

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

Mayor and Council
Regular Meeting Minutes of June 16, 2025

Mayor Malkin opened the meeting at 7:08pm 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 6, 2025 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 Danelle Feigenbaum</i>	✓		
<i>Councilmember Constance Herrstrom</i>	✓		
<i>Councilmember Claudia Luongo</i>	✓		
<i>Councilmember Tina Kaufman-Marut</i>	✓		
<i>Councilmember Ralph Warnick</i>	✓		
<i>Mayor Peggy Malkin</i>	✓		

Also in attendance: William McGuinn, Esq., Kathleen Hart, Borough Clerk

MAYOR’S REPORT: None

PUBLIC COMMENT: (Agenda items only)

M/Malkin opened the meeting to Public Comment for agenda items only at 7:09pm.

1. Jeb Shahn, 18 Tamara Drive – Has some concern with the chicken ordinance: needs some work, roosters do not belong in a residential area, they can live a long time, also concerned about bird flu, should be contained with fence and chicken with wire at top.
2. Eileen Smith, 36 Farm Lane – Asking a family to get rid of a beloved pet is a big ask and this ordinance can be a little better spelled out; in item E (Zoning) – it is a little vague. Is concerned for the chicken’s welfare and supports the grandfather clause.
3. Kurt Rothfuss, 3 Tamara Drive – Thank you for revised Cannabis ordinance and taking public input and encourages the Council to move forward.
4. Nona Sherak, 4 Maple Court – 12 chickens are a lot, and the rooster should be taken to another level, I would like them licensed, bird flu is a concern.
5. Gabrielle Balon, 35 Farm Lane – Is in favor of the roosters in town. You get chicks when they are little and you don’t know if they are going to be a rooster or a hen and then you fall in love with them and it is already a family pet. It is hard to get rid of a rooster. We are surrounded by nature.
6. Lucy Craig, 39 N. Valley Road – Asks the Council to reject ordinance 2025-09 and will propose another amendment that will address the issue. Ms. Craig was at the May 5, 2025 meeting and spoke against the original ordinance and the Council agreed to send to the Environmental Commission for their recommendation. Ms. Craig presented her concerns to the Environmental Commission at their meeting of May 21, 2025 and the members voted to not recommended the proposed ordinance. Ms. Craig continues with reference to OPRA request by an Environmental Commission member on where the complaints came from and speaks about the revisions in the ordinance. Roosevelt has a contract with Western Monmouth Animal Control who does not have a TNR Program. Ms. Craig asks the Council to reflect on the words chosen from the

Environmental Commission on the feeding ban and asks them to consider a more humane solution and gives alternative programs.

7. Lea Smith, 36 Farm Lane – In favor of grandfathering rooster clause, supports regulations laid out to size and quality of coops and runs. Also has concerns for education and licensing fees and also asks if there is a possibility of subsidiaries.
8. Frank Hernandez, 25 Homestead Lane – Is against the chicken ordinance and feels he is responsible for this whole thing. He went and spoke with the Code Enforcement Officer about keeping chickens. The Code Enforcement Officer did research and left his card in my front door. So I stopped in to see what the deal was. The Code Enforcement Officer called me and told me that I had to talk to the Zoning Officer about the rules. I then talked to the Zoning Officer and told him he was looking to get about 6 chickens and in Monmouth County it says you can have 50 birds. M/Malkin explains that each town makes their own rules which need to be followed, that is what this ordinance is about – instituting an ordinance that regulates chickens and roosters. Mr. Hernandez states he asked by the Zoning Officer what he was going to do with 50 chickens and he responded he would eat some and save some for eggs, which bothers a lot of people. He believes he should be able to harvest his own chickens. Mr. Hernandez also put a petition to eliminate Ordinance 2025-10 – this ordinance is wrong on so many levels.
9. Katarina Stupakova, 26 Farm Lane – Appreciates the changes made and discusses the ordinance and roosters. There are about 18 residents that have chickens, how are you going to enforce the chickens and how many they can keep, 12 is too little. M/Malkin states that Code Enforcement will periodically check.
10. Gabrielle Balon, 35 Farm Lane – Grew up in this town and understands health and safety issues, this town began as a farming/manufacturing community, what else can be taken away from our town, there should be a balance and supports grandfathering of roosters.
11. Ira Krendal, 38 N. Rochdale Ave – The problem he has is the not the particular what is going to be allowed or not allowed or what is going to be grandfathered in, it's the fact by accepting this ordinance again we are allowing the power of the town to enter our private property and not having control of our own property. IE... you want to cut a tree on your property you need a tree permit, you want to have chickens – first you need to check how many chickens you can have and what conditions they are going to be in and the Zoning Officer will have the authority to enter your property. Mr. Krendal feels that newer residents are considered selfish because he wants to enjoy his property, and it makes him happy to hear his rooster in the morning. M/Malkin states that every person on this council cares deeply about what the residents think, and everything is taken into consideration, we are 100% volunteer. We do a lot of research, we also reach out to other Mayors and governing bodies, so when we make our decision it is based on resident's opinions (both sides), our professionals, we take everything into consideration and try to make the best possible decision for the welfare of all the residents. C/Warnick states the ordinances we have her tonight were changed by what the residents said at the last meeting, we listened to what everyone had to say, we thought about it, we made changes, and now we are having the first reading tonight. M/Malkin states that once a new ordinance is passed, usually 1/3 of the residents are happy, 1/3 are unhappy and 1/3 have no opinion. On any issue someone is always going to be unhappy. Mr. Krendal ask if there is any way to create a community chicken coop? The Cannabis Ordinance – Micro is permitted based on some numbers, what is the criteria? He also asks about the 2% to the town. Attorney, William McGuinn responds that the State is ahead of you on that, there are tax forms that need to be filled out, and one is total sales, and goes on to explain the process.
12. M/Malkin closed the Public Comment for agenda items at 8:08pm.

CORRESPONDENCE:

1. Letter from Roberts Engineering regarding proposals received for the inspection of the 75,000 gallon Elevated Water Tower.
2. Letter received from State of New Jersey, dated June 6, 2025 regarding notice of late introduction of the municipal budget. Update – The CFO spoke with the State and they have no problem with us introducing on July 7, 2025.

MINUTES:

1. Regular Council Meeting Minutes – April 21, 2025

On a motion by C/Warnick to accept the minutes, with a second offered by C/Esakoff (with the changes) the minutes were approved (with a correction changing friend to fund on page 2) by the following roll call vote:

Roll Call:

AYES: C/Esakoff, C/Feignbaum, C/Herrstrom, C/Luongo, C/Kaufman-Marut
 NAYS: None ABSTAIN: C/Warnick ABSENT: None

2. Regular Council Meeting Minutes – May 5, 2025

On a motion by C/Warnick to accept the minutes, with a second offered by C/Esakoff the minutes were approved by the following roll call vote:

Roll Call:

AYES: C/Feignbaum, C/Herrstrom, C/Kaufman-Marut, C/Warnick, C/Esakoff
 NAYS: None ABSTAIN: C/Luongo ABSENT: None

M/Malkin reads a little of her research and corrects some statements that have been made concerning how many people have complained about feral cats:

Many, many people call anonymously – and that is their right, many people don’t want it documented – people call and stop in and ask that their names not be used. We have made changes to strictly the feeding of feral cats, and some people don’t have a problem feeding feral cats, however, these people do not live on the streets where the feral cats are a problem; we hear from those neighbors all the time. The purpose of this ordinance is strictly to give our Animal Control Office the right to write a summons to the offenders, without this ordinance she cannot give a ticket. These residents are complaining about the cats urinating and defecating on their property, their shrubs and flowers and bushes, getting in fights in the middle of the night and screaming, this is not healthy, excrement on properties. This does not preclude the town from entering into an agreement with a TNR group. Many years ago there was a huge problem by the factory and our local veterinarian devoted about three years to eradicate the problem. This ordinance does not prohibit any humanitarian organization from coming in from TNR these cats., it is only for our Animal Control Officer to issue tickets to people feeding these cats.

C/Herrstrom states Lucy Craig gave a proposal and that she write it up and we explore the possibility of that and test it to see if it works. M/Malkin responds that that can be done in addition, we have discussed this for so long and it is time to make a decision one way or another. C/Feigenbaum asks if the offender have been approached to do the TNR? M/Malkin says the offender are feeding them. C/Feigenbaum asks can the offenders join in on TNR? M/Malkin says of course they can if they wanted to. C/Kaufman-Marut states in essence the people feeding the cats can continue but they will have to pay fines, no one is stopping them.

ORDINANCES:

First Reading:

Ordinance 2025-09 An Ordinance of the Borough of Roosevelt Amending Chapter 5: “Animal Control” to Prohibit the Feeding of Feral Cats on Public or Private Properties Within the Borough

C/Warnick made a motion to adopt on first reading Ordinance 2025-09, with a second offered by C/Esakoff. Discussion: C/Feigenbaum asks does that mean anyone can get in trouble for feeding cats? Yes, they will get a warning and then a ticket and then a court appearance if it continues. C/Feigenbaum asks if they will also get information on the TNR program? Who determines it’s a feral cat? It’s when there’s a colony and not a single cat. C/Kaufman-Marut are feeding, feeding, feeding and re-producing. C/Warnick states he brought up at the Environmental Commission

meeting, which is more important the cat or the person and no one answered. We took an oath to protect the residents. C/Herrstrom states put Lucy’s proposal in the front end of the ordinance and if it doesn’t work then the next step is to do what you are saying. C/Kaufman-Marut states if you feed it you take responsibility for it or you adopt it. Clerk Hart states it does say in the ordinance: No person shall feed, on any public property or private property, any feral cats at any time, except as expressly licensed and permitted as part of an approved Trap-Neuter-Release program.

Roll Call:

AYES: C/Luongo, C/Kaufman-Marut, C/Warnick, C/Esakoff
 NAYS: C/Herrstrom, C/Feigenbaum ABSTAIN: None ABSENT: None

Second Reading and Public Hearing is scheduled for July 7, 2025 at Roosevelt Borough Hall, 33 N. Rochdale Avenue, Roosevelt, NJ.

M/Malkin invites Lucy Craig to come and make a presentation to the residents you can also write something for the Borough Bulletin or contact representatives from the other organizations to speak about TNR.

First Reading:

Ordinance 2025-10 An Ordinance Amending the Zoning Ordinances of the Borough Code to Enact Regulations Permitting the Keeping of Chickens on Residential Lots

M/Malkin states she and Ana have called other towns and police departments and M/Malkin has consulted with a veterinarian and this is what we have learned: virtually every town in New Jersey prohibits roosters most owns also prohibit chickens or they keep the number very low. Hightstown no roosters and 6 chickens, Allentown no roosters and no chickens, there is a whole list of towns in Monmouth and Mercer County if anyone would like to see it. We know you love your roosters and chickens however we don’t live on farms; it may have started as a farming and manufacturing community but it failed. We live in a residential community. We now have a sizable rat population and chickens bring rats. M/Malkin states that she spoke with a very prominent veterinarian who said when you have chicken that close together in a residential neighborhood, the avian flu is a reality. So now we have health and safety concerns. C/Esakoff states if his neighbor had chickens he’d be very upset. M/Malkin states that is why Attorney, Gregg Cannon was asked to put I the ordinance 12 chickens and no roosters, but grandfather in current roosters.

C/Feigenbaum asks what is the average number of chickens that any Roosevelt resident has? M/Malkin does not know. C/Herrstrom states it’s an arbitrary number, people have expressed they would like to feed their families, why not 20? M/Malkin responds very few towns allow chickens and Roosevelt is still a residential area and unique and we all love it here, but we are still a residential area, many people live in attached houses and if not you are very close to each other you are going to be affected. If you are going to have chickens there is the possibility of rats, every town we looked are were non except for Hightstown – which is 6, and we doubled that, it was based on that. We do try to make everyone happy.

C/Warnick made a motion to adopt on first reading Ordinance 2025-10, with a second offered by C/Esakoff.

Roll Call:

AYES: C/Luongo, C/Kaufman-Marut, C/Warnick, C/Esakoff
 NAYS: C/Feigenbaum, C/Herrstrom ABSTAIN: None ABSENT: None

Second Reading and Public Hearing is scheduled for July 21, 2025 at Roosevelt Borough Hall, 33 N. Rochdale Avenue, Roosevelt, NJ.

First Reading:

Ordinance 2025-11

An Ordinance Amending Chapter 20: “Cannabis” and Chapter Z: “Zoning” of the Borough’s Revised General Ordinances to Permit Cannabis Cultivators Within the R-AG/400 Zone Under the Borough’s Land Use and Development Regulations

C/Esakoff made a motion to adopt on first reading Ordinance 2025-11, with a second offered by C/Herrstrom.

Roll Call:

AYES: C/Luongo, C/Kaufman-Marut, C/Warnick, C/Esakoff, C/Feigenbaum, C/Herrstrom
NAYS: None ABSTAIN: None ABSENT: None

Second Reading and Public Hearing is scheduled for July 21, 2025 at Roosevelt Borough Hall, 33 N. Rochdale Avenue, Roosevelt, NJ.

CONSENT AGENDA RESOLUTIONS:

- Resolution 25-78 Payment of Bills for June 16, 2025
- Resolution 25-79 Resolution Awarding Contract for Inspection of the 75,000 Gallon Elevated Water Tower to Pittsburg Tank & Tower Group
- Resolution 25-80 Resolution Authorizing a Refund of Taxes for Overpayment to Block 7, Lot 25, 19 North Valley Drive
- Resolution 25-81 Resolution Awarding Contract to Earle Asphalt Company for Installation of New Water Service and Sanitary Sewer Lateral at 64 Lake Drive
- Resolution 25-82 Resolution Authorizing Return of Escrow Funds for 15 S. Rochdale Avenue (Block 10, Lot 4)

C/Esakoff made a motion to adopt the Consent Agenda Resolution’s 25-78 through 25-82, with a second from C/Warnick, by the following roll call vote:

Roll Call:

AYES: C/Kaufman-Marut, C/Warnick, C/Esakoff, C/Feigenbaum, C/Herrstrom, C/Luongo
NAYS: None ABSTAIN: None ABSENT: None

REPORTS OF COMMITTEE CHAIRS:

Administration: No Report at this time.

Community Dev/Code: C/Herrstrom states that the Seniors Group had their River Lady Cruise this month in Toms River, 14 people attended. After the new proposal on the Amphitheater we are working with the CFO to get new numbers.

Environmental, Health & Safety: No report at this time.

Finance: C/Kaufman-Marut reports we are meeting with the CFO next week.

Public Works: No report at this time.

Utilities: No report at this time.

REPORTS OF BOROUGH OFFICIALS:

C/Warnick reports for the environmental Commission: The wildlife ordinance was reviewed and they thought it was unnecessary. Ms. Wilder is looking for the watershed map.

Board of Education meeting: Serious debate on where to put the graduation – they had it at the handball court, it was so sunny and hot. Mary Tulloss is retiring from the Education Fund – she will be missed.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. M/Malkin reports she went to graduation and it was lovely. Reminds everyone the 4th of July celebration at RPS from 12 – 3pm, we changed things up a little this year – no grilling, we are going to have food trucks – completely free to everyone including the food trucks. Live Band – entertainment for the kids and for the adults. Everyone is encouraged to come the 4th of July picnic. There will be a little parade for little children – bike decorating. People are welcome to bring their own food.
2. C/Feigenbaum states in defense of the roosters and believes it is a noise violation like everything else that annoys people. Call animal control if there is a nuisance – animal control will not come out. Then someone from town can go out there and issue a summons and issue a fine and beyond that issue a lien on someone property. She believes it's more of a noise issue and not an animal issue.

PUBLIC COMMENT (Any item)

M/Malkin opens the public comment at 8:57pm.

1. Ira Krendal, 38 N. Rochdale – talking about the chickens causing rats and eliminating feral cats – that's a contradiction. Another question – what jurisdiction does the town have to come on my property and tell me what I can do and how I can be fined for putting food out for deer or cats, who is going to enforce it? Attorney, McGuinn responds that the state has given the town's authority to enforce ordinance violations, just like if your tree is too large or your grass is too high, the town has the right to enforce their ordinances. Attorney, McGuinn explains in the feral cat ordinance there is nothing in the ordinance that says you have to let the town or any official onto your property, if they knock you your door you do not have to let them on your property. They can enforce the ordinance another way, (example – based on what someone saw they can write a summons). The chicken ordinance is a licensing issue, just like if you have a gun or a pool you have to file a permit which has to go to the state because it's a potential danger and you have to let them in.
2. Kirk Rothfuss, 3 Tamara Drive – On the whole cat thing outdoor cats, whether feral or not they kill their prey and songbirds are their main prey.
3. Nona Sherak, 4 Maple Court – Clarifies the chickens and the settlers – her grandparents were settlers, very few people had chickens, there was a chicken farm going out of town (which is now a Monmouth County Park) there were farms and that was part of the community and we only had 1 building with manufacturing.
4. Lucy Craig, 39 N. Valley Road – Wants to clarify, anyone who works for a cat rescue – they tend to be indoor outdoor folks, they will advocate that pet cats be kept indoors. Feral cats are cats we failed and they are outside, and neutering them lessens the chance of hunting birds.
5. Frank Hernandez, 25 Homestead Lane – Has a petition on change.org how does he get it to the council? Attorney, McGuinn responds; If it's a signed petition you have to print it out and make copies, this is first reading tonight. Clerk, Hart explains the steps for the petition and is told to bring to the July 21, 2025 meeting. All have to be residents of Roosevelt.

M/Malkin closes the public comment at 9:10pm.

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

Time Out: 9:11pm.

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

Respectfully Submitted,

Kathleen Hart, Borough Clerk

Adopted Date: July 21, 2025