

**Meeting Minutes  
Roosevelt Borough Council  
Regular Meeting  
January 4, 2016**

The meeting was called to order by Mayor Ellentuck at 7:00 pm and she read the Open Public Meetings 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 November 27, 2015, which was posted on the Bulletin Board at the Roosevelt Post Office and in the Borough Hall. The notice was published in The Times and Asbury Park Press.”

Roll Call.

	<b>PRESENT</b>	<b>ABSENT</b>
<i>Councilmember Bonna</i>	✓	
<i>Councilmember Curry</i>	RESIGNED	
<i>Councilmember Impellizzeri</i>	✓	
<i>Councilmember Lipoti</i>	✓	
<i>Councilmember Malkin</i>	✓	
<i>Councilmember Ticktin</i>	✓	
<i>Mayor Ellentuck</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; and Richard Shaklee, Borough Attorney.

Mayor Ellentuck thanked Elsbeth Battel, former Mayor, for her service to the Borough as Mayor. He also advised that Councilmember Curry resigned from Council earlier today; there is now another vacancy on Council and another list of nominees will be sent to Council for consideration for serving until the November election to fill the seat.

Mayor Ellentuck opened the public comment period on the consent agenda, there being no comments the public comment period was closed.

**Consent Agenda:**

Councilmember Ticktin moved resolution 16-21 as the consent agenda for approval, Councilmember Lipoti seconded.

Council members Bonna, Impellizzeri, Lipoti, Malkin, and Ticktin voted yes.

Consent Agenda adopted 5-0.

Resolution 15-21: Rejecting the Bid Received for Towing Service

**Ordinances**

**# 2016-001 First Reading and Introduction:** An Ordinance of the Borough of Roosevelt Adopting a Retail Food Establishment and Food and Beverage Vending Machine Code

Councilmember Ticktin moved ordinance 2016-001 for introduction, Councilmember Malkin seconded.

Council members Bonna, Impellizzeri, Lipoti, Malkin, and Ticktin voted yes.

Ordinance introduced 5-0. Public hearing to be held on January 25, 2016.

ORDINANCE 16-001

*BOROUGH OF ROOSEVELT  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY*

**AN ORDINANCE OF THE BOROUGH OF ROOSEVELT ADOPTING A RETAIL FOOD ESTABLISHMENT AND FOOD AND BEVERAGE VENDING MACHINE CODE**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Roosevelt as follows:

**Section 1. Adoption of Retail Food Establishment Code.**

A. Adoption By Reference. A Code regulating retail food establishments and food and beverage vending machines and fixing penalties for violations is hereby established. In accordance with N.J.S. 26:3-69.1 et seq. a copy of the Code is incorporated herein and made a part hereof without the inclusion of its text.

B. Title of Code. The Code established and adopted by this chapter, by reference, is described and commonly known as "The New Jersey State Sanitary Code, Chapter XII, Retail Food Establishments and Food and Beverage Vending Machines" (1993) as hereafter may be amended by the State of New Jersey. The Code is set forth in the New Jersey Administrative Code and is cited as follows: N.J.A.C. 8:24-1.1 et seq. The Code is also commonly referred to as Chapter XII of the State Sanitary Code or as the "Retail Food Establishments and Food and Beverage Vending Machines Code".

C. Public Record. Three (3) copies of Chapter XII of the New Jersey State Sanitary Code have been placed on file in the Office of Borough Clerk and will remain on file for the use and examination of the public.

**Section 2. Retail Food Establishment.**

A. License Required; Issuance of License. No person shall operate a retail food establishment without a license from the Borough. The license shall be prominently displayed in the place of business. Applications for licenses shall be submitted at Borough Hall, together with the fee set forth in Section 4 of this Ordinance. Applications shall be submitted as follows:

1. Temporary Food Establishments. Not less than twenty (20) days prior to the proposed date of operation.
2. All Other Applications. On or before January 1 of the year for which the application is made.
3. New applications may be made at any time during the year upon payment of the full annual fee.
4. All licenses issued under paragraphs 2. and 3. shall expire on January 1 of the year following the year of issuance, or upon transfer of ownership or operation of a licensed premises, whichever comes first.

B. Suspension and Revocation of License.

1. A license issued under the terms and provisions of this section may be suspended or revoked by the Health Officer for a violation by the licensee of any State Sanitary Code which is by its terms applicable thereto or for a violation of any law of the United States, the State of New Jersey, or any Ordinance of the Borough.
2. A license issued under this section shall not be revoked, cancelled or suspended until a hearing is held by the Health Officer. Written notice of the time and place of the hearing shall be served on the licensee

at least ten (10) days prior to the date set for the hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending the license. Service shall be deemed effected either upon personal delivery to the person to be notified, or upon deposit in the United States Post Office in a sealed envelope, postage prepaid, addressed to the person to be notified at the business address appearing on the license. At the hearing before the Health Officer, the person aggrieved shall have an opportunity to answer and thereafter be heard, and upon due consideration and deliberation by the Health Officer, the complaint may be dismissed; or if the Health Officer concludes that the charges have been sustained and substantiated, the Health Officer may revoke, cancel or suspend the license in question.

3. Following such hearing by the Health Officer, the license holder shall have the right of appeal to the Governing Body. An appeal shall be taken by filing written notice with the Health Officer within five (5) days after the receipt of a written order following a hearing by the Health Officer.
4. The Governing Body shall hear such appeal de novo within thirty (30) days from the date of filing the notice of appeal.

**Section 3. Requirement for Food Service Employee's Educational Course.**

As a condition to the issuance of a license and as a condition to the renewal of any such license, the applicant or licensee shall be required to establish, by written certification, that the person in charge of the retail food establishment has attended a Food Service Employee's Education Course. New establishments may be granted a six (6) month grace period in which to comply with the requirement at the discretion of the Health Officer.

"Person in charge" means the proprietor, manager, assistant manager or other person with authority and responsibility for the daily operation of a retail food establishment. In the event of a personnel change resulting in the employment of a new "person in charge", it shall be the responsibility of the licensee to immediately notify the Board and make appropriate arrangements for attendance at an approved course, or to produce satisfactory certification of prior attendance at an approved course.

- a. Retail food establishments which handle only pre-packaged, non-potentially hazardous foods as defined in Chapter XII of the State Sanitary Code will be exempt from the requirement to attend said course at the discretion of the Health Officer.

**Section 4. Fees for Licensing Retail Food Establishments.**

The fees for the review and licensing of food establishments and business are hereby fixed as follows:

- a. Retail food establishments including restaurants.

<u>Square Feet</u>	<u>Annual Fee</u>
0-3,500	\$175.00
3,501-5,000	\$225.00
5,001-10,000	\$375.00
over 10,000	\$475.00

- b. Agricultural establishments \$75.00
- c. Pre-packaged products only \$50.00

- d. Itinerant food vendor \$75.00
- e. Liquor stores \$75.00
- f. Temporary food establishment (per day) \$35.00
- g. Plan review fee for new or renovated retail food establishments

<u>Square Feet of New or Renovated Areas</u>	<u>Plan Review Fee</u>
0-400	\$75.00
401 – 800	\$150.00
over 800	\$250.00

**Section 5. Food and Beverage Vending Machines.**

A. License Required. It shall be unlawful for any person, whether as principal or agent, clerk or employee either individually or for any other person, or for any corporation or entity to engage in the operation of or maintain or permit on or in any location in the Borough one or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a permit from the Borough and displaying the permit in a prominent location and without complying with any and all of the provisions of Chapter XII of the State Sanitary Code as adopted or amended.

B. Fees and Licensing for Food and Beverage Vending Machines.

1. The license fee for each food and beverage vending machine shall be forty (\$40.00) dollars per year.
2. All license and permit fees for food and beverage vending machines shall be paid on or before July 1st of each year.
3. All permits and licenses issued under this chapter shall expire on June 30<sup>th</sup> of each year.
4. Fees shall not be required for any food or beverage vending machines owned and operated by any public school, church or other religious organization, or any other nonprofit corporation or association operating within the Borough. Proof of nonprofit (i.e., proof of federal designation as a 501 (c)(3) organization) status may be required prior to issuance of a license and permit.
5. New or additional food or beverage vending machines installed during the year shall require payment of the full annual fee.

C. Applicability of Chapter XII of the State Sanitary Code. All procedures in connection with the issuance of licenses shall be made in conformity with the provisions of Chapter XII of the State Sanitary Code, as adopted or amended. Licenses and permits are non-transferable.

D. Suspension of Vending Machine License. Licenses issued under authority of this Ordinance may be suspended, revoked, or reinstated by the Borough pursuant to the provisions of Chapter XII of the State Sanitary Code as adopted or amended by the Borough.

E. Inspections by Board of Health. The Health Officer shall supervise and arrange such inspections of vending machines and maintain such records as are required by Chapter XII of the State Sanitary Code and any other applicable law or regulation.

**Section 6. Approval by Borough of license application after revocation.**

If any license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the Borough unless the application for such license shall be approved by the Governing Body.

**Section 7. Payment of taxes.**

No license for a retail food establishment shall be issued until the Borough Clerk is in receipt of a certification from the Tax Collector that all real property taxes and assessments pertaining to the property on which the retail food establishment is located are current and that no such taxes or assessments are then due and owing.

**Section 8.** All Ordinances and parts thereof which are inconsistent with any of the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency.

**Section 9.** This Ordinance shall take effect upon adoption and publication as required by law.

**Section 10.** The provisions of this Ordinance are declared to be severable. Any invalidation of any provision of this Ordinance by a Court of law shall not be deemed to affect the validity of the remaining provisions.

**Reports/Meetings of Council Committees:**

Councilmember Impellizzeri: advised that Mr. Marini will be in court on January 5<sup>th</sup> regarding maintenance issues and again for two more cases in February; He appreciates that Councilmember Lipoti gave him a tour of the utility plants.

Councilmember Ticktin: noted that this is the third time that he has served as a member of Council, the first being 40 years ago and there have been a lot of changes since then.

Councilmember Ticktin then advised that a historian for the Borough must be appointed. Councilmember Impellizzeri moved that Michael Ticktin be appointed as the Borough Historian, Councilmember Bonna seconded. All ayes. Michael Ticktin will serve as the Borough Historian.

Councilmember Malkin: Advised that all properties are current on their taxes and water/sewer payments and payments that are subbed out and late are paying interest and late fees.

Councilmember Ticktin noted that he has spoken with Mr. Marini and the ordinance that was recently adopted is important to the Borough.

Councilmember Lipoti: Advised that R3M Engineering has been appointed as the Utility Engineer and she will begin working with them immediately to evaluate the immediate needs and options for the utilities.

Mayor Ellentuck noted that he also spoke with them and found them to be experienced and cost effective.

**Old Business**

## Roosevelt Gateway Redevelopment Plan Report from the Planning Board

Mayor Ellentuck advised that Council has been distributed copies of the Roosevelt Gateway Redevelopment Plan Report from the Planning Board and has reviewed it.

Councilmember Ticktin moved that the Roosevelt Gateway Redevelopment Plan Report from the Planning Board be adopted, Councilmember Impellizzeri seconded.

Council members Bonna, Impellizzeri, Lipoti, Malkin, and Ticktin voted yes.

Report adopted 5-0.

## Fire Officers for 2016

Sam Lopez, of 7 Homestead Lane advised that the Fire Company brings forward the same names as previously submitted for Fire Chief and Assistant Fire Chief as Dan Archer and Chris Suk; noting that the firefighters were never told to leave Roosevelt by the Chief.

He commented that there are three options: Appoint the Assistant as the Chief (he does not want the position); Council and the Fire Company can have a conversation, but the recommendations probably will not change; or they can move to Millstone and dissolve the Fire Department, but the firefighters are not in favor of doing this.

Mayor Ellentuck reviewed the evidence of texts being sent to firefighters from the chief suggesting that firefighters quit and not to respond to alarms in the Borough because of the referendum vote. He noted that those present have worked hard to be members of the Roosevelt Fire Department.

Mr. Lopez noted that the present building incapacitates the Fire Department and mold is an issue. If there is no concrete plan within 30 days, all firefighters will have to resign; they just want somewhere safe to work from, there is no other choice.

The Borough Attorney advised that the appointments are subject to confirmation and the Council can approve the Assistant Chief, but not the Chief, then the Assistant would serve until a Chief is confirmed.

Councilmember Malkin moved to approve Chris Suk as Assistant Chief, Councilmember Ticktin seconded.

Council members Bonna, Impellizzeri, Lipoti, Malkin, and Ticktin voted yes.

Assistant Chief Chris Suk confirmed 5-0.

## New Business

Councilmember Malkin confirmed that the next regularly scheduled Borough Council meeting will be held on January 25, 2016.

Mayor Ellentuck commented that the Borough has lost a very valued Councilmember; there are a lot of vacant homes in the Borough, it may be possible for the Borough to acquire one of these properties for fire/first aid and OEM; there are water/sewer issues and he has great faith that Councilmember Lipoti but there is a lot to be done and everyone must work together to accomplish results. There is way too much animosity in the Borough over the referendum issue; everyone needs to take a breath and get along with their neighbors. He noted that the municipal infrastructure also has to be addressed.

Mayor Ellentuck noted that the gas station needs to be boarded up and directed Councilmember Impellizzeri to contact KTK to have it completed.

Mayor Ellentuck opened the public comment period and the following individuals spoke:

Tim Curry inquired as to whether Council has spoken with Chris Suk regarding serving as Chief, because he was nominated and turned it down. He commented that Chief Archer is angry, he has worked for 12 years on the Roosevelt Fire Department and he is the best chief in Monmouth County.

Mayor Ellentuck expressed concern since he had spoken with Mr. Suk and the line officers and he had agreed to serve. He agreed to meet with Mr. Archer and have a conversation. To see if the Borough can reach an accord with him.

There was discussion regarding Dan Archer's anger and the possibility of him reconsidering his statement and position in the Borough. Councilmember Lipoti confirmed that Council voted only to confirm the Assistant Chief, and did not confirm the Chief.

Bob Clark commented that a construction estimate committee should be appointed to evaluate emergency services and report to Council.

Elsbeth Battel congratulated Council and wished them the best of luck.

Councilmember Tickin moved to adjourn at 7:45pm, Councilmember Malkin seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk