

**Meeting Minutes
Roosevelt Borough Council
Regular Meeting
December 27, 2016**

Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 8, 2016 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.

	PRESENT	ABSENT
<i>Councilmember Bonna</i>	✓ BY PHONE	
<i>Councilmember Impellizzeri</i>	✓	
<i>Councilmember Lipoti</i>	✓	
<i>Councilmember Malkin</i>	✓	
<i>Councilmember Ticktin</i>	✓	
<i>Councilmember Trammell</i>	✓	
<i>Mayor Ellentuck</i>	✓	

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

Mayors Report

Mayor Ellentuck appointed Kim Felong to the Environmental Commission.

Mayor Ellentuck then congratulated Debra Sopronyi on her appointment as the Interim Administrator in Hightstown Borough, noting that this is her last meeting in Roosevelt. She was then presented with flowers for which she thanked the Mayor and Council.

Approval of Minutes

Mayor Ellentuck made corrections to the minutes of November 28, 2016.

Councilmember Ticktin moved for approval of the November 28, 2016 minutes as amended; Councilmember Malkin seconded.

Council members Bonna, Impellizzeri, Lipoti, Malkin, and Ticktin voted yes; Councilmember Trammell abstained.

Minutes approved 5-0 with one abstention.

Councilmember Malkin moved for approval of the December 12, 2016 minutes; Councilmember Ticktin seconded.

Council members Bonna, Impellizzeri, Lipoti, Malkin, and Ticktin voted yes; Councilmember Trammell abstained.

Minutes approved 5-0 with one abstention.

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

Bert Ellentuck – inquired as to what the projects are for which the grant is being submitted in resolution 2016-118. Councilmember Lipoti informed him that the project would be for road repair on Homestead and Cedar Court.

Mary Tulloss – asked for clarification of resolution 2016-119. Mayor Ellentuck explained the resolution, noting that while it states it is also cancelling water/sewer balances, there are none listed.

Consent Agenda

Councilmember Ticktin moved that resolution 16-119 be pulled from the consent agenda and voted on separately; Councilmember Impellizzeri seconded. All Ayes.

Councilmember Ticktin moved resolutions 16-117, 16-118, and the payment of bills as the amended consent agenda for approval, Councilmember Lipoti seconded.

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

Consent Agenda adopted 6-0.

Resolution 16-117: Authorizing Transfer of Appropriations for 2016

Resolution 16-118: Authorizing the Borough Engineer to Apply for a Municipal Aid Grant

Payment of Bills

Resolution 16-119: Canceling General Capital Improvement Appropriation Balances

There was discussion regarding the resolution stating that there are water/sewer cancellations when the resolution only contains a current fund cancellation. It was requested that the resolution be corrected and water/sewer be removed from the resolution.

Councilmember Ticktin moved resolution 16-119 as amended, Councilmember Impellizzeri seconded.

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

Resolution adopted 6-0.

ORDINANCES

2016-021 FINAL READING AND PUBLIC HEARING – Ordinance Amending Article IV, Section 2-30, et. seq. of the Borough Code relating to the Borough Fire Department

Councilmember Ticktin moved for the adoption of ordinance 2016-021, Councilmember Lipoti seconded.

Councilmember Malkin requested that the ordinance be read aloud in its entirety. Councilmember Lipoti and Mayor Ellentuck read the ordinance aloud for the public and Mayor Ellentuck reviewed the amendments within. There was discussion and clarification amongst Council regarding the reimbursement of lost time from work for the volunteers.

Mayor Ellentuck opened the public hearing on ordinance 2016-021 and the following individuals spoke:

Debra Lenhart – inquired as to whether the Borough has ever reimbursed volunteers for lost time from work. Mayor Ellentuck replied that it has not to his knowledge.

April Suk – noted that acceptance into the company was always done by the fire company, and department acceptance is done by Council. She noted that this ordinance is against the by-laws of the company. Mayor Ellentuck noted that they would have to then change their by-laws.

Mary Tullos – asked for clarification of the fire company versus the department. Mayor Ellentuck explained that the department is an arm of the municipality and the company is a non-profit and provides fundraising.

There was discussion regarding the differences between the fire company versus the department, and honorary members.

There being no further comments, Mayor Ellentuck closed the public hearing on ordinance 2016-021.

Council members Bonna, Impellizzeri, Lipoti, Ticktin, and Trammell voted yes; Councilmember Malkin voted no; Councilmember Trammell abstained.

Ordinance adopted 4-1, with one abstention.

ORDINANCE 16-021

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

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, SECTIONS 2-30 ET SEQ. OF THE CODE OF THE BOROUGH OF ROOSEVELT ENTITLED “DEPARTMENTS” – “FIRE DEPARTMENT”

Be it **ORDAINED** by the Mayor and Borough Council of the Borough of Roosevelt as follows:

Section 1. Article IV, Chapter 2, Sections 2-30 et seq. of the Code of the Borough of Roosevelt providing for the regulation and control of the Fire Department of the Borough of Roosevelt, County of Monmouth and State of New Jersey” is hereby amended and supplemented as follows:

The Fire Department of the Borough of Roosevelt shall consist of the Roosevelt Volunteer Fire Company, Inc. or such other companies as may be authorized by resolution of the Borough Council. The Fire Department shall function under the control and supervision of the Borough Council and shall be subject to such rules and regulations as the Borough Council may enact.

2-30.2 Application for Membership.

Every person seeking to join the Fire Department shall make application to the company which he or she desires to join. The Fire Chief shall then make a recommendation to the fire company regarding the suitability of the applicant for membership in the Fire Department. The fire company may then by a majority vote of those present and voting at a duly convened meeting, elect the applicant to membership. The applicant's name shall then be submitted to the Borough Council for confirmation. Upon confirmation, the applicant shall become a member of the Fire Department.

2-30.3 Membership List, Badge.

The fire company shall provide a list of its members, directors and officers to the Borough Clerk and shall promptly update the list upon the occurrence of any change. The Borough Clerk shall maintain a

list of the members of the Fire Department in the Borough records.

Every firefighter shall be given a badge of membership in his or her company by the Borough Council. The badge shall be worn at all times when on fire duty. If a firefighter is for any reason suspended from duty, or if he or she ceases to be a member of the Fire Department, he or she shall immediately deliver his or her badge either to the Fire Chief or to the Borough Clerk.

2-30.4 Fire Chief, Assistant Fire Chief.

The members of the Fire Department shall no less frequently than annually elect a Fire Chief and an Assistant Fire Chief. The members of the Fire Department may also elect other line officers at the same time and in the same manner as the election of the Fire Chief and Assistant Fire Chief. The Fire Chief, Assistant Fire Chief and all other line officers shall take office upon confirmation by the Borough Council and shall serve until their successors have been elected and confirmed. The control and management of the Fire Department, subject to such rules and regulations as the Borough Council may enact, shall be exercised by the Fire Chief and he or she shall be entrusted with the command of the Fire Department at all fires and other emergencies and at all drills. He or she shall be empowered to schedule drills.

In his or her absence, his or her powers and duties shall devolve upon the Assistant Fire Chief.

2-30.5 Compensation.

The members of the Fire Department, including all line officers, shall serve without compensation. However, they may annually receive such allowances as may be fixed by the Borough Council to cover any loss of time or other loss incurred in attending upon and putting out fires in the Borough of Roosevelt.

2-30.6 Membership Criteria.

No person shall become a member of the Fire Department unless he or she is at least eighteen (18) years of age, a citizen of the United States, and resides within the Borough of Roosevelt or anywhere within five miles of any border of the Borough of Roosevelt. He or she shall be physically fit to perform the duties of a firefighter. The Fire Chief or the Borough Council may require any firefighter or applicant to produce a certificate issued by a practicing physician of the State of New Jersey indicating that he has been examined by said physician and found physically fit to perform fire duty. No person shall be denied membership consistent with the New Jersey Law Against Discrimination.

2-30.7 Fire Duty.

Fire duty shall consist of actual attendance at, and participation in, fire-fighting and drills. The Fire Chief shall maintain a record of the percentage of fire duty performed by each firefighter and shall, in January of each year, file a report containing this information with the Borough Clerk. In computing the percentage, the Chief may take into account no more than twenty drills and must use the same standards for all firefighters.

2-30.8 Suspension, Expulsion, Honorary Membership.

Firefighters may be suspended or expelled from the Fire Department by the Fire Chief or the Borough Council for malfeasance, neglect of duty or other good cause. Line officers may also be removed from line officer positions by the Borough Council by resolution. The Borough Council shall be entitled to reinstate any person who has resigned or been suspended or expelled from the Fire Department and fire company. Subject to the rights of the Borough Council in the immediately preceding sentence, , no person shall continue to be a member of the Fire Department if he or she has failed entirely to perform fire duty during the previous calendar year.

No person who is not a member of the Fire Department may be a member of a fire company within the Department, unless such person is in the process of applying for membership in the Fire Department. This provision notwithstanding, no fire company shall be prevented from electing former members of the Fire Department to honorary membership.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be held, invalid, such decision shall not invalidate the remaining portion of this Ordinance.

Section 4. This Ordinance shall take effect upon adoption and publication according to law.

2016-022 FINAL READING AND PUBLIC HEARING – BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER IMPROVEMENTS, APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 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

Councilmember Lipoti moved for the adoption of ordinance 2016-022, Councilmember Ticktin seconded.

Mayor Ellentuck clarified that this ordinance is for a study needed to develop a long term plan for the utilities, and the costs for the study should be reimbursed by the NJEIT. There was discussion regarding the process and the purpose of the study, increases in rates for customers, approvals for the study. Councilmember Malkin noted that the Finance Committee is never involved in discussions regarding the utilities.

Mayor Ellentuck reviewed the resolutions of the award of the contract to R3M Engineering and the lack of CFO certifications for the resolutions in which funds were added to the contract, noting that this ordinance is a remedy to the situation and is being done at the recommendation of Bond Counsel. There was further discussion.

Mayor Ellentuck opened the public hearing on ordinance 2016-021 and the following individuals spoke:

Mary Tullos – inquired if the \$150,000 is only for the study. Mayor Ellentuck responded that it is for the development of the project for which NJEIT funds will be applied.

Ms. Tullos then inquired as to whether this ordinance will be funded through taxes or water/sewer payments. Mayor Ellentuck explained bonding.

Jeb Shahn – noted that the bond says all taxpayers are responsible for the bond and inquired if that is the case. Mayor Ellentuck advised that if the utility folds, then the taxpayers are responsible, noting that all bonds state this.

Ms. Shahn suggested that all residents be responsible exempt form water/sewer costs.

There being no further comments, Mayor Ellentuck closed the public hearing on ordinance 2016-021.

Council members Bonna, Impellizzeri, Lipoti, Ticktin, and Trammell voted yes; Councilmember Malkin voted no;

Ordinance adopted 4-1,

**BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 16-022

BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER IMPROVEMENTS, APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 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

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF ROOSEVELT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as Water-Sewer Utility improvements to be undertaken in and by the Borough of Roosevelt, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$150,000, said sum being inclusive of all appropriations heretofore made therefor, including \$7,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$142,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of various water-sewer improvements, including an assessment of the sewerage system to determine the current condition of its components and to identify areas of concern that require upgrades, rehabilitation or replacement, together with all purposes necessary, incidental or appurtenant thereto, 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.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$142,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$150,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$150,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$7,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their

dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as Water-Sewer Utility improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$142,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Resolution 16-120: Authorizing the Reinstatement of Firefighters and Approving the Nomination of an Assistant Fire Chief

Councilmember Lipoti moved resolution 16-120, Councilmember Impellizzeri seconded.

Mayor Ellentuck advised that this resolution is to reinstate those firefighters who had previously resigned but have requested reinstatement; and also confirms the nomination of the Assistant Fire Chief. This is being done to assure that all members who have requested reinstatement get reinstated.

Councilmember Malkin requested that the members come to a Council meeting to introduce themselves to Council so they are familiar with the members.

There was discussion regarding the action of Council and Councilmember Ticktin commented that this resolution should only reinstate the members. The approval of the Assistant Chief should take place at the re-organization meeting and moved to divide the question. There was no second.

Mayor Ellentuck reviewed the process as done in the past and there was discussion regarding the Assistant Chief confirmation being done by the incoming 2017 Council. There was a request for the membership list for the fire department and Mayor Ellentuck called for a five minute break to provide copies of the list to Council.

Mayor Ellentuck read the list of members aloud and there was discussion. It was decided that the resolution shall be amended to read the confirmation of members in the fire department with the names listed within.

Councilmember Lipoti moved resolution 16-120 as amended, Councilmember Ticktin seconded.

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

Resolution adopted 4-0, with two abstentions.

Reports/Meetings of Council Committees:

Mayor Ellentuck noted that this will be Councilmember Impellizzeri's last meeting and thanked him for his service to the Borough.

Councilmember Impellizzeri: noted that the tree on Pine Drive fell and was quickly moved by public works, Allens' Tree Service will come out to complete the removal; Kelly did a good job with plowing during the recent snowfall..

Councilmember Ticktin: noted that he has a requested a report from the Housing Inspector so he can report at the reorganization meeting.

Borough Clerk Sopronyi: thanked the Mayor and Council for the opportunity to serve Roosevelt Borough and its residents..

Councilmember Lipoti: advised that there was a water main rupture inside the plant and a message was sent out via code red; Toby addressed the issue promptly and Pumping Service was called to conduct the necessary repair. She noted that the cooperation of the public is essential in these instances, and it is appreciated. There was discussion regarding the cause of the rupture.

Councilmember Trammell: advised that he is reaching out to various fire departments in the county to try to resolve the issues presently in Roosevelt.

New Business

Councilmember Malkin noted that flyers are appearing in resident's mailboxes regarding the Council position on the bond ordinance 2016-020 and inquired if it was paid for by taxpayer dollars. She commented that the flyers further the Mayor's agenda and did not have Council approval.

Mayor Ellentuck responded that the cost was \$68.00 and was paid for with tax dollars; and represents the position of Council on the bond ordinance and clarifies misinformation previously given to the public.

Councilmember Malkin noted that it does not necessarily express the opinion of all of Council to which Mayor Ellentuck noted that by vote it is the Council's position.

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

Nona Sherak – commented that she is concerned with the way tax sales are held and the process to pay liens. She asked the finance committee to investigate if this is the way it is done everywhere or just in Roosevelt; DPW is not trimming nor road work, and it is needed.

Councilmember Lipoti responded that the DPW budget is not that large. Mayor Ellentuck noted that DPW only has one employee who holds several titles; we are presently working with Allentown regarding the hiring of a shared DPW employee.

Sam Lopez – asked for clarification that the Council only approves the Assistant Fire Chief, to which Mayor Ellentuck responded yes. Mr. Lopez then commented that a meet-n-greet with the fire members is a good idea and would be good for public relations. There was discussion and Mr. Lopez was asked to convey the request for attendance at a meeting to the fire department membership.

Councilmember Trammell inquired as to whether he can hold a meeting with the fire company given that he chairs health and safety. Mayor Ellentuck advised that the committee can hold any meeting it wishes.

Jeb Shahn – commented that since Council voted and reached a decision, the flyer is acceptable, but all of Council should be made aware that it is going out; she inquired as to what can be done to assure all residents are on code red.

There was discussion regarding code red and ideas to encourage the residents to register.

Councilmember Trammell inquired as to whether there is a list of First Aid members. Mayor Ellentuck advised that they are an independent organization, but a request can be made.

There being no further comments, the public comment period was closed.

Councilmember Tickin moved to adjourn at 8:53pm, Councilmember Trammell seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

Adopted Date: January 3, 2017