

Roosevelt's year in review

Borough's legal battle with yeshiva is year's biggest issue
BY JANE MEGGITT Correspondent



Tree limbs downed by wind gusts during Hurricane Irene on Aug. 27 took out power lines along Oscar Drive in

Roosevelt, causing a quarter of the town to lose power for days after the storm. *JENNIFER KOHLHEPP ROOSEVELT* — Among the past year's events in the borough, perhaps the hottest topic was what may be the conclusion to the borough's longtime litigation over Yeshiva Me'on Hatorah's use of certain properties as illegal dormitories.

January: Newcomer Ralph Warnick and third-term council member Peggy Malkin took their oaths of office at the Borough Council's reorganization meeting Jan. 3. The council unanimously appointed Jeff Ellentuck as council president.

The starting bid for Roosevelt's only liquor license was cut in half. The Borough Council's original resolution sought to bid out the plenary retail liquor distribution alcoholic beverage license for \$500,000, but discussion among the governing body on Jan. 24 resulted in the cost being lowered to \$250,000. Like an auction, bidding for the license starts at a certain amount and increases from there.

The liquor license became inactive Aug. 11, 2005, and has now lapsed, as the owner did not obtain the necessary ruling from the state Division of Alcoholic Beverage Control required to activate it.

February: Yeshiva Me'on Hatorah was found to be in violation of a court order that 28 Homestead Lane in Roosevelt could be used only as a single-family residence. Judge Lawrence Lawson of the Superior Court of New Jersey, Law Division, sitting in Freehold, made the ruling Jan. 7.

Lawson initially decided on Aug. 19, 2010, that the yeshiva had violated zoning ordinances and two certificates of occupancy by using 28 Homestead Lane as a dormitory, which is not a permitted use in the residential zone.

At the Feb. 14 Borough Council meeting, Borough Attorney Richard Shaklee reported that Lawson personally inspected 28 Homestead Lane on Jan. 6. Borough ordinance allows for only five unrelated people to live in a single-family home in a residential zone.

The Appellate Division of the Superior Court of New Jersey upheld another of Lawson's rulings concerning the yeshiva Feb. 9.

The ruling confirmed that the yeshiva would have to seek a variance from Roosevelt's Planning and Zoning Board to continue operating at 20 Homestead Lane, the site of the synagogue Congregation Anshei Roosevelt. The yeshiva started operating in the synagogue in 2005.

March: The Superior Court of New Jersey disagreed with Yeshiva Me'on Hatorah's characterization of having been "driven out" of Roosevelt by borough officials and residents.

Judge Lawson wrote in a March 8 opinion that such a characterization impugns an untoward motive on the borough's conduct in seeking compliance with its zoning ordinances.

"The fact that plaintiff is unhappy that defendants would not permit it to operate as it pleased does not rise to any evil intent on the part of defendants," Lawson wrote. "In fact, there is still a question of whether plaintiff could have operated as it pleased had it simply sought a variance. This case is just an example of a town enforcing its zoning ordinances."

April: Roosevelt voters approved the \$2.4 million school budget and \$1.4 million supporting tax levy in the April 27 election, passing the budget question in a vote of 88- 19.

As a result, Roosevelt property owners experienced a slight increase in their school taxes. The tax rate for 2011-12 will be \$1.75 per \$100 of assessed value, which represents an average monthly increase of \$3.69 per household.

A fire truck offered to Roosevelt gratis apparently runs, but members of the governing body had differing views about accepting it at the April 25 meeting.

Ellentuck said the borough's fire company has seven certified members and a fire chief who has held the position for 30 years. He said the borough's two fire trucks are old and do not work. There was no financial sense in trying to fix the borough's fire trucks, because they would have to be upgraded to meet today's standards, which would cost more than the trucks are worth, he said. He said the borough needs another truck.

"No matter what truck we get, the garage is not big enough," he said. "It won't fit any truck made after 1974."

Ellentuck announced in June that the borough is awaiting the free truck, donated by the Mercer County Fire Academy in Lawrenceville. Jack Rindt, captain of Roosevelt's FirstAid Squad, teaches at the academy and arranged the truck donation.

May: The Borough Council introduced the 2011 budget at its May 23 meeting, even though members had only received copies of it that afternoon by email and none of them had read it. However, not introducing it could have caused complications, as the state-mandated deadline for budget introduction is May 28.

June: Only 49 people voted in the June 7 primary, with no Republican candidates on the ballot.

Incumbent Mayor Beth Battel received 47 votes. Incumbent Councilman Ellentuck received 30 votes and newcomer Robert Atwood garnered 29 votes.

Atwood ran for the seat currently held by Councilman Daniel Hoffman, who declined to run for a fourth term.

There was one write-in vote, not enough to qualify the person for a place on the November ballot, according to Borough Clerk Krystyna Olejnik.

No change in the tax rate came from Roosevelt Borough's 2011 budget.

At the June 27 council meeting, the \$915,481 budget passed with a 4-0 vote.

The total amount to be raised by municipal taxation was \$629,149, down slightly from last year's amount of \$630,543. The total includes a \$150,000 reserve for uncollected taxes, up \$10,000 from 2010.

Last year's budget totaled \$901,523, but the borough realized \$981,711 in total general revenues. This included \$82,931 in state aid, which is anticipated at \$81,849 this year.

Next year marks the 75th anniversary of Roosevelt's founding.

Mike Hamilton, former mayor and member of the town's Fourth of July Committee, said residents of Arthurdale, W.Va., the first planned community of President Franklin D. Roosevelt's administration, hold a New Deal festival to commemorate the founding of their town. He suggested asking Arthurdale residents for input and to attend the event that Roosevelt schedules.

Other suggestions for the celebration included inviting past residents to attend and holding a dinner. Hamilton said the activities could be held in conjunction with the annual Fourth of July festivities.

Borough historian Michael Ticktin said residents began moving into Roosevelt May 29, 1937, more in line with Memorial Day.

July: The borough will investigate the feasibility of closing North Valley Road at the intersection of County Route 571, or making it a one-way street. Councilman Ralph Warnick said that part of North Valley Road is "just gone," as far as pavement is concerned.

August: The council considered making all taxpayers responsible for paying down debt owed for repairs and upgrades made to the public water and sewer system, but decided to table the resolution. The majority of residences and businesses in the borough are hooked into the municipality's water and sewer systems.

Ticktin, the borough's former tax assessor, said 23 properties in the borough, including his own, do not use the public water/sewer facilities. The town houses a total of 340 properties.

The resolution would have moved the \$2.1 million bond obligation from water/sewer users to all Roosevelt taxpayers.

Council members said if the borough does not adopt the resolution, the water/sewer rates would increase \$100 per billing period for the average user. Currently, the average user pays \$310 for two months of water/sewer service.

Ellentuck noted that the borough's fund for water/sewer services is operating at an \$80,000 deficit this year. Ticktin said if the borough adopts the resolution, he and other residents who don't use the water/sewer system would pay an extra \$100 per month in taxes. Councilwoman Arlene Stinson, who does not use the public water/sewer system, said she does not want to see a disproportionate burden fall on taxpayers who have private wells and septic systems.

A quarter of Roosevelt remained without power after Hurricane Irene downed trees that took out power lines on Oscar Drive and Eleanor Lane. The power outage prevented sump pumps from running, and the basement of a residence on North Valley Road flooded.

September: The council reviewed the borough's response to, and lessons learned from, Hurricane Irene at the Sept. 12 meeting.

According to a report presented by Ellentuck and Office of Emergency Management Coordinator April Suk, the borough closed and reopened the main road through town, Route 571, at least four times between Aug. 27 and Aug. 29. Pine Drive, Tamara Drive and Lake Drive were all closed at some time due to flooding, and Pine Drive, Eleanor Drive, Oscar Drive and Homestead Lane were closed due to downed trees and power lines. With the exception of Pine Drive, road issues concerning downed trees and power lines were resolved by Sept. 1.

Roosevelt won another round in the lengthy legal bout with Yeshiva Me'on Hatorah.

The Supreme Court of New Jersey denied a petition for certification filed by the yeshiva and Congregation Anshei Roosevelt. The petition sought Supreme Court review of the appellate division's final decision that the yeshiva had to apply for variances to expand on the pre-existing nonconforming use of the synagogue property .

October: The borough may be able to refinance its water and sewer debt. At the Oct. 24 meeting, Councilman Ellentuck said the borough currently pays \$195,300 annually toward the outstanding debt totaling \$1.955 million.

The borough entered a 40-year bond agreement in 1992 with the Farmers' Home Administration, and pays that company an interest rate of 6.5 percent, he said.

“A number of things came together to allow us to refinance through the Monmouth County Improvement Authority,” Ellentuck said.

If the borough did not act at the time, it would have had to wait until the following year's bond cycle to refinance. With fees added, the current water and sewer debt could increase to \$2.25 million, he said.

November: There was no contested Borough Council election in 2011, with all the Democratic candidates running unopposed.

Newcomer Robert Atwood ran in the June primary, but withdrew his candidacy for the council seat currently held by Dan Hoffman, who declined to run for a fourth term. Michael Hamilton, who last held a seat on the governing body in 2006, appeared on the ballot in Atwood's place. He previously served four years as mayor and three years as a councilman.

Beth Battel won a second full four-year term as mayor, with 98.08 percent of votes cast. Jeff Ellentuck won a third term with 127 votes. Hamilton received 139 votes, or 51.29 percent of the total. Five write-in votes accounted for a total vote count of 271.

The Borough Council voted on Nov. 14 to approve an ordinance to refinance the town's water and sewer bonds through the Monmouth County Improvement Authority. At the meeting, Battel said the borough would save about \$65,000 a year in interest by refunding the bonds.

Attorney Elias Abilheira, Princeton, a former Millstone Township committeeman, told the governing body at the Nov. 28 Borough Council meeting about a plan he and his business partner, Sreenivasa Gade, have for a 151-acre preserved farm located at 6 Nurko Road. A potential redevelopment of the borough-owned, long-empty gas station property may also be part of their plans, he said. According to Abilheira, the plan for the farm property includes a ranch for organically raised bison, vineyards and a farm market and winery, along with a craft distillery for the gas station site.