

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

Mayor and Council
Regular Meeting Minutes of September 16, 2024

Mayor Malkin opened the meeting at 7:09 p.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: No Report

PUBLIC COMMENT: (Agenda items only)

M/Malkin opened the meeting to Public Comment for agenda items only at 7:11 p.m.

1. Ellen Silverman, 10 N. Valley Road: States that she has sent an email requesting clarification regarding the street trees on her property. She has a tree that is dead and as per the Community Forest Master Plan she reported it to the Borough and was informed that it is the policy that the trees in the right-a-way are the responsibility of the homeowner. That was not clear as per the Master Plan and requested the policy. Would like clarification of if street trees are municipal or fall onto the residents.

M/Malkin closed the Public Comment for agenda items at 7:13 p.m.

MINUTES: None presented

CORRESPONDENCE:

1. Email from Ellen Silverman, dated, August 12, 2024 regarding removal of hazardous street trees and limbs.
2. Letter from Roberts Engineering Group LLC, dated August 22, 2024 regarding Stormwater Control Ordinance.
3. Letter from Roberts Engineering Group LLC, dated August 23, 2024 regarding Lake Drive sanitary sewer improvements.

PRESENTATION:

Cameron Corini, Roberts Engineering Group LLC discussed the Planning Board recommendation to modify the Stormwater Control Ordinance: The Borough earlier this year adopted the recently adopted Stormwater Control Ordinance. We would like now to revise again and make more restrictive especially in the area of volume control for major developments. This will help in reducing downstream flooding, the

proposed ordinance will increase the requirements for groundwater recharge from the Water Quality Storm, which is similar to the 2-year storm, modify to the 25-year storm. This results in additional runoff volume infiltrated. Section 6.164; delete and section 6.16P1. The council discussed.

Cameron Corini discussed Lake Drive to Spruce Lane Projects: Grant submitted for \$943,750 and the Borough was awarded \$183,337. Instead of doing the whole length of Lake Drive we do half, from Spruce to S. Valley and S. Valley to S. Rochdale. Phase I is just sitting there and we are waiting for the DOT to comment on Phase II – which that grant application was submitted about 2 months ago for the S. Valley to S. Rochdale, hoping for a response within the next 2 months. So since we’ve already received some money we normally look at the utilities, water and sewer lines. Mike Lyons, the sewer operator had the sewer mains on Lake Drive between S. Rochdale and Spruce Court cleaned out and televised in order to evaluate the existing condition. The inspection found a number of areas with root protrusions as well as minor cracks throughout the system. Repairs would about \$85,000. Root removal – foam injections into the mains on Lake Drive and Spruce Court in an effort to eliminate the root protrusions. It will take about 2 weeks to see if this option works. Full replacement would cost about 1 million dollars – does not seem to be a reasonable option. Council discusses.

C/Hamilton asks are there any products for residents to use? Cameron Corini will check on this. Council discusses the N. Valley grant extension. Combine 2 grants – It would be beneficial. C/Hamilton asks about sidewalks without a lot of impervious surface? Cameron Corini responds porous asphalt or concrete – it allows water to move through it. The Council thanked Cameron Corini for his presentation.

PUBLIC HEARING OF THE 2024 BUDGET

Resolution 24- 88 Resolution Adopting the 2024 Budget

M/Malkin announces the 2024 Budget is not ready yet and we will hold the budget hearing open until our Special meeting Wednesday, September 25, 2024 at 7:00pm.

M/Malkin opens the public comment at 7:47pm and no comments from the public.

Municipal Clerk, Kathleen Hart announces that she will be advertising a special meeting on Wednesday, September 25, 2024 at 7:00pm at 33 N. Rochdale Avenue to have the public hearing and the adoption of the 2024 Budget.

ORDINANCE:

FIRST READING

ORDINANCE 2024-11 AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE BOROUGH CODE TO CLARIFY SINGLE-FAMILY DETACHED DWELLINGS AS PRINCIPAL PERMITTED USES IN THE BOROUGH'S R-40 AND R-100 ZONES

C/Hamilton made a motion to adopt on first reading Ordinance 2024-11, with a second offered by C/Esakoff.

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 21, 2024 at Borough Hall, 33 North Rochdale Avenue, Roosevelt, NJ.

CONSENT AGENDA RESOLUTIONS:

Resolution 24- 93 Payment of Bills – September 16, 2024

- Resolution 24-94 Resolution Authorizing Return of Escrow Funds for 39 Clarksburg Road (Block 14, Lot 3)
- Resolution 24-95 Resolution Authorizing 2024 Salaries for Roosevelt Borough Employees
- Resolution 24-96 Resolution Authorizing Temporary Emergency Appropriations #5

C/Esakoff made a motion to adopt the Consent Agenda Resolution’s 24-93 through 24-96, with a second from C/Hamilton, by the following roll call vote:

Roll Call:

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

REPORTS OF BOROUGH OFFICIALS:

Ellen Silverman, 10 N. Valley Road, Environmental Commission Chair: We are hoping to have a joint meeting with the Watershed Institute and Millstone Township Environmental Commission at our October 16, 2024 meeting, (meeting date not confirmed as of yet) to talk about regionalization. We would like to have Roberts Engineering in attendance; Cameron Corini asks for the information to be sent to him. The Council will discuss the expenditure at their October meeting.

REPORTS OF COMMITTEE CHAIRS:

Administration: None

Finance: C/Hamilton reports there is no budget as of yet, the 2022 Audit and the 2023 AFS have to be done prior to budget adoption. CFO George Lang said he will get it done. There will be a special meeting on September 25, 2024 at 7:00pm, for budget adoption. Homeowners have not received tax bills as of yet, they have been deferred. Both 3 and 4 quarter will be done at the same time. CFO George Lang is retiring at the end of the month and we have scheduled a finance meeting (Lou Esakoff, Mike Hamilton and Joe Trammell) for tomorrow at 5:00pm, to discuss how we move forward. M/Malkin said in case it takes some time Auditor, Gerry Stankiewicz said he had some ideas. C/Hamilton asks what certifications a CFO needs in the State? M/Malkin states it’s in the job posting. Municipal Clerk, Kathleen Hart states that your need a CMFO or you can appoint an acting CFO for up to 1 year, but everything goes through the DCA for their approval. C/Hamilton states he will reach out to Gerry Stankiewicz prior to the meeting for his input.

Community Dev/Code: C/Herrstrom reports the following:

Just want the Council to know that some comments regarding legalities in the last meeting may have arisen from misunderstandings.

For example: How committees are formed. Each year the Council votes on a committee structure to ensure coverage and to coordinate the business of assigned areas. As the appointed Community Development chairperson, one of my tasks was the FDR Memorial Amphitheater project to coordinate the grant process. To complete the assigned task, the FDR Amphitheater committee was formed representing a cross section of community stakeholders.

The Fund for Roosevelt (FFR) provided the funds for the design services for the project and entered into a formal project agreement with the Borough to assist with the project. Two of their Board members, Gail Hunton and Alan Mallach, are part of the committee to ensure that the money they provided is spent to give the community a durable, safe, and usable space for years to come. Gail Hunton, former department head for the Monmouth County Park System's Acquisition & Design Dept, and Alan Mallach, former City Planner for the City of Trenton, have years of experience with historic preservation practice and construction projects.

The Council had three representatives, Mike Hamilton, Peggy Malkin and myself throughout the setting of objectives for the process, the choice of the landscape architect, and subsequent design meetings. Also included were several other community representatives from other recognized

entities (School Board, Planning Board, Environmental Group, Roosevelt Arts Project) and the original designer of the amphitheater and the family member who created the head of Roosevelt.

Transparency for the Council and the Public: After several meetings of the full group, Dave Sitler presented the final concept design to the full committee on June 8, 2023, before presenting this agreed upon design in a public meeting on June 19, 2023. Input was considered before the Grant Proposal with a cost of \$826,554 was approved by the Council to be sent to the Open Space Grant Administrator for Monmouth County in July 2023 under Resolution #23-73. Since then, there were no more meetings of the full group as we waited to get a response to our grant proposal.

In October 2023, Ana received notification that Roosevelt was to receive a matching grant of \$330,000 (not the \$500,000 we thought would be coming and that the Council had approved to supply the matching portion should the Borough get the grant). This meant that the project costs needed to be reduced. The itemized project cost estimate was scrutinized by the committee for reductions in scope and ultimately reduced the overall cost of the project by \$137,125 to \$689,429 (See attached email to our CFO in May 2024 along with the support for this figure). This figure is slightly over the \$660,000 that the Borough would be required to fund in year one for this matching grant of \$330,000 from the Borough and \$330,000 from the Monmouth Open Space Parks grant program before being reduced by \$330,000. This project has two 10% contingencies built in.

The overall design of the Amphitheater did not change except for removal of water and most trees as well as some items that were optional and could be designated for donations. Since then, communications and coordination with the Council were made through Community Development verbal reports and resolutions. At the July 1st Council meeting, Bond Ordinance No. 2024-09 had its first reading authorizing the issuance of \$676,000 bonds and notes to finance the FDR Memorial Amphitheater project which passed by a vote of four to two.

To respond to public requests to know more about the design, we arranged on September 5 for Dave Sitler to provide information for the public on the design of the project, letting all know where it is in the process and ultimately for the Council to have a second vote on the bonds to finance the project.

Misunderstanding of August 5th comments regarding SHPO and the intent of the public meeting on September 5 that was to simply show a rendering of the project, but instead the focus shifted to a SHPO letter.

The Consultant's contract under resolution #23-47, which both the Borough Council and the Fund for Roosevelt approved, included application for project authorization from the NJ State Historic Preservation Office (SHPO), since the amphitheater is located within the Jersey Homesteads Historic District. To obtain SHPO authorization, this project had to be outlined in detail. And to get to the bond approval process, the cost of the project had to be identified in detail for every phase of the project. The design and rendering that Dave Sitler presented at the September 5 meeting adhered to the design that had been estimated and presented to the Council and sent to SHPO.

The application for project authorization was submitted with a cover letter sent on Borough Letterhead with Ana's signature. Later in July, a first response to the application for project authorization from SHPO was received by Dave Sitler and a meeting was scheduled for August 2nd for a site visit. In the August 5 Council meeting, I reported that the SHPO officials had come to the site on August 2nd to review site conditions with Dave Sitler, Gail Hunton and Alan Mallach and that there had been no response yet from this meeting (there is still no response from SHPO as of this writing). In consultation with Gail and Alan, they indicated that site visits and requests for additional information were a normal part of the review process and that the August 2nd meeting had gone well. Also in the August 5 meeting, I reiterated that the project must meet SHPO approval who will be the final arbitrator in what can be included in the project.

One of the design issues that SHPO is considering is the matter of repair vs. reconstruction. The first choice of the project committee and our consultant was, of course, to repair the amphitheater's brick walls and seating. Unfortunately, due to the extent of disrepair, the consultant's engineer has stated that the brick walls need to be reconstructed. While not our first choice, it is recognized that all structures have a useful life and can be sensitively reconstructed in kind with matching design and materials. The U.S. Secretary of the Interior's Standards for Rehabilitation, which guides

historic preservation project reviews, acknowledges this fact and permits reconstruction when necessary. Standard #6 states "Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence."

In our September 5 meeting, we had the second reading on the bond ordinance, which passed the Council in a five to one vote. I would suggest that we let the professional that we hired for the job be allowed to work through the process. It will become clear soon enough if changes need to be made to receive SHPO approval.

Next steps suggested:

We continue with the plans that have been submitted.

We wait for the SHPO process to be completed.

Compare the project costs to the current estimate and work with the new CFO to obtain the bonds.

Proceed with the construction phase of the project.

Begin the donation/funding process to alleviate some of the tax burden for residents.

C/Herrstrom would like to go back to Dave Sitler and tell him that there is no change at this point until we hear from SHPO and asks if she has an agreement with the council: The ball is in SHPO court until the issues are completed.

C/Trammell makes a motion allowing C/Herrstrom to get back to Dave Sitler that there is no change and waiting for comments from SHPO, (he will continue to work with SHPO and brings comments back to the Borough Council), with a second offered by C/Hamilton.

Roll Call:

AYES: C/Hamilton, C/Herrstrom, C/Kaufman-Marut, C/Macher, C/Trammell

NAYS: C/Esakoff ABSTAIN: None ABSENT: None

Environmental, Health & Safety: No report.

Public Works: No Report.

Utilities: C/Trammell reports we are approaching about 3 million dollars in pipes and rebuilding the utilities in town. Would like to speak with the new CFO to see the impact on taxes. About two thirds of the town is done with new water and sewer pipes. This is improvements to the infrastructure of the town.

REPORTS OF BOROUGH OFFICIALS:

1. Ellen Silverman, 10 N. Valley Road: The Environmental Commission is down 3 members, if anyone is interested please send a letter if you are interested. Tim Hartley's position was liaison to the Planning Board (that person must serve on both boards). We had a meeting with the Watershed Institute regarding the MS4 and set a tentative joint meeting with Millstone for October 16, 2024. In 2025 NJ DEP is putting out new stricter regulations regarding MS4. We are hoping that members of the borough council will attend the October 16, 2024 meeting. Ellen Silverman is also looking for additional information regarding the hazardous trees report.
2. Michael Tickin, 37 N. Valley Road: If you need me to be on the Environmental Commission and the Planning Board, he would be willing to do that.

OLD BUSINESS:

M/Malkin speaks about the hazardous trees; she knows what the Master Plan states but a few years ago a policy was made that trees in the right-a-way are the responsibility of the homeowner. C/Herrstrom asks do we know how many hazardous trees there are in the right-a-way? Ben Johnson, 36 Pine Drive – there are 14 trees that are hazardous and reads from the tree inventory report of September 2023, all in the right-a-way. Attorney, Greg Cannon states you can do what you want, you can have the property owner do it, the borough can do it, use the property maintenance code. M/Malkin states that is what we have been doing

putting the onus on the property owner. It would be too costly for the Borough to remove the trees. Attorney, Greg Cannon explains the policy requiring the homeowner to remove the tree and what constitutes a dangerous condition. C/Trammell asks can we put money in the budget for removal of these trees? The answer is yes; the Borough can do whatever it wants. C/Hamilton states that one of the questions that came up from residents was hazardous trees are listed by the consultant – we have knowledge that these are hazardous trees – what we need is to have a tree plan.

Ellen Silverman, 10 N. Valley Road: States we also have a Community Forest Management Plan and in that it gives the procedure on how to handle the tree service request and that is not in line with the policy. It is part of the Master Plan and seems to be that your policies need to be in sync with the Master Plan. You have had this report and you need to tell residents that they are responsible. M/Malkin states we can send Code Enforcement out to make a determination and then send a letter to the homeowner advising them that the tree could potentially be a risk. Attorney, Greg Cannon suggests we send Code Enforcement out to look at the tree on the corner of N. Valley Road and Farm Lane and move on instead of upsetting the whole town. Then the Council can determine the risk and who is responsible.

NEW BUSINESS:

Attorney, Greg Cannon thanks former Mayor Beth Battel for moving the fence off the Assunpink Park back to the correct boundaries of her property. We have contacted the NJ DEP to re-inspect the property to clear a violation on the property, we have to discuss some signs on the property which should be removed within 30 days.

GOOD AND WELFARE:

M/Malkin states we had a wonderful end of year party yesterday, we had a live band, free pizza and soda from 5pm-7pm, it was a very diverse group. People had a great time. M/Malkin announces that trash pick is scheduled for October 7th.

PUBLIC COMMENT: (Any item)

M/Malkin opens the public comment at 9:01pm.

1. Michael Ticktin, 37 N. Valley Road: Suggests the Shade Tree Commission take the Environmental Commission Ordinance and add and line shall exercise the powers of the Shade Tree Commission. Asks when will the tax bills be going out? The answer is once the budget is adopted then we have to send to the tax collector who then has to get Edmunds involved, so we do not have a date at this time.
2. Ellen Silverman, 10 N. Valley Road: Thanks the Council for getting the portion of the Footlight property back to Green Acres and asks if there are any plans for the land? M/Malkin replies the plan is to have trees planted to bring it back to its original states. We are required to follow a remediation plan that is approved by Green Acres. Attorney, Greg Cannon states we are hoping the DEP will go out there and do their inspection and checklist on the encroachments and throw the ball back in our court that says give us a remediation plan; then we would call the Environmental Commission and ask what they would like to do and we go from there. Whatever it was before that is what they are going to want us to do.
3. Ben Johnson, 36 Pine Drive: States from the Forester's report that there are 14 hazardous trees, 3 on school property, 3 in the forest and 8 residential properties)7 on residential properties, one residential property has 2 hazardous trees) all H4/H5 they range in diameter from 14" to 28".

M/Malkin closes the public comment at 9:12pm.

CLOSED SESSION: The Borough Clerk read into record the following resolution. There will be no formal action taken.

Resolution 24-97

Providing for a Private Executive Meeting that Excludes the Public

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. Items Falling Under Attorney Client Privilege – CFO Position/Statute
- 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.

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

ROLL CALL VOTE:

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

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

Time In: 9:16pm Time Out: 10:03pm

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

Time Out: 10:08 pm

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

Respectfully Submitted,

Kathleen Hart, Borough Clerk

Adopted Date: February 3, 2025