
NOT TO SCALE







## ATTACHMENT 2

**From:** [Romanoski, Christopher \[DEP\]](#)  
**To:** [DEP NJHPO \[DEP\]](#)  
**Subject:** LOG OUT FW: Franklin Delano Roosevelt Memorial Amphitheater Reconstruction, Roosevelt Borough, Monmouth County (HPO Project #24-1371-1)  
**Date:** Wednesday, July 17, 2024 3:04:06 PM  
**Attachments:** [image001.png](#)

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**From:** Romanoski, Christopher [DEP]  
**Sent:** Wednesday, July 17, 2024 3:04 PM  
**To:** [dave@etmassociatesllc.com](mailto:dave@etmassociatesllc.com)  
**Cc:** 'pharshbarger@hunterresearch.com' <[pharshbarger@hunterresearch.com](mailto:pharshbarger@hunterresearch.com)>; West-Rosenthal, Jesse [DEP] <[Jesse.West-Rosenthal@dep.nj.gov](mailto:Jesse.West-Rosenthal@dep.nj.gov)>; Baratta, Meghan [DEP] <[Meghan.Baratta@dep.nj.gov](mailto:Meghan.Baratta@dep.nj.gov)>  
**Subject:** Franklin Delano Roosevelt Memorial Amphitheater Reconstruction, Roosevelt Borough, Monmouth County (HPO Project #24-1371-1)

**\*\*This e-mail serves as the official correspondence of the New Jersey Historic Preservation Office\*\***

**HPO Project #24-1371-1**  
**HPO-G2024-137**

Dave Sitrler  
ETM Associates, LLC  
via email: [dave@etmassociatesllc.com](mailto:dave@etmassociatesllc.com)

**Re: Monmouth County, Roosevelt Borough  
Franklin Delano Roosevelt Memorial Amphitheater Reconstruction  
North Rochdale Avenue  
Application for Project Authorization  
New Jersey Register of Historic Places Act Review  
Jersey Homesteads Historic District (SR: 10/14/1983)**

Dear Mr. Sitrler:

The Historic Preservation Office (HPO) is in receipt of an Application for Project Authorization (Application) pursuant to the New Jersey Register of Historic Places Act (NJRHPA) for the above-referenced proposed project, received in this office on June 19, 2024. According to the Application, the Borough of Roosevelt proposes to demolish and reconstruct the Franklin Delano Roosevelt Memorial Amphitheater. The scope of work involves the demolition of the existing amphitheater and the reconstruction of a new amphitheater on the existing footprint. Additionally, an ADA access path will be constructed to connect the sidewalk to the lower amphitheater area and lighting will be installed along all pathways. The project lies entirely within the Jersey Homesteads Historic District.

HPO staff has reviewed the documentation provided and determined that the Application is not yet technically and professionally complete and sufficient in accordance with N.J.A.C. 7:4-7.1(d). The HPO requests that Roosevelt Borough submits an alternatives analysis for the proposed reconstruction work. At a minimum, the alternatives analysis should include a "no-build" alternative, an alternative that meets the Secretary of the Interior's *Standards for the Treatment of Historic Properties (Standards)*, and the preferred alternative, if it

differs from the alternative that meets the *Standards*.

Additionally, the HPO has some concerns with elements of the proposed design for this project, as was discussed in a phone call between you and I on July 16, 2024. These concerns revolve around the potential salvage of the historic materials, the design of the former reflecting pool in the lower amphitheater, installation of new lighting, and the proposed bluestone substitution along the seating for the amphitheater. As we discussed on this phone call, the HPO recommends a site visit at your convenience to discuss the project further and review the site in person. Please note, the project as currently designed will constitute an encroachment on the Jersey Homesteads Historic District.

We look forward to receiving the above-referenced additional information regarding this project. If you have any questions, please email me using the below contact information. Please reference HPO Project #**24-1371** in all emails and submissions in order to expedite our review and response. Thank you for your cooperation with this review.

Sincerely,  
Christopher

Cc (via email): Patrick Harshbarger, Hunter Research

**Christopher Romanoski** he/him

Program Specialist 1 | Historic Preservation Office

New Jersey Department of Environmental Protection

[Christopher.Romanoski@dep.nj.gov](mailto:Christopher.Romanoski@dep.nj.gov)

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## **Bluestone**

- Through discussions, we determined that using bluestone in the redesign would rise to the level of an encroachment. So, we would require the stairs and the seating areas to remain brick as that is the only way to ensure an “in-kind” replacement and thus be in keeping with the Secretary of the Interior’s *Standards*.

## **Reflecting Pool**

- Just to follow up on this from the site visit, we’ll need to see an updated plan for the reflecting pool that differentiates it from the surrounding area in oppose to the currently-proposed plan.

## **Structural Concerns**

- Our understanding from the site visit is that the bricks will have to be removed to address water infiltration, but what is the plan for the large concrete slabs? Our understanding of the concrete is that the large-aggregate design is a character-defining feature of the space, and replacing this with modern concrete could rise to the level of an encroachment. If it is possible to replace the concrete in-kind, matching the material, texture, and appearance, I encourage you to submit your plan for that.
- We have some concerns about dismantling the entire amphitheater to perform the drainage improvements. It would be in keeping with the *Standards* to work on smaller sections of the amphitheater in order to fix drainage issues and to re-seal the specific parts of the amphitheater that need to be replaced. Would this be possible while still meeting the project need?

Please note that all of the above information is needed in addition to the alternatives analysis, which was requested by the HPO on July 17 and is still necessary to consider the project technically complete.

As we discussed in person and in our phone call a few weeks ago, if the project cannot be brought into conformance with the Secretary of the Interior’s *Standards*, then the project will be put on the agenda of the Historic Sites Council on the date immediately following our receipt of a technically complete application. If you have any questions at this point you’re always welcome to reach out. Thank you very much!

Sincerely,  
Christopher

**Christopher Romanoski** he/him

Program Specialist 1 | Historic Preservation Office

New Jersey Department of Environmental Protection

[Christopher.Romanoski@dep.nj.gov](mailto:Christopher.Romanoski@dep.nj.gov)

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ATTACHMENT #4

MAUREEN PARROTT  
2 Tamara Drive  
Roosevelt, NJ 08555

September 5, 2024

Mayor Peggy Malkin  
Council Members of the Borough of Roosevelt

Dear Mayor and Council:

**A. The Bond Ordinance 24-09 Does Not Comply With Law**

In my view, the Bond Ordinance 2024-09 does not comply with the Local Bond Law's requirement that the capital improvement financed be "lawful" because the the project to be financed by the bond does not at this time comply with the N.J. Register of Historic Places Act. See N.J.S.A. 13:1B-15.131. How is it fiscally responsible to indebt the Borough almost \$700,000 to do a project that is not legal under the N.J. Register of Historic Places Act?

The Local Bond Law requires the capital improvement financed by the bond to be "lawful." See N.J.S.A. 40A:2-3(a).<sup>1</sup> This bond specifies that the purpose is to finance a project regarding the FDR Amphitheater, "all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough." Bond, sec. 3.

The NJ Register of Historic Places Act provides that "a municipality . . . shall not undertake any project which will encroach upon, damage or destroy any area, site, structure or object included

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<sup>1</sup> "Any local unit, by bond ordinance, may incur indebtedness, borrow money, authorize and issue negotiable obligations for financing: a. any capital improvement or property which it may **lawfully make** or acquire." (emphasis added). N.J.S.A. 40A:2-3(a). The Local Bond Law also requires a municipal bond to accurately and truthfully identify the purpose for which the obligations are to be issued. See N.J.S.A. 40A:2-12(a) ("[A] bond ordinance **shall contain** in substance . . . an authorization for the issuance of obligations, stating in brief and general terms sufficient for reasonable identification **the purpose or purposes for which the obligations are to be issued . . .**").

in the Register of Historic Places without application to, and the prior written authorization or consent of, the Commissioner of Environmental Protection.” See N.J.S.A. 13:1B-15.131.

The State Historic Preservation Office (SHPO) informed the Borough on July 17, 2024, that the “the project as currently designed will constitute an encroachment on the Jersey Homestead Historic District.” Exhibit A (Email from Christopher Romanoski to Dave Sitler dated July 17, 2024). SHPO further rejected the Application because it “is not yet technically and professionally complete and sufficient in accordance with N.J.A.C. 7:4-7.4(d),” and directed the Borough to submit an alternatives analysis to include at a minimum a “a ‘no-build’ alternative, an alternative that meets the Secretary of the Interior’s *Standards for the Treatment of Historic Properties (Standards)*, and the preferred alternative, if it differs from the alternative that meets the *Standards*.” Id.

Because the currently designed project constitutes an encroachment on the Jersey Homesteads Historic District, it is not lawful under the N.J. Register of Historic Places Act unless and until the DEP Commissioner authorizes the encroachment, or Roosevelt redesigns the project to comply with the *Standards*. Moreover, the stated purpose is not accurate because the plans cannot be finally approved by the Council until and unless the DEP Commissioner has authorized such an encroachment under the N.J. Register of Historic Places Act or the Borough redesigns the project to comply with the *Standards*. I urge the Council to table this bond.

#### **B. The Public Was Falsely Informed on August 5, 2024, About No Response from SHPO**

Why was the public falsely told at the August 5 Council meeting that the Borough had not heard from SHPO when SHPO had rejected the Application as incomplete on July 17? Who was responsible for concealing the July 17 email, labeled “official correspondence,” from the public?

I am concerned that this entire project has been shrouded in secrecy from inception, with a committee making decisions behind closed doors about what the project would entail and without

any involvement of the public. In my view, the public should not have to do an Open Public Records Act request to the State to find out the nature and status of this proposed project.

**C. The Monmouth County Grant Requires Compliance with the Secretary's Standards**

A condition of receipt of grant money awarded under the Monmouth County Municipal Park Improvement Grant Program is that "Historic Preservation projects must comply with the U.S. Secretary of the Interior's Standards for Rehabilitation. <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>" See Monmouth County Municipal Open Space Grant Program: Application and Policy and Procedures Manual, p. 11 <https://www.co.monmouth.nj.us/documents/132/MOSGP-Manual-2022.pdf> (accessed Sept. 1, 2024).

On August 9, 2024, SHPO informed the Borough that, "[a]s it is currently proposed, the project is very extensive and does not appear to meet the Secretary of the Interior's *Standards [for the Treatment of Historic Properties]*" See Exhibit B (Email from Christopher Romanoski to Dave Sitler dated Aug. 9, 2024). SHPO further stated on August 9: "As we discussed in person and in our phone call a few weeks ago, if the project cannot be brought into conformance with the Secretary of the Interior's *Standards*, then the project will be put on the agenda of the Historic Sites Council on the date immediately following our receipt of a technically complete application." Id.

Here, Roosevelt's project is a historic preservation project in the Jersey Homestead Historic District. SHPO has informed the Borough that this historic preservation project, as currently designed, does not appear to satisfy the Secretary's *Standards for the Treatment of Historic Places* and appears to constitute an encroachment. See Exhibits A and B. Roosevelt will not satisfy this condition for receiving the grant without redesigning the project to comply with the *Standards*.

**D. The Borough Council Did Not Authorize the Application Submitted to SHPO**

Under the Borough form of government, the Borough acts by resolution. One or two Council members lack authority to make decisions for the Borough. Mr. Sitler lacks authority to make decisions for the Borough. Nothing in the minutes of the Roosevelt Borough Council shows that the Council authorized by resolution the Application received by SHPO on June 19, 2024, submitted by ETM Associates. Because the Application submitted by ETM Associates to SHPO under the NJ Register of Historic Places Act was not authorized by resolution of the Borough Council, the Application is *ultra vires* and void. I urge the Mayor to so inform SHPO and to withdraw the application.

**E. Roosevelt Did Not Consider or Authorize a Preferred Alternative Plan or Any Alternative**

I was informed in a call to SHPO that, on August 23, 2024, ETM Associates submitted an Alternatives Analysis on behalf of the Borough. The Borough Council did not authorize ETM by resolution to submit any particular plan alternatives to SHPO, nor did the Borough Council decide by resolution what alternative plan the Borough prefers. The consideration of alternatives must be done at a Council meeting which allows input from the public. Under the Borough form of government, one or two council members have no authority to select one alternative over another on behalf of the Borough for submission to SHPO. Mr. Sitler has no authority to select alternatives for the Borough or to unilaterally submit them to SHPO as the Borough's alternatives. Absent the Council's public consideration and selection of alternatives by way of resolution, including a preferred alternative, Mr. Sitler's submission on August 23 was *ultra vires* and void, and the Borough should so inform SHPO. I read the minutes of Council meetings from mid-2022 to the present, and there was no consideration by the Council of any plan that would satisfy the *Standards*, which do not allow demolition of historic places.

The Secretary's Rehabilitation *Standards for the Treatment of Historic Places* are set forth on page 76 of a 238-page pdf document at <https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf> This document provides detailed guidance on how to properly apply the *Standards*. For example, the Rehabilitation Guidance includes seven pages on what can and cannot be done to masonry, which includes brick.

A cursory reading of the *Standards* and Guidelines clarifies that the point of the *Standards* is to preserve and repair what is there because this preserves the history. Demolition and replacement of the existing features, as proposed here, are not historic preservation at all and, as SHPO has said, are an encroachment on the Jersey Homesteads Historic District. I am baffled as to why the committee, guided by Mr. Sitler, designed a project that does not in any way attempt to preserve and repair the amphitheater in accordance with the *Standards*, and wonder why Mr. Sitler submitted an application to SHPO that obviously fails to comply with the *Standards*, especially since receipt of the \$330,000 grant is conditioned on meeting these *Standards*.

Contrary to what has been stated at Council meetings, the Structural Analysis Report by Manterra acknowledges that “a restoration of the structure may be possible,” and only “recommend[s] that the structure be completely reconstructed.” As SHPO explained in its August 9 email: “We have some concerns about dismantling the entire amphitheater to perform the drainage improvements. It would be in keeping with the *Standards* to work on smaller sections of the amphitheater in order to fix drainage issues and to re-seal the specific parts of the amphitheater that need to be replaced.” Exhibit B.

The contract with ETM allows the Council to terminate the contract on 15 days written notice. I urge the Council to do so. Mr. Sitler charged a lot of money for a design demolishing and reconstructing the amphitheater, a design that does not satisfy the Secretary's *Standards for the*

*Treatment of Historic Places* and is an encroachment on the Jersey Homesteads Historic District. In addition, when Mr. Sitler forwarded SHPO's August 9 email to Councilwoman Herrstrom, he wrote: "Also, please note Peggy was copied on Christopher's email." Why would he write this? It seems that he didn't want the Mayor to know about SHPO's official correspondence.

I watched the Historic Sites Council meeting on August 15. After 3.5 hours, the Council recommended that the DCA Commissioner deny the application of N.J. Transit to modernize the historic Bloomfield Train Station to comply with ADA. I think it is highly unlikely that the Historic Sites Council will recommend to the Commissioner to authorize the demolition and reconstruction of the FDR Memorial Amphitheater. In my view, we need to obtain the free advice from SHPO on what we can do that satisfies the *Standards* and consider engaging a certified historic preservation architect. There are three in Princeton and one in Trenton.

#### **F. The Amphitheater Committee Was Never Legally Formed and Is Void**

Under the Borough form of government and Roosevelt Ordinance section 2-1.5, the Mayor has the power to appoint members of a committee with the advice and consent of the Council. See N.J.S.A. 40A:60-5(g) ("The mayor shall nominate and, with the advice and consent of council, appoint all subordinate officers of the borough . . ."); Roosevelt Ord. 2-1.5 ("Unless otherwise provided by statute, the Mayor shall nominate and, with the advice and consent of the Council, appoint all non-elected officials, employees, and members of boards and commissions").

I did an OPRA request to the Borough Clerk for a resolution wherein the Council approved mayoral appointments to an amphitheater committee, and the Clerk informed me that no resolution exists. I also reviewed the minutes from 2022 to the present, and the minutes do not establish that the Mayor appointed people to an amphitheater committee or that the Council approved any such appointments. The minutes show that Councilwoman Herrstrom selected persons to be members of

the Amphitheater Committee, and the minutes do not include the names of all the persons she selected.

“[A] municipality is a creature of the Legislature, and as such is a government of enumerated powers which can act only by delegated authority.” Inganamort v. Borough of Fort Lee, 72 N.J. 412, 417 (1977). “Any exercise of a delegated power by a municipality in a manner not within the purview of the governing statute is capricious and *ultra vires* of the delegated powers.” Giannone v. Carlin, 20 N.J. 511 517 (1956). “*Ultra vires* acts in the primary sense are act[s] utterly beyond the jurisdiction of a municipal corporation and are void.” City Council of Orange Twp. v. Edwards, 455 N.J. Super. 261, 272 (App. Div. 2018) (citation and internal quotation marks omitted).

The Appellate Division of the New Jersey Superior Court held in Edwards that the Orange Township mayor’s appointment of Edwards to the position of Deputy Business Administrator was “outside the bounds of his statutorily prescribed authority,” Edwards, 455 N.J. Super. at 274, and was, therefore, *ultra vires* in the primary sense, unlawful and void because the mayor appointed Edwards in violation of both state and local law, as the power to appoint deputies lies with the department director, not the mayor. The Appellate Division held that “a void act results where the public officer has no authority to act at all.” Edwards, 455 N.J. Super. at 274 (citation and internal quotation marks omitted).

The holding in Edwards is binding on Roosevelt. In this case, the Amphitheater Committee was illegal, *ultra vires*, void *ab initio*, and lacked authority because Councilwoman Herrstrom formed the committee and she lacked statutory and local authority to do so. In my view, the matter of the amphitheater is properly before the Council’s Public Works Committee. I urge that committee to have meetings regarding the amphitheater that are open to the public.

Sincerely,

Maureen Parrott