

January 3, 2012

Agenda for the Re-Organization meeting of the Mayor and Council of the Borough of Victory Gardens, held on January 3, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

Statement of Determination - The Board of Canvassers, relative to an election held in the Borough of Victory Gardens, County of Morris and State of New Jersey, for the election of certain municipal officers for the Municipality on the 8th day of November, 2011.

The Said Board does determine that at the said election:

David Holeman, Jr.	Borough Council	3	years
Ismael Lorenzo, Sr.	Borough Council	3	years

was elected to the office and for the term set above. I do hereby certify that the foregoing is a true, full and correct statement of the determination of the Board of Canvassers therein mentioned. Signed: Joan Bramhall and George T. Hanley.

Both Councilman Holeman and Councilman Lorenzo were sworn in prior to the meeting.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion was made to elect David Holeman as Council President for the year 2012. Motion made by Councilwoman Hall, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

RESOLUTION # 1

WHEREAS, THERE EXISTS A NEED FOR AN ATTORNEY, for the Borough of Victory Gardens, and

WHEREAS, funds are available for the purpose, and

WHEREAS, the Local Contracts Law requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publically advertised.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens for the year 2012

1. Philip Feintuch, Esq. from the Firm of Feintuch, Porwich & Feintuch is appointed as Borough Attorney for the year 2012
2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law.

Motion to approve the appointment by Councilwoman Hall, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

RESOLUTION # 2

WHEREAS, THERE EXISTS A NEED FOR AUDITORS, for the Borough of Victory Gardens, and

WHEREAS, funds are available for this purpose, and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding must be publically advertised.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens for the year 2012

1. William Schroeder from Nisivoccia & Company appointed as Borough auditor for the year 2012
2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law.

Motion to approve the appointment by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

RESOLUTION # 3

WHEREAS, THERE EXISTS A NEED FOR AN ENGINEER for the Borough of Victory Gardens, and

WHEREAS, funds are available for such purpose, and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publically advertised.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens for the year 2012

1. Leon Hall from the firm Anderson & Denzler as Borough Engineer for the year 2012
2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law.

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Motion to approve the appointment by Councilman Holeman, seconded by Councilwoman Hall and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	No

WHEREAS, THERE EXISTS A NEED FOR A PROSECUTOR, for the Borough of Victory Gardens, and

WHEREAS, funds are available for the purpose, and

WHEREAS, the Local Public Contract Law requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens for the year 2012 :

1. Douglas Cabana is hereby appointed as the Borough Prosecutor for the year 2012
2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law.

Motion to approve the appointment by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

WHEREAS, THERE EXISTS A NEED FOR A PUBLIC DEFENDER, for the Borough of Victory Gardens, and

WHEREAS, funds are available for the purpose, and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding must be publicly advertised.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens for the year 2012 :

1. John Cesaro is hereby appointed as the Borough Public Defender for the year 2012
2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts law.

Motion to approve the appointment by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Councils confirmation of Timothy Downs as Alternate Public Defender. Motion made by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Councils confirmation of Sonia Barria as Municipal Court Administrator for the year 2012. Motion by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Municipal Court Judge C. William Bowkley is on a three year appointment from last year so we do not have to appointment him again this year.

Emergency Management Co-ordinator Councilman Holeman and the Deputy is Chris Barrella.

This year I am appointing Greg Stafford to the position of Property Maintenance Inspector the Mayor said.

Motion on both appointments by Councilwoman Montes, seconded by Councilwoman Hall and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Councils confirmation of Jerry Flatt as Animal Control Officer for the year 2012. Motion made by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Councils confirmation of Amy Maronpot as Chief Financial Officer for the year 2012. This is a three year appointment. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Planning Board &
Adjustment Board

Class I
Class II
Class III

Class IV
6 Residents
of Borough

Mayor
Barrie Krause
Vera Cheatham Council
Term of Seat
Dorothy Andryczyzak
Bernard Scott
Avis Byfield
John Cegelka
Wayne Jacobus
James Janone

Planning Board Attorney:	Gail Fraser
Planner:	David Zimmerman
Engineer:	Leon Hall
Clerk:	Barrie Kruase
Secretary:	None to be listed

Motion on all appointment by Councilman Holeman, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Appointments of Council members to serve on the following committees for the year 2012. Chairperson is listed first.

Administration:	Hall & Hedgepath
Public Works:	Lorenzo & Holeman
Recreation:	Montes & Hall
Emergency Management:	Holeman & Barrella
Finance & Budgeting:	Cheatham, Lorenzo & Montes
Community Development:	Hedgepath, Simmons & Cheatham

Administration:	Public Works:	
Personnel	Streets & Roads	Cleaning, Repairs,
Policy & Procedure Manual	Trees, Parking,	Recycling, Garage
Auditors		

Recreation:
Youth Parties

RVRS & SEWER LIASON:	John Cegelka
MUNICIPAL ALLIANCE LIASON:	David Holeman

BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens, County Morris, State of New Jersey, that the Daily Record newspaper be used for publications and legal materials for the year 2012.

Motion on the Resolution by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

RESOLUTION AUTHORIZING THE EXECUTION OF A CASH MANAGEMENT PLAN FOR THE BOROUGH OF VICTORY GARDENS -

WHEREAS, it is in the best interest of the Borough of Victory Gardens to earn additional revenue through the investment and prudent management of its cash receipts, and WHEREAS, P.L. 1983, Chapter 8 approved January 18, 1983 is an act concerning the Local Fiscal Affairs Law and amends NJSA 40A:5-2 and NJSA 40A:5-14, and WHEREAS, this new law requires that each local unit shall adopt a cash management plan, NOW, THEREFORE BE IT RESOLVED, that the following shall constitute the Cash Management Plan for the Borough of Victory Gardens and the CFO shall deposit and manage its funds pursuant to this plan:

DEFINITIONS:

1. CFO shall mean the Chief Financial Officer of the Borough of Victory Gardens.
2. FISCAL YEAR shall mean the 12 month period ending December 31st
3. CASH MANAGEMENT PLAN shall mean that plan as approved by Resolution.

DESIGNATION OF DEPOSITORIES:

At least once each fiscal year the governing body shall by Resolution designate the depositories for the Borough of Victory Gardens in accordance with NJSA 40A:5-14.

AUDIT REQUIREMENT:

The Cash Management Plan shall be subject to the annual audit conducted pursuant to NJSA 40A:5-4

AUTHORITY TO INVEST:

The governing body shall pass a Resolution at its first meeting of the fiscal year designating the Borough of Victory Gardens official(s) who shall make and be responsible for municipal deposits and investments.

INVESTMENT INSTRUMENTS:

The CFO shall invest at his discretion in any investment instrument as approved by the State of New Jersey in accordance with NJSA 40A:5-15.1

RECORDS AND REPORTS:

1. The CFO shall report all investments in accordance with NJSA 40A:5-15.2
2. At a minimum the CFO shall:
 - a. Keep a record of all investments
 - b. Keep a cash position record which reveals, on a daily basis, the status of the cash in its bank accounts.
 - c. Confirm investments with the governing body at the next regularly scheduled meeting.
 - d. Report monthly to the Governing Body as to the status of cash balance in bank accounts, revenue collection, interest rates earned

CASH FLOW:

1. The CFO shall ensure that the accounting system provides regular information concerning the cash position and investment performance.
2. All monies, shall be turned over to the CFO and deposited in accordance with NJSA 40A:5-15.
3. The CFO is authorized and directed to invest surplus funds of the Borough of Victory Gardens as the availability of the funds permit. In addition, it shall be the responsibility of the CFO to minimize the possibility of idle cash by depositing the monies in interest bearing accounts wherever practical and in the best interest of the Borough of Victory Gardens.

Motion on the Resolution by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens, County of Morris, State of New Jersey, that the following banks be designated as depositories for the Borough funds for the year 2012.

- Provident Bank
- PNC Bank
- TD Bank
- Bank of America

Motion to approve the resolution by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

The following are the dates of the Mayor and Council meetings for the year 2012. All meetings of the Mayor and Council begin at 6:00 p.m..

January	10th	and	24th
February	14th	and	28th
March	13th	and	27th
April	10th	and	24th
May	8th	and	22nd
June	12th	and	26th
July	10th	and	24th
August	14th	and	28th
September	11th	and	25th
October	9th	and	23rd
November	13th	and	27th
December	11th		

The public is invited and encouraged to attend all meetings of the Mayor and Council. Meetings are held at 337 South Salem Street, Victory Gardens.

Motion to approve the meeting dates for the year 2012 by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

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WHEREAS, 40A: 4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2012 budget, temporary appropriations be made for purposes and amounts required in the manner and time, therein provided and

WHEREAS, the date of the Resolution is within the first 30 days of January 2012 and

WHEREAS, the total general appropriations in the 2011 budget, exclusive of any appropriations made for interests and principal of debt, capital improvements and public assistance is the sum of \$ 1,279,053

WHEREAS, 26.25% of this total is the sum of \$ 335,751

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens, County of Morris, that the following temporary appropriations be made and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for his records.

Motion on the temporary budget by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

WHEREAS, NJSA 54: 4-67 has been amended to provide for additional penalties to be charged on delinquent taxes and other municipal charges, and

WHEREAS, said amendment allows the governing body to fix a penalty which shall not exceed 6% to be charged to a tax payer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the current tax year;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens, County of Morris, State of New Jersey, that pursuant to the provisions of NJSA 54:4-67 as amended, the governing body does hereby fix the penalty to be charged on delinquent taxes and other municipal charges as follows:

- A. 8 percent per annum on the first \$1,500.00
- B. 18 percent per annum on all amounts in excess of \$1,500.00
- C. An additional 6% on all sums in excess of \$10,000.00 when said delinquency remains unpaid after December 31st of the current tax year, which additional amount shall be in addition to other interest charges.

Motion on the Resolution by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

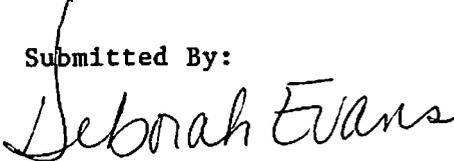
Tina Morris - Could you put up a list on the bulletin board as to is on what committee? Yes. I know the people were sworn in before the meeting but do they have to be sworn in front of a quorum? No. They can be sworn in whenever or where ever as long as they are sworn in before the meeting. Are all your appointments on here? Yes the professionals. What do committees do? They work together towards whatever they are on. No one is a supervisor. You have a Chairperson. What happened to the person Greg Stafford replaced? I changed him. Mr. Stafford was interested and said so. Do you get a weekly report from him? No, monthly.

Jim Janone - Meetings dates and times will remain the same? Yes. Is Charlie Wood out of here? Not totally. We will discuss that at our Council meeting. Who will be giving reports to the Council? Amy. Is she using the new software? Yes. When was a review done of the professional appointments? There hasn't been any. We are happy with our appointments and at this time are not changing them. I am not looking for anyone at this time the Mayor said.

Joan Cegelka - Does Mayor and Council confirm BOH members? No, that will be done at the BOH meeting. When is the reorganization meeting for the BOH? 1/17/12. I asked several years ago about putting another door in for the court clerk. I also sent a letter to the court in Morristown. Could you put in your budget money for a door for her safety? We will discuss it in with budget the Mayor said.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

 Deborah Evans
 Borough Clerk

January 10, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on January 10, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper the Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion to accept the minutes of December 13, 2011 as received by Councilwoman Hall, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to accept the minutes of January 3, 2012 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

H.O. BAKER - We have received the Bond application for Amy Maronpot the new Chief Financial Officer. In review of the application it is noted that the Boroughs financial accounts are being reconciled on a monthly basis by the same person that is authorized to make deposits or withdrawls on these accounts. As we have discussed, this practice leaves the Borough susceptible to a withdrawal of funds which could go unnoticed until the Audit is done. It is my recommendation that the Borough adopt the procedure of having the financial accounts reconciled monthly, by someone not authorized to make deposits or withdrawals.

SUPERIOR COURT OF NEW JERSEY - We had a case where Nanette Courtine sued the Clerk and the Borough. We won the first parts of the case and Ms. Courtine filed an appeal. This is letting you know that the case was dismissed on both parts. She has one avenue left which is appealing to the Supreme Court.

Councilwoman Hall asked about the case. Was it based on frivolous? No. It was based upon the fact that we had the right to do what we did. Can we recoup any of the money we spent out? No.

Motion to accept the correspondence as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Councilwoman Hall asked about #022 what is that? Supplies. Councilwoman Montes asked about # 018 is the Mayors Association of New Jersey. That is an Association that all Mayors belong to. What is #044 for? That is the State Association. Councilman Lorenzo said that #029 and #038 for Protective Measures. One is for the Borough Hall and one is for the Firehouse. #017 for Howard Goldman? What is this for? The owner paid taxes and so did his mortgage company. We are paying him back for the extra taxes he paid.

Motion to approve the vouchers for payment by Councilman Lorenzo, seconded by Councilwoman Montes and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

(Vouchers on Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
1 000	DOUGLAS CABANA	LEGAL SERVICES	016	\$250.00
1 001	JOHN CESARO	LEGAL SERVICES	016	200.00
1 002	PHILIP FEINTUCH	ATTORNEY LEGAL SERV.	016	1,833.33
1 003	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
1 004	NJ CONF. OF MAYORS	ADM & EXEC OE	001C	295.00
1 005	KONICA MINOLTA	ADM & EXEC OE	001C	8,413.00
1 006	ALCOA INFOLINE	ADM & EXEC MEDIC	001C	164.08
1 007	NISIVOC CIA LLP	AUDIT	015	14,790.00
1 008	MGL PRINTING SOL	TAX ASSESSOR OE	003B	200.85
1 009	DIV OF CODES & STAN	ADM & EXEC OE	001E	34.00
1 010	A T & T	BLDG & GRDS OE	006B	46.51
1 011	N.J.N.G.	BLDG & GRDS OE	006B	734.00
1 012	DOVER BD OF ED	JANUARY 2012 TUIT.	BOE	71,287.49
1 013	HOME DEPOT	BLDG & GRDS OE	006B	18.75
1 014	VERIZON	BLDG & GRDS OE	006B	158.71
1 015	J.C.P.& L.	STREET LIGHTING	023	692.45
1 016	CATHERINE POGANY	TAXES	003	250.00
1 017	HOWARD GOLDMAN	TAXES	003	1,708.81
1 018	N.J.MAYORS ASSOC.	ADM & EXEC OE	001C	100.00
1 019	PHILIP FEINTUCH	LEGAL SERVICES	016	7,262.50
1 020	TREAS. ST. OF N.J.	ADM & EXEC OE	001C	125.00
1 021	ROSA SANTIAGO	COURT	005	75.00
1 022	OFFICE CONCEPT	ADM & EXEC OE	001C	249.42
1 023	SHELL FLEET PLUS	STREETS & ROADS OE	008C	704.73
1 024	R.V.R.S.A.	SERVICE AGREEMENT JAN.	026	8,110.00
1 025	J.C.P.& L.	BLDG & GRDS OE	006B	439.00
1 026	RUBINETTI DISP.	SANITATION	024	7,529.00
1 027	PHILIP FEINTUCH	LEGAL SERVICES	016	131.25
1 028	MARK PAVING CO.	DEPT. OF TRANSPORT	DOT	4,821.96
1 029	PROTECT. MEASURES	BLDG & GRDS OE	006B	348.00
1 030	HECTOR LORENZO	STREETS & ROADS S&W	008	1,139.20
1 031	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	1,952.80
				<hr/>
				\$134,364.84
				<hr/>
1 032	I DEAL AIR INC.	BLDG & GRDS OE	006B	\$134,364.84
1 033	LOCAL GOVERNMENT	ADM & EXEC OE	001E	\$4,200.00
1 034	ANDERSON & DENZLER	ENGINEERING	017	50.00
1 035	BELL LAW GROUP	LEGAL SERVICES ADM.	001C	3,310.76
1 036	MORRIS CTY MUA	RECYCLES	(R)	260.00
				<hr/>
				390.00
				<hr/>
				\$142,575.60
				<hr/>
1 037	J.C.P.& L.	AID TO FIRE DEPT.	033	\$313.18
1 038	PROTECTIVE MEASURES			348.00
1 039	VERIZON			82.19
1 040	N.J.N.G.			479.74
				<hr/>
				\$1,223.11

NEW BUSINESS:

RESOLUTION ADOPTING THE MULTI JURISDICTIONAL HAZARD MITIGATION PLAN FOR THE BOROUGH OF VICTORY GARDENS, MORRIS COUNTY, NEW JERSEY

WHEREAS, the Borough of Victory Gardens is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship;

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed through the work of the Morris County Hazard Mitigation Planning Committee, the Borough of Victory Gardens Hazard Working Mitigation Group, and the interested parties within the Borough of Victory Gardens.

WHEREAS, the Plan recommends hazard mitigation actions that will protect and property affected by natural hazards that face the Borough of Victory Gardens, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Borough of Victory Gardens leadership in emergency preparedness efforts;

WHEREAS, the Disaster Mitigation Act of 2000(P.L.106-390) (DMA2000) and associated Federal regulations published under 44 CFR Part 201 require the Borough of Victory Gardens to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities;

WHEREAS, public meetings were held to receive comment on the Plan as required by DMA 2000;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens that:

1. The Plan is hereby adopted as an official plan of the Borough of Victory Gardens.
2. The Borough of Victory Gardens officials identified in the Mitigation Action Plan (Section) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Borough of Victory Gardens Hazard Mitigation Working Group.
3. The Borough of Victory Gardens Hazard Mitigation Working Group will provide annual progress reports on the status of implementation of the Plan to the Mayor and Council. This report shall be submitted to the Mayor and Council by March 15th of each year.
4. The Borough of Victory Gardens Hazard Mitigation Working Group will undertake periodic updates of the Plan as indicated in the Plan Maintenance Program (section 10) but no less frequent than every 5 years.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council that the Borough of Victory Gardens adopts the Morris County, New Jersey Multi Jurisdictional Hazard Mitigation Plan, dated 1-10-2012 as this jurisdictions Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED:

Jan. 10, 2012

MAYOR:

Betty Simmons

CLERK:

Deborah Evans

Motion on the Resolution by Councilman Holeman, seconded by Councilwoman Montes and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

RECONCILIATION OF ACCOUNTS - Debbe read the information from H.O. Baker. The bonding company is asking for someone different to reconcile the accounts. Mayor Simmons said she spoke with Charlie and he will do the position for \$125.00 per month. Council wants the Clerk to talk to the Auditors to see if they can do it. The Clerk will call Nisivoccia and Company to see what they can offer.

FORECLOSED HOMES IN THE BOROUGH - We have properties in the Borough that are in foreclosure and the properties are an eyesore. We have contacted different people in the companies and they promise to send someone out but never do. The Clerk will get a list of properties in the Borough and give them to the Attorney. The Attorney will send letters to the banks and the last known homeowner. Councilwoman Hall said we should do liens. I will give them 10 days to comply with the letter I send the Attorney said. After that if they do not reply then we will summons them.

OLD BUSINESS:

COMPUTERS - We don't have any more in front of us than we had the last time. We have to find out from Mark if the computers from Dell are under State contract. Each computer from Mark is \$911 each. We need two. One for Debbe and one for Lorraine. Councilman Lorenzo said he went on the website for Dell and he found the same computer for \$200 dollars cheaper. The monitor is bigger than what Mark has in his proposal. Mayor Simmons said she wants a copy for everyone so they have something to look at.

WEBSITE - Is there any information on the website? Councilwoman Hall said she is open to suggestions from the Council. Debbe gave her different people that are willing to do the setup and input of information. I am calling them and going over things with them. There will be a lot of links from our site to State sites. If you have anything please call Councilwoman Hall so we can move forward at the next meeting.

DPW ITEMS INCLUDING A GENERATOR - When we had the October storm we realized that we need some things for the DPW men. Everyone has a copy of what Leon gave us for the generator. The Mayor said she wasn't looking for something as big as what Leon gave us. Leons estimate is for the whole building so it is up an operational. Councilman Holeman said we would have to get an electrician in to size up the building and tell us what we need. RJ Control said we would need our Engineer to come in and give the details of what we need. The Attorney said he doesn't think you can just do certain parts of the building. Councilman Lorenzo said he knows someone that has a generator and it powers up only certain parts of the house. That is a house one though it is different than one for a business. We still have to look into this generator.

Road Barriacades - Depending on what size we get we will either need 3 or 4 sets.

Chain Saw - We have one. Price another one. See what we have.

Cones - We have cones and barrels so we don't need them.

Safety Vests - The men have them. Check to see what kind they have.

Flashlights & Batteries - We need them we have none.

Spare Plow - We have a spare plow. Eddie said plows are working and the one that is in the garage needed a part - which we had during the snow storm but no one changed the part. Councilman Holeman said Eddie told him the same thing.

Chains - Everyone has information on them from Councilman Lorenzo. I spoke to Eddie about this and he said we don't need chains. The reason chains were talked about was because the tires were bald. We now have new tires on the truck.

Road Signs - Price them.

Road Flares - We have none and we need them. Okay.

Councilman Lorenzo will get prices and have copies for everyone to look at so we can get this resolved. Everyone has copies of what Councilman Lorenzo gave us. Council said they do not have it so Councilman Lorenzo will make copies again.

MOVING OF SCHOOL BUS STOP FROM LEAF DUMP - We spoke to Dover Board of Education and they will change the bus stop from in front of the leaf dump and the bus stop on Taft Avenue to one location and that will be in front of the firehouse. They will do the move and notify the parents when they do bus passes in August. Council will do a resolution to send to Dover and then Dover will carry through and move

NEW BUSINESS CONTINUED:

MOVING OF SCHOOL BUS STOP CONTINUED - the bus stop for September school year. In the meantime, we will do the Resolution so we can send to Dover.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Barbara Nietz - I see cars I have been complaining about are still there. Is there any thing going on with them? I know the police wrote tickets and some have come to court already. There is someone going around town selling pies. Do they have a license? No, they don't. Don't buy from them. No one knows what is in them or if the premise was clean. They are from Pennsylvania.

Jim Janone - Bills for Attorney Feintuch - There was one for an appeal from the appellate division. Will be get another bill? Only if the case continues. The onther one was to review the decision. Voucher #34 is that a monthly allotment? They don't get a monthly allotment. Other towns have come up with solutions for foreclosures. You may want to contact other towns. Leons bill - general engineering, Roosevelt Avenue DOT Grant, sewer engineering and operations, re roof of Borough Hall and Colombia Site Plan waiver. Nothing with generator work? No. County OEM may be able to help you out with funding for garage articles so you should check with them.

Joan Cegelka - The State has a list of who is on the State contract. What will happen with the old computers? Council will use them. Council said they will all use the computer. You should get an engraving kit so we know what property is ours. Why are you moving the bus stop? Complaints and safety issues.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheaham and approved on verbal vote. None opposed.

Councilwoman Hall asked the Council if they have any suggestions for the budget? I want suggestions so we can put this budget together and move quickly on it. Everyone has a copy of the draft budget that Amy put together for us. I need to know if anyone looked at it and what suggestions you might have. You should be able to look at this and see where we may need more money or where we can take from. Councilman Lorenzo said it doesn't show a balance as to what we have. This is Novembers report. The Clerk said she will get a report from Amy for December. The Mayor asked when Council wants to meet for budget? after much discussion Council did not come up with a date. The Clerk will call around and get a date to meet so she can advertise.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

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January 24, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on January 24, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, & Councilwoman Garcia Montes.

ABSENT: None

Motion to accept the minutes of January 10, 2012 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

Valerie Williams - Wanted to know who was BOH President, Secretary, & Health Officer for 2012. I answered her. She also wanted to know if the minutes for the various Boards were typed for the new year and I told her they were but they weren't signed off on as yet and if she wanted a copy she could have a draft copy.

Motion to accept the correspondence by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

VOUCHERS:

There were no questions or comments on the vouchers. Motion to approve the vouchers for payment was made by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(See Listing Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
1 041	HOME DEPOT CREDIT	BLDG & GRDS OE	006B	\$18.75
1 042	FIRST BYTE CORP.	ADM & EXEC OE	001C	750.00
1 043	OFFICE CONCEPTS	ADM & EXEC OE	001C	39.05
1 044	OFFICE CONCEPTS	ADM & EXEC OE	001C	571.19
1 045	PARK FINANCE 11 LLC	TAXES	003	585.00
1 046	BAC TAX SERVICES	TAXES	003	1,005.03
1 047	FWDSL & ASSOC. LP	TAXES	003	684.03
1 048	PARK FINANCE	TAXES	003	1,057.60
1 049	ENRIQUETA ZEGARRA	TAXES	003	250.00
1 050	PARK FINANCE LLC	TAXES	003	585.00
1 051	GOLUB ANIMAL	DOG WARDEN OE	012B	119.00
1 052	VERIZON	BLDG & GRDS OE	006B	94.67
1 053	TCTA MEMBERSHIP	ADM & EXEC OE	001C	37.50
1 054	ALCOA INFOLINE CENTER	ADM & EXEC MEDICAL	001C	168.49
1 055	MUNICIPAL CLERKS ASSOC	ADM & EXEC OE	001C	175.00
1 056	DAILY RECORD NJPMS	ADM & EXEC OE	001C	8.32
1 057	MUNICIPAL CLERKS ASSOC	ADM & EXEC OE	001C	50.00
1 058	J.C.P.& L.	STREET LIGHTING	023	689.22
1 059	GAIL FRASER, LLC	PLANNING BD ATTORNEY	016	90.00
1 060	DAILY RECORD	ADM & EXEC ADVERT	001D	184.08
1 061	HENRY O. BAKER	INSURANCE	018A	458.00
1 062	HENRY O. BAKER	INSURANCE	018A	5,162.00
1 063	DEBORAH EVANS	ADM & EXEC OE	001C	90.44
1 064	PUBLIC WORKS ASSOC.	STREETS & ROADS OE	008C	60.00
1 065	HECTOR LORENZO	STREETS & ROADS S&W	008	1,634.04
1 066	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,856.04
1 067	AMERIHEALTH	ADM & EXEC OE MEDIC	001E	6,661.77
1 068	COUNTY OF MORRIS	TAXES	004	49,639.82
1 069	PROTECTIVE SYSTEMS	ADM & EXEC OE	001C	260.00
1 070	FNA JERSEY BOI	TAXES	003	30.15
1 071	LORRAINE BENDEROTH	TAX COLLECTOR	003B	30.00
				\$74,044.19

1 072	VERIZON	AID TO FIRE DEPT.	033	\$47.25
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DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 2 permits issued for a total value of construction of \$3,200.

CLERKS RECEIPTS	- Taxes	\$6,001.43
	Food License	100.00
	Total	\$6,101.43

MUNICIPAL COURT	- ATS	\$ 86.00
	DMV	827.12
	MUNICIPAL	703.90
	OTHER	310.98
	TOTAL	\$1,928.00

TAX COLLECTOR	- December Report -	
	Total Tax Receipts Month To Date:	14,333.84
	Year To Date:	1,797,554.98

REGISTRAR - 1 marriage license issued for a total collected of \$28.00

COMMITTEE REPORTS:

Councilwoman Cheatham - No Report.

Councilwoman Hall - No Report.

Councilwoman Hedgepath - No report at this time for Community Development.

COMMITTEE REPORTS:

Councilman Holeman - JCP & L have started to fix the street lights that have been out for so long. Also, we have people throwing the snow in the road after the men have plowed. We should put it out on a flier again although we tell the residents this every year. Greg Stafford can send out notices as long as we have addresses. There are homeowners that know better that are throwing the snow in the streets.

Councilman Lorenzo - No Report

Councilwoman Garcia Montes - We distributed 106 winter coats for our coat drive. We held it for three days at the firehouse. There were about 80 kids that came to the Christmas Party. This is less than we had in other years. The left over coats are going to the Baptist Church in Dover so they can give them out. The firehouse really needs to be cleaned on a regular basis. It is really filthy.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

NEW BUSINESS:

RESOLUTION REQUESTING EXEMPTION FROM REQUIREMENT TO APPOINT A PRINCIPAL PUBLIC WORKS MANAGER

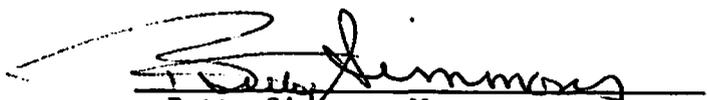
WHEREAS, the Borough of Victory Gardens, Morris County conducts minimal or no public works activity, and

WHEREAS, NJSA 40A:9-154.6g.d allows for an exemption from having to appoint a Principal Public Works Manager, and

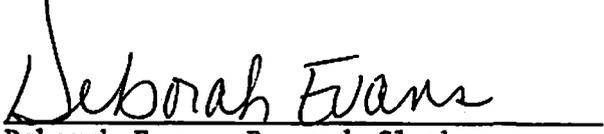
WHEREAS, such exemption has previously been granted the Borough by the New Jersey State Department of Community Affairs, and

WHEREAS, the status and the condition of the Borough has not changed since the last exemption was granted,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Victory Gardens, Morris County does hereby make application to the State of New Jersey, Department of Community Affairs for a municipal exemption from the requirement to appoint a Principal Public Works Manager.


Betty Simmons, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of the Resolution passed at a meeting of the Mayor and Council which was held on 1-24-2012.


Deborah Evans, Borough Clerk

Motion to approve the Resolution by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

NEW BUSINESS CONTINUED:

COURT - Everyone has a copy of the court costs and what it cost the town to run our court for the year 2011. I mentioned several meetings ago that we are talking to Dover about taking over the court. It went to the joint towns to see if they would take us on and they agreed to do so. The next step is - Dover has to go to Superior Court and get the okay from them for Victory Gardens to join the joint court. At this time, Dover is saying approximately \$10,720 to do this. If you look at what I gave you it shows that in 2011 we paid out \$22,313.41 . This will be a big savings for us. We don't know if this is a final cost. This is the beginning but in order to go any further we have to let Dover know so they can go to Superior Court for their okay. How soon will this happen? If it goes according to plan I think it would be soon. We will still have to hash out numbers.

Motion was made to have Dover take the next steps with Superior Court. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Abstain
Councilwoman Garcia Montes	Yes

911 CONTRACT WITH THE COUNTY - This is our new contract for 2012. It went down from last year. This is a savings because in 2010 it was \$30,000 .

Motion to approve the contract for 911 for \$20,300 for the year 2012. Motion made by Councilman Holeman, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS:

PLAYGROUND - Councilwoman Montes asked us to hold this and we will see what she has to say. Councilwoman Montes stated that we talked about this and the residents that came to our meetings didn't want it. We can't get a grant because we had the money to pay for it ourselves. So at this time, we are going to hold off on this. Maybe at another time we can revisit it but not now. Council agreed.

REMINDER FOR BUDGET MEETINGS - January 31st and February 7th at 6:00 p.m. Have your questions or comments together. If anyone wants to give anything to Councilwoman Hall so she can do a spreadsheet you can do that or wait until the meeting.

RECONCILE THE ACCOUNTS - We have talked about this at the last meeting. Council asked to check with the auditors to see if they could do it. They said no. They can not reconcile the accounts and also do the audit. Charlie has agreed to do this for \$125 per month. Amy is working without a bond right now and we need to get her bonded quickly.

Motion was made to hire Charles Wood, Jr. to reconcile the accounts for the Borough at a cost of \$125.00 per month. Motion made by Councilwoman Hall, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS CONTINUED:

COMPUTERS - Mayor Simmons asked Councilwoman Hall if she had any updates for us? I have spoken to Mark and he has looked into the computers. After much discussion by Council it was decided to move forward with having Mark purchase the computers. Ther is no cap on the amount to spend.

Motion was made to have Mark purchase the two computers needed at no specified cost. Motion made by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

WEBSITE - Councilwoman Hall said she is in the process of speaking to several different companies regarding the website. If anyone has input for this please let me know. There are certain things that by law we need to put on the website. The company we choose will be maintaining the site but if there are some things that we can input we will. Councilwoman Hall will come back when she has more information.

ITEMS FOR DPW GARAGE - The Mayor asked everyone to hold their list over for the budget meeting. We will go over all this at the budget meeting.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Jim Janone - Councilman Holeman have you contacted the County about the items need for DPW? No I haven't. Check with them they may have some extra stuff through OEM. What was the total revenue for last year for the court? We don't have that figure with us now but we will have it for the budget meeting. Do we have an agreement for Randolph to plow Franklin Road? No, they always do it. They consider it to be their road. Do you have the final year end report from the CFO? Yes, we will have it at the budget workshop. You might want to do fliers in Spanish. No, we are not doing that. We have other people in town that if we do for Spanish then they will want us to do for them also. We did at one time do fliers in Spanish and that ended. I think you said at one time the cleaning of the fire house would be done by Eddie and Hector. We will look into it. Randolph plows Franklin Road. Yes, they always have. One of our men went by after Randolph plowed and salted and then these guys came by and threw all the salt right back on the front yards and vehicles on Franklin Road. Who is Park Finance, LLC. That is for the tax department and liens. The Clerk is on the vouchers. Yes, for petty cash. #069 is for the panic alarm in the court room.

Motion to close the meeting to the public by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:
Deborah Evans
Deborah Evans
Borough Clerk

January 31, 2012

A workshop meeting of the Mayor and Council of the Borough of Victory Gardens, held on January 31, 2012.

In Mayor Simmons absence, Council President Holeman called the meeting to order and declared a quorum present.

This meeting has been advertised in one newspaper, The Daily Record in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilman Holeman, Councilman Lorenzo and Councilwoman Garcia Montes.

ABSENT: Mayor Simmons and Councilwoman Hedgepath.

Tonights meeting is for discussion on the Budget for 2012. The meeting is open now for discussion from the Council as to what input they have on the budget.

Councilman Lorenzo said he is looking at the actual budget. There is an extra \$13,765 in the Clerks O & E. Councilwoman Hall said that money is for the codification of the ordinances which has to get done again. We can either take that money out of O & E and put it into the codification line item or leave it where it is.

Councilman Lorenzo said Legal O & E has an extra \$15,000 in it. Engineering O & E has an amount of \$9,500 extra. Other insurance also has a balance of \$24,000. Councilwoman Cheatham said that because the fire department items are no longer here we will have a reduction in insurance. Councilwoman Hall said that with all the other insurance for the year it should be about \$37,000. We can reduce other insurance to \$45,000. Group Insurance has \$14,000 over. We should keep this there as we will have an increase in costs this year. That isn't shown. Uniform Fire & Safety is by the State. That has to stay. Utilities has a balance of almost \$12,000. We will bring that down to \$22,000. Also the 911 costs we had \$12,000 left in there. That is now down to \$21,000. Councilman Lorenzo said we had \$10,000 left in drainage. We can bring that down to \$5,000.

Councilwoman Montes asked about the phot copier price. That was bought last year so it won't be in the budget for this year. Councilman Lorenzo said those are his concerns and what he wanted to work on with the budget. I think everything else with the budget is okay with me. Councilwoman Cheatham said she looked at those same things.

Councilwoman Hall said there are some things we can't change. Finance O & E in the DRAFT we are increasing \$200 because Amy will have to take classes. Councilwoman Montes asked Councilwoman Hall if she had meetings with Amy? No, I just asked her questions. I met with her once with Debbe and Charlie. Planning Board was at \$4,500 and I am looking to take that to \$2,500. The Clerk said maybe \$3,000. We never know how much activity the Planning Board is going to have. Tax Collector O & E I want to raise that by \$200. Lorraine use to get her classes through Rockaway but now is retired from them. So we will have to start paying for her classes. There is also an additional \$1,100 for a computer program for Lorraine with remote access and back up. Council was to discuss this amount further. There is no problem with the money for the class but they want to know about the additional \$1,100.

Councilman Lorenzo asked about the computers and microsoft office. He said it is only a trial 30 day thing and Councilwoman Hall said it is bought and installed on the computer. We need to ask Mark about this.

Fire O & E we should raise \$500 because we had a transfer into that account. Council agreed.

Legal we have \$85,000. I think we should cut it \$5,000. Council agreed. We do have RVRSA litigation and Steve Fogarty for the Board of Education. We had a balance of \$15,000 last year but there is always litigation.

Road Repair O & E - It is at \$41,000 and I would like to add \$9,000. This is to cover the cost of tree removal at \$5,000 and repainting the lines on the roads at about \$6,000. Council agreed.

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Councilwoman Cheatham asked if we get equipment for the DPW will that come out of there? There should be enough but we have to know how much we are putting out for the DPW.

Councilwoman Montes asked about Aid to Fire for \$36,000. What is this? Our contract with Dover.

Councilman Holeman asked about if we have truck repairs that have to be done where is that coming from? The same line item I think. We do need a generator for the garage. I think we should have enough in the line item. We can ask Amy to see what she thinks.

Recreation we had a \$1,000 balance left. Can we come down to \$2,000 ? Council agreed to drop this account by \$500.

Drainage we are dropping by \$5,000. Right now it is at \$10,000. Council agreed.

We are looking at about saving \$27,000. Capital Improvement on the DRAFT we have \$30,000 going in this year because last year we didn't put anything away. So I would suggest that we put an additional \$10,000 in Capital and the balance go into the Clerks O & E. The reason I am saying that is because we are talking about a website and we need money to get started on that. Council agreed.

Councilwoman Hall said there are a few other things we need to discuss. Clean Communities we get a \$4,000 grant every year. We have been looking for a new Coordinator for Clean Communities and Recycling. We have interviewed but the person wanted to too much money. They wanted \$4,000 to \$5,000. The person we had doing this retired. We did reach back out to her and she said she would do it for us for \$2,000. She is already certified. Her pay would come out of the Clean Communities line item and she is the person we have used for many years. Sue Ruiz is the same as the years past. We paid her \$500 all those years but she was working full time in another town. Now she is retired but agreed to keep working for us. Councilwoman Montes asked if the job was advertised? No, we don't have to. Council agreed.

Also, we have talking about cleaning the firehouse and what a mess it is. We have someone already that cleans this building why can't we just have him clean the firehouse? Councilwoman Montes asked how come our DPW can't clean it? It would come out of Bldg & Grds where we had money left over last year so to pay a little more would not increase the line item. Councilwoman Cheatham said the building does need to be cleaned. It needs a good initial cleaning and then a cleanup once a month at least. How much to have them clean the firehouse? They get \$300 now and an additional \$50 to clean the firehouse once a month. There should be an additional cleaning charge for the initial cleanup. Councilman Lorenzo said Dover uses the building - they should clean it. Dover isn't up there and it is our building. Council has to come back to this one.

Councilwoman Cheatham asked about the job Wayne Jacobus had. Now that someone else is taking over do they want an increase? No, they will do it for the same amount.

Councilman Holeman said there are other things at the firehouse that we need. Mens bathroom needs tiles under the sink, we need a light for the flagpole, there are 4 lights out in the back of the firehouse that need to be fixed, and the light in the front of the firehouse needs a photo cell in it to turn it off. This would have to come out of Bldg & Grds. Get a price for what needs to be done.

Councilman Holeman asked for security cameras for our parking lot. Can we look into that? Councilman Lorenzo asked if the DVR will hold more cameras. I don't know I will have to find out.

Councilman Lorenzo said we had \$9,500 more left over in Engineering last year. Can we take something out of that? We can bring it down to \$32,000. Council agreed.

We are looking into shared services with our court that may save us about \$10,000. It depends on when we are able to move it to Dover and if we do that.

We have to remember that we have to increase Finance S & W because Charlie will be getting paid for reconciling the accounts. That will be an additional \$1,500 that we need to put into that account. Councilwoman Montes said we had \$4,000 left from last year so we shouldn't have to increase this line item. Council agreed.

Amy will have to do another draft for us so we can look at that one. Is there any other suggestions? Once we get Amys update we should be in good shape. There should not be a tax increase on the Boroughs part.

Councilwoman Montes said we need to discuss two things further and that is the items that Lorraine is looking at for \$1,100 and the cleaning of the fire house. That is fine but whether we do it or not we don't have to add anything to the line items and the money is already in there. We can talk about this at the next meeting.

Motion was made to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - I think this camera system you have in here will only hold 4 cameras. Why can't there be a line item for the website? Instead of putting it in O & E accounts you should have your line item for a website. When you do your painting of lines for parking you should look into reflective lines. The generator you are talking about for the garage what is that for? To open the doors when there is a power outage and to maybe have a light on in the garage. Also do this as a line item and not O & E. This way it is dedicated for that purpose only. Tax Collector using off site back up. Is there a disaster recovery plan in the Borough? Yes. Everyone should have backups on their computer. You should do it for everyone.

Joan Cegelka - I am confused when you talked about insurance you said it included pension and unemployment. No, it is other insurance. What is the general fund you are talking about putting money into. The budget. Surplus is based on the draft and we said we would put money into Capital and into the Clerks O & E . What files do you have in your computer Debbe? None. I have my state reports and County report for deaths. That is a file. Other than that I don't have any. Why are you getting a new computer. Mark said they are old and have to be updated. I did not ask for it. Just remember while you are putting this budget together every amount of money you drop is a savings for the taxpayer. You said no one would clean the building for free - why don't you ask around. You may find someone to do it. Not for free.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Before we adjourn Councilwoman Hall asked Councilwoman Montes and Councilman Lorenzo, since it was brought up from the public, do you feel I was double talking you or is there anything either one of you thought was not clear or understood? Councilwoman Montes said no. Councilman Lorenzo said we won't always agree on everything but I am comfortable with what we did tonight. Councilman Holeman said we will have Charlie and Amy here at the next meeting to answer any other questions that maybe we don't have the answers to.

The Clerk said for the next budget meeting she will have someone here whether it is Charlie, Lorraine or Amy. Whom ever can come I will have here. Next budget meeting is scheduled for February 7, 2012 at 6:00 p.m..

Submitted By:
Deborah Evans
Deborah Evans
Borough Clerk

February 7, 2012

A workshop meeting of the Mayor and Council held on February 7, 2012.

Mayor Simmons called the meeting to order and declared a quorum present. This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

Absent: None

Also present at tonights meeting for any questions is our CFO Amy Maronpot and Charlie Wood.

Mayor Simmons said that she is going out of the regular order of business so that if anyone has any questions to ask our professionals they are here tonight for both the public and the Governing Body.

Motion was made to go out of the regular order of business and to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Jim Janone - What is the current balance in our checking accounts and how many do we have? We have 4 accounts and I don't know the balance off the top of my head Amy said. The Mayor said she doesn't know the purpose of wanting to know what is in the accounts as balances. Who put the budget together? Amy, Debbe and Charlie. I didn't hear any discussion at the last meeting about raises but there is a 3% increase in raises. Who is getting them? All employees not professionals. Line painting where did you get the figures? Charlie and the Clerk talked about it and it is based on what we paid the last time. You were talking the last time about the website and you wanted to put that money in the Clerk O & E. I think you should put it in its own line item.

Joan Cegelka - The remote access for the computer, who would be using that? Lorraine. Why does she want that? Amy said she would be able to work from home if someone needed immediate information. Such as lien redemptions and things like that. Most people know she is here on Mondays. What was the cost of the program? \$1,100 which includes the installation, program and maintenance. How is the fees calculated? I don't know Councilwoman Hall said. You said you were buying two computers. Who are they for? Lorannine and Debbe. Why are they getting them? They are the last two that needed upgraded. Everyone else was done. Who will input information? We will have someone do all the initial stuff and any updates if Debbe can do them she will do it. Councilwoman Hall said she will assisting Debbe. It was said at the last meeting that Ms. Hall was confusing the Council. To me it sounded like double talk. Everytime you close the meeting to the public there is more said and we can't address it until the next meeting. That is what happens. There is one open session per meeting for the public. You won't always be able to talk about things after the Council talks.

Motion to close the meeting to the public by Councilwoman Hall, seconded by Councilman Holeman and approved on verbal vote. None opposed.

The Mayor said we are now into our workshop. If anyone has any questions for Charlie or Amy you can ask them now.

Councilwoman Montes asked about the remote access for Lorraine. The remote access is for Lorraine to be able to do work from her home in case there was something that had to be done right away. The other part of that is a backup system in case there is a fire here or the building gets destroyed all of Lorraines tax records are backed up off site and she will be able to access them.

Councilman Lorenzo asked about the gigabits and if 25 is enough. It seems that it isn't enough for the town. Do you think this is enough? I don't know Amy said. We should know if we have enough before we buy it so we don't have to get more later on. I would think that Lorraine talked to the company and let them know what she uses and they figured it from there.

Council had no other questions for Amy or Charlie. At this time the Mayor excused them to go leave the meeting.

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The Mayor asked the Council how they would like to proceed? The Mayor said that if Council feels they want to upgrade the gigbits for Lorraine you can do that. This was Lorraine's recommendation Councilwoman Hall said. We aren't approving this for Lorraine at this time. We are just looking to put it in the budget so the money will be there if we decide to purchase. The money will be put in the budget. This will come out of Tax Collector O & E.

Councilwoman Hall said that there is a correction to the Finance O & E Amy raised the line item by \$200. We already did that in our budget meeting the week before so the amount will go back to \$1,200 for Finance O & E. Also, Road Repair O & E is \$50,000. She had put \$2,000 extra but that was taken out.

Councilwoman Montes said we should put a line item in for petty cash for the Clerk. It comes out of Clerk O & E. If you have a line item only for petty cash and only put a few hundred dollars in then you will have to keep doing transfers into the account. This way out of Clerk O & E you don't have to do transfers. Councilman Lorenzo asked if we should have a stamp machine here? Councilwoman Cheatham said you have to rent the machine, you have to buy the tapes and the ink and also pay for the postage you use. Right now we are only paying for the actual postage.

The Clerk said she has two things to go over. Our Animal Control Officer is asking for \$5.00 more per hour on call outs to help cover the costs of gas. Council agreed with that.

Also, at the last budget meeting Councilman Holeman asked about putting cameras in the parking lot. I called the company that installed the other cameras and everyone has a copy of that proposal. After discussion the Council asked Councilman Lorenzo to talk to the company and find out what we need and what their listing means. Everything is included in this package. We would have to put the money in the budget. Councilwoman Hall said that at the other meeting we talked about putting more money into the Capital Improvement Fund and the remainder of the money in the Clerks O & E. Is everyone okay with that? Council said they are okay with this. If we do this like that then we should have money in the Clerks O & E to cover the costs of the cameras. We also may have money if we go into the joint court with Dover as money left over in the court line item.

Councilwoman Montes asked about adding money to the playground line item. We didn't put any money in there last year. We have money in CIF if we want to do the playground at a later time. We will add another \$1,500 to the playground line item. We will take the extra \$1,500 from the Clerks O & E.

Councilman Holeman asked about legal - are we keeping it at \$85,000? We dropped it \$5,000 at the last meeting. We have the lawsuit with the BOE case and RVRSA. Is that going to be enough? After discussion, Council said the \$80,000 should be fine. We did leave a \$10,000 cushion from last year.

Councilwoman Cheatham asked about the BOH line item. We didn't have enough money for the dental clinic last year. We have money in the line item now. We tried having the blood drive but we couldn't have it because I think it was lack of funds on our part. After much discussion the Council said it was a problem on their part and not on ours. We had a problem with the dentist also and he didn't want to give the extra coverage for the time spent here. Councilman Lorenzo said he has insurance he just thought because he was working for the town they should cover the extra costs.

Council is happy with the budget and they are ready to send it to Bill Schroeder for his input. Amy will put the changes in that we made tonight and she will send it over to Bill. The Clerk said no motion or roll call is necessary we are just getting an okay to send to the Auditors. The Mayor asked everyone individually if they are okay with the budget and ready to send it to Bill Schroeder? All said they are good and to send it to Bill.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

February 14, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on February 14, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilman Holeman, Councilman Lorenzo.

ABSENT: Councilwoman Hedgepath and Councilwoman Garcia Montes.

Motion to accept the minutes of January 24, 2012 as received by Councilwoman Hall, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Motion to accept the minutes of January 31, 2012 as received by Councilman Holeman, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to accept the minutes of February 7, 2012 as received by Councilman Holeman, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE:

LETTER TO HO BAKER - I sent a letter to Dave letting him know that the Council appointed Charlie Wood to reconcile the accounts. Now they are okay and they have given Amy her bond.

NOTE FROM GREG STAFFORD - Greg is our new property maintenance person. In order to do his job he is asking for a camera and an ID card.

PHONE CALL FROM MAYOR DODD - I received a phone call from Mayor Dodd letting us know that our ISO rating went from a 7 to a 4. He said this was much better. I have nothing in writing from him but this is what he told me.

Motion to accept and put on file the correspondence by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Councilwoman Cheatham said that voucher #005 for Lorraine is not a duplicate. We owe them more money. When she filled the paperwork out she did it as a retired person. However, they said she is not retired because she is still working for us. So, she had to pay the full price of \$75. This \$37.50 for tonight will be added to \$37.50 we have already paid and then she will be paid in full.

There were no other questions on the vouchers.

Motion to pay the vouchers by Councilwoman Cheatham, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

(Vouchers On Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
2 000	JOHN CESARO	LEGAL SERVICES	016	\$200.00
2 001	DOUGLAS CABANA	LEGAL SERVICES	016	250.00
2 002	PHILIP FEINTUCH	LEGAL SERVICES	016	1,833.33
2 003	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
2 004	TREAS. STATE OF NJ	ADM & EXEC OE	001E	1,050.00
2 005	TCTA MEMBERSHIP SERV	ADM & EXEC OE	001C	37.50
2 006	MORRIS CTY MUA	RECYCLES	(R)	320.00
2 007	MGL PRINTING SOL	TAXES OE	003	38.00
2 008	DAILY RECORD NJP	PLANNING BD MEET	009C	17.16
2 009	HENRY O BAKER	INSURANCE	018	250.00
2 010	RUBINETTI DISP.	SANITATION	024A	7,529.00
2 011	ALCOA INFOLINE	ADM & EXEC MEDICAL	001C	164.08
2 012	SHELL FLEET PLUS	STREETS & ROADS OE	008C	544.71
2 013	J.C.P.& L.	BLDG & GRDS OE	006B	479.09
2 014	THE HARTFORD	INSURANCE	018	698.00
2 015	HENRY O. BAKER	INSURANCE	018	500.00
2 016	DAILY RECORD	PLANNING BOARD OE	009C	8.32
2 017	FNA JERSEY BOI	TAXES	003	915.85
2 018	DOVER BD OF EDUC.	FEBRUARY TUIT.	BOE	71,287.49
2 019	N.J.N.G.	BLDG & GRDS OE	006B	734.00
2 020	AUTO PARTS PEOPLE	STREETS & ROADS OE	008C	136.92
2 021	OFFICE CONCEPT GROUP	ADM & EXEC OE	001C	69.99
2 022	HENRY O. BAKER	INSURANCE	018	4,698.00
2 023	ANDERSON & DENZLER	ENGINEERING	017	726.75
2 024	VERIZON	BLDG & GRDS OE	006B	161.08
2 025	HECTOR LORENZO	STREETS & ROADS S&W	008	1,253.12
2 026	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,184.68
2 027	A T & T	BLDG & GRDS OE	006B	49.21
2 028	ROSA SANTIAGO	COURT	005A	75.00
2 029	FNA JERSEY BOI	TAXES	003	441.95
2 030	GEN 11 CONTRACTING	BLDG & GRDS OE	006B	2,680.00
2 031	GAIL FRASER	PL BD ATTORNEY	016	135.00
2 032	GOLUB ANIMAL HOSP.	DOG WARDEN	012B	160.00
				<hr/>
				\$99,928.23
				<hr/>
2 033	VERIZON	BLDG & GRDS OE	006B	\$99,928.23
2 034	HOME DEPOT	STREETS & ROADS OE	008C	94.57
				<hr/>
				260.95
				<hr/>
				\$100,283.75
				<hr/>
2 035	N.J.N.G.	AID TO FIRE DEPT.	033	\$445.52
2 036	J.C.P.& L.			323.37
2 037	VERIZON			81.51
2 038	VERIZON			47.25
				<hr/>
				\$897.65

Mayor Simmons said she liked the way our workshops went with the questions coming before we actually got into the workshop meeting. With that, I am going to change the format of the meeting and have it opened to the public for questions or comments before we get into the items on the agenda. The Mayor asked the Clerk to change the format of the agenda so after reports we will open to the public.

Motion to open the meeting to the public by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - I would like to comment on you changing the agenda for the public. How can we comment on the action you take if we have to comment before you take it? You see the agenda well before the meeting so you should have any questions for us. That is true but I haven't seen the actual resolutions. I will take note of that the Mayor said. Voucher # 2030 who is this? The company that did the town hall roof. I looked over this thing for First Byte for remote access. We pay alot less than what they are charging you. I don't think you should spend the money on remote access. No other town does this. Why should someone sit at home to do their work when they should be here? I looked at everything that Councilman Lorenzo gave you for things for the DPW. I didn't see anything in here about a truck. We have talked about buying a truck for years. We have the money in Capital to do it. Has anyone been given the account balances from the CFO that I asked for at the budget meeting? No. I will put in an OPRA for it.

Motion to close the meeting to the public by Councilwoman Cheatham, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

NEW BUSINESS:

TRANSFER RESOLUTION
(APPROPRIATION RESERVES)

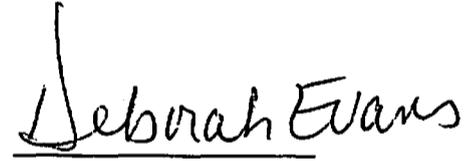
WHEREAS, 2011 bills have been presented for payment this year, which bills were not covered or recorded at the time of transfers between the 2011 Budget Appropriation Reserve in the last two months of 2011; and

WHEREAS, N.J.S. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Victory Gardens that the transfers in the amount of \$300.00 made between the 2011 Budget Appropriation reserves as follows:

	<u>From</u>	
FIRE HYDRANTS O/E		\$ 300.00
	<u>To</u>	
FIRE O/E		\$ 300.00

I HEREBY CERTIFY the above to be a true copy of a Resolution Adopted by the Council of the Borough of Victory Gardens at a duly convened Meeting held on February 14, 2012.


Deborah Evans
Borough Clerk

Motion to approve the resolution by Councilwoman Hall, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

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RESOLUTION APPOINTING MUNICIPAL COURT JUDGE

WHEREAS, the Borough of Victory Gardens, is obligated to appoint a Municipal Court Judge pursuant to N.J.S.A. 2B:12-1 *et seq.*; and

WHEREAS, William C. Bowkley, Jr. Esq., has ably served the Borough in the past; and

WHEREAS, the governing body of the Borough seeks to engage William C. Bowkley, Jr., Esq. again; and

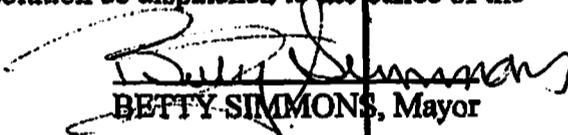
WHEREAS, the governing body is presently engaged in preliminary discussions with the Town of Dover, Morris County; and

WHEREAS, the intent of such discussions is to merge the Borough's court with that of Dover; and

WHEREAS, William C. Bowkley, Jr., Esq. has agreed that in the event of a merger between the courts of the Borough of Victory Gardens and the Town of Dover, he will resign his position at that time so as not to cause the Borough additional and unnecessary expense;

NOW THEREFORE BE IT RESOLVED, that the governing body of Victory Gardens appoints William C. Bowkley, Jr., Esq. as the Municipal Court Judge for the Borough of Victory Gardens a term of three (3) years as required by statute.

IT IS FURTHER RESOLVED that this Resolution be dispatched to the office of the Assignment Judge of Morris County forthwith.


BETTY SIMMONS, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of a Resolution passed at a meeting of the Mayor and Council, which meeting was held at Victory Gardens Borough Hall on Feb. 14, 2012.


DEBORAH EVANS, Borough Clerk

Motion on the Resolution by Councilwoman Hall, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

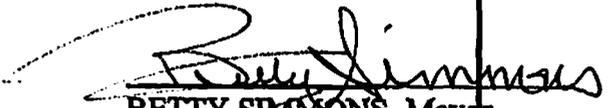
RESOLUTION DISCONTINUING SCHOOL BUS STOP AND ESTABLISHING NEW SCHOOL BUS STOP

WHEREAS, it has come to the attention of the governing body of Victory Gardens that there is a need to discontinue the current school bus stop located at Victory Hill East Apartment Complex and Taft Avenue: and

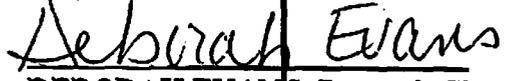
WHEREAS, the governing body of Victory Gardens has determined that a better location for said school bus stop would be in front of the Victory Gardens Fire House, 425 Washington Avenue, Victory Gardens; and

WHEREAS, it has been established that such change should not occur until the commencement of the new school year (2012-2013)

NOW THEREFORE, the Mayor and Council of the Borough of Victory Gardens by this Resolution discontinues the current school bus stop located at Victory Hill East and Taft Avenue effective upon the commencement of the new school year (2012-2013) and establishes a new school bus stop located at the front of the Victory Gardens Fire House, 425 Washington Avenue, Victory Gardens


BETTY SIMMONS, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of a Resolution passed at a meeting of the Mayor and Council, which meeting was held at Borough Hall on Tuesday, Feb 14, 2012


DEBORAH EVANS, Borough Clerk

DATE REPAZED: January 18, 2012

FRENTUCH, FORWICH & FRENTUCH
ATTORNEYS AT LAW
721 NEWARK AVENUE
JERSEY CITY, NJ 07306
(201) 656-6400

Motion to approve the resolution by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on roll call:

- | | |
|-----------------------|-----|
| Councilwoman Cheatham | Yes |
| Councilwoman Hall | Yes |
| Councilman Holeman | Yes |
| Councilman Lorenzo | Yes |

VICTORY GARDENS PLANNING BOARD RESOLUTION #2012-03

RESOLUTION OF THE PLANNING BOARD ACTING AS THE BOARD OF ADJUSTMENT PURSUANT TO N.J.S.A. 40:55D-70.1

WHEREAS, the Victory Gardens Borough Planning Board pursuant to local ordinance and the Municipal Land Use Law is a combined Board carrying out the functions of both a Planning Board and a Board of Adjustment; and

WHEREAS, the Victory Gardens Planning Board in carrying out its Board of Adjustment functions considered application and granted certain applications for variances from the strict application of the zoning law during the year 2011; and

WHEREAS, N.J.S.A. 40:55D-70.1 requires that the Board of Adjustment, at least once a year, shall review its decisions and report its findings on zoning ordinance provision which were the subject of variance request and provides recommendations for zoning ordinance amendment or revision, if any; and

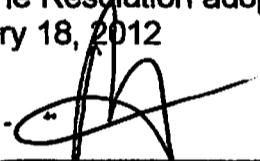
WHEREAS, the attached report of variances granted by the Planning Board for 2012 has been prepared and submitted by the Planning Board Secretary outlining various grants of variance applications in 2011; and

WHEREAS, the Planning Board has reviewed the matters contained in said report and is cognizant of its obligations to make recommendations regarding zoning ordinance provision changes based on variance applications; and

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Victory Gardens as follows:

1. No variances were granted by the Planning Board in 2011
2. The Board Secretary shall forthwith provide a certified true copy of this Resolution to the Borough Mayor and Council.

I certify that the within Resolution is a true copy of the Resolution adopted by the Victory Gardens Borough Planning Board on January 18, 2012



Barrie Krause/Planning Board Secretary

Motion to accept the resolution by Councilwoman Cheatham, seconded by Councilman Holeman and approved on rollcall:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

**CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Borough of Victory Gardens in the County of Morris finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

WHEREAS, the Governing Body hereby determines that a 3.5 percent increase in the budget for said year, amounting to \$9,200.53 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Victory Gardens, County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Victory Gardens shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$9,200.53, and that the CY 2012 municipal budget for the Borough of Victory Gardens be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote thereon, be filed with said Director within 5 days after such adoption.

Motion on the introduction of the Cap Ordinance by Councilman Holeman, seconded by Councilwoman Hall and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

A RESOLUTION FOR DISPATCHING SERVICES
BETWEEN THE COUNTY OF MORRIS AND THE
BOROUGH OF VICTORY GARDENS

WHEREAS, the County of Morris has presented a 911 Dispatching Contract to the Borough of Victory Gardens regarding rendering of 911 services to the Borough, and

WHEREAS, the Borough of Victory Gardens has reviewed said contract and discussed same at a regular Council meeting, and

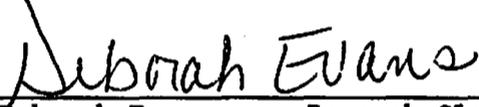
WHEREAS, this is in the best interest of the Borough of Victory Gardens to enter into said 911 Dispatching contract.

NOW, THEREFORE BE IT RESOLVED on this 14th day of February, 2012 that the Borough of Victory Gardens does hereby enter into the 911 Dispatching contract as presented by the County of Morris for the use of 911 services.


Betty Simmons Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, Morris County, New Jersey, do hereby certify that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Victory Gardens at a meeting held on February 14, 2012.

ATTEST:


Deborah Evans Borough Clerk

Motion on the 911 Resolution by Councilwoman Cheatham, seconded by Councilman Holeman and approved on roll call:

- | | |
|-----------------------|-----|
| Councilwoman Cheatham | Yes |
| Councilwoman Hall | Yes |
| Councilman Holeman | Yes |
| Councilman Lorenzo | Yes |

Borough of Victory Gardens
Establishment of a Section 125 Cafeteria Plan
Premium-Only Plan and Flexible Spending Account
Resolution #

WHEREAS, The Borough of Victory Gardens provides employees with certain benefits including partially funded health insurance, and;

WHEREAS, each employee must contribute a percentage of their base salary to this plan based on Pension Reform Bill S-2937, P.L. 2011, c.78, and;

WHEREAS, Section 125 of the Federal Revenue Act of 1978 authorizes the establishment of Section 125 Cafeteria Plans for public sector employees, and;

WHEREAS, such a plan allows employees to pay for certain eligible expenses on a pre- tax basis, thereby saving both the employee and the Borough of Victory Gardens the cost of certain taxes, including payroll taxes.

WHEREAS, such a plan makes available to all employees a Flexible Spending Account administered by an outside provider

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens that the Borough is hereby authorized to establish and implement a "Section 125 Cafeteria Plan" for its employees, in accordance with provisions of Section 125 of the Revenue Act of 1978.

I HEREBY CERTIFY this to be a true copy of a Resolution adopted by the Borough Council of the Borough of Victory Gardens at a duly convened meeting held on February 14, 2012.


Deborah Evans
Borough Clerk

Motion on the Resolution by Councilman Lorenzo, seconded by Councilwoman Hall and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

OLD BUSINESS:

The Mayor said at one of our budget workshops it was mentioned by a resident that we could not do any voting in a workshop. For clarification I wasn't asking for a vote on the budget - I was just asking Council if they understood everything we did at the meeting.

Councilwoman Hall she spoke with Bill Schroeder. The \$40,000 we wanted to put in the budget for CIF can't be done. It will raise our taxes. His solution to keep the taxes stable would be to only put \$10,000 in CIF. This would make sure taxes didn't go up on the towns part of the budget. Council agreed that they didn't want a tax increase and it was okay to only put \$10,000 in the Capital Improvement. Councilwoman Hall will get back to Bill Schroeder and let him know everyone was in agreement. Before she does that she will let Councilwoman Montes and Councilwoman Hedgepath know of the discussion.

Bill did say that if the Mayor or any Councilmember would like to speak to him they could call him also.

Motion to adjourn the meeting by Councilwoman Hall, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk



February 28, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on February 28, 2012.

Mayor Simmons called the meeting to order and declared a quorum present. Pledge of Allegiance to the Flag of Our Country. Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo.

ABSENT: Councilwoman Hall and Councilwoman Garcia Montes.

Motion to go out of the regular order of business so that Bill Schroeder can discuss the 2012 Municipal Budget and so that it can be introduced. Motion made by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Your budget for 2012 shows no tax increase. This is great although I must caution that even though you are in good shape, the way the tax levy law was written, it allows 2% increases a year and no more than that. If we don't go up year to year we use more fund balance and then one year you will get caught without enough fund balance then you would have to raise taxes and you are only allowed to go up 2% That is where you have to start cutting appropriations which means services get cut. You are doing a great job of controlling expenses but you need to go up the 2% increases every year. If you go up the 2% it would cost each tax payer this year \$1.67 per month. This year for Victory Gardens a tax point is \$7,437. This is just the local rate and not the school or the county. The benchmark we should be trying for is 2% a year and not keep it flat because eventually that will get you in trouble. Slow and steady wins the race in this case. Tonight you are also adopting your COLA Ordinance which is your expenditure Cap. Law. This says that although you are only allowed to go up 2 1/2% on expenditures a year or the lower of inflation unless you pass this Ordinance which allows you to go up 3 1/2% . This year inflation was 4% . You didn't need it but we do it. If you don't pass the ordinance you lose your CAP BANK. That would mean \$50,000. Although you don't need it one year doesn't mean that you won't need it the next. This is why I have all my towns pass this COLA Ordinance every year. We had a reval so it is hard to tell if there was an increase. We were flat for a few years and one year in there we went up. Now you are flat again this year. Your taxes here are about \$4,500 a year which is very good because State wide they are about \$7,500.

Motion was made to introduce the 2012 Budget by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on roll call:
Councilwoman Cheatham Yes
Councilwoman Hedgepath Yes
Councilman Holeman Yes
Councilman Lorenzo Yes

Motion to go back to the regular order of business by Councilman Holeman, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to accept the minutes of February 14, 2012 as received by Councilman Holeman, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE: None

VOUCHERS:

Councilwoman Cheatham said she wants to hold #2055. One of the reasons I want to hold this is because we serve a lot of sugary foods and we need to discuss changes in what we serve for the parties. We have candy, juices, cupcakes, cookies. As a nation we are trying to get on healthier food kick. We should be more responsible about what we serve our children. Easter is the second Sunday in April. If we hold off on this we will still have time to go shopping for items.

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VOUCHERS CONTINUED:

Mayor Simmons also said this voucher for Easter - I am concerned because we have not received the receipts from the Halloween Party and the Christmas Party. We have to have these receipts. Without receipts, I don't think a check should be given for the Easter Party until we get the receipts from the other two parties. This is my opinion only. Councilwoman Garcia Montes does a wonderful job with the parties but I think we need to hold the check off until we get the receipts.

Motion was made to hold the check for the Easter Party until we get receipts for the Halloween Party and Christmas Party. We will also discuss at the next meeting changing the food menu for the parties. I need to have the Council come back and give me ideas at the next meeting for food changes. There hasn't been an easter egg hunt because the weather has been bad. Motion seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion was made to pay the bills except hold onto voucher #2055. Motion made by Councilwoman Cheatham, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
2 039	VERIZON	BLDG & GRDS OE	006B	\$159.74
2 040	DAILY RECORD	ADM & EXEC OE	001D	50.96
2 041	A T & T	BLDG & GRDS OE	006B	46.84
2 042	AMERIHEALTH	ADM & EXEC MEDIC	001E	6,661.67
2 043	N.J.N.G.	BLDG & GRDS OE	006B	460.00
2 044	DIV. OF PENSIONS	ADM & EXEC PERS	001	21,436.77
2 045	PROFESS ACCTS INST	ADM & EXEC EDUC.	001E	125.00
2 046	POSTMASTER (DOVER)	ADM & EXEC OE	001C	360.00
2 047	HORIZON BS BC	ADM & EXEC MEDICAL	001C	673.68
2 048	FWD SL & ASSOC	TAXES	003	885.40
2 049	J.C.P. & L.	STREET LIGHTING	023	687.92
2 050	AUTO PARTS STORE	STREETS & ROADS OE	008C	271.50
2 051	SHELL FLEET PLUS	STREETS & ROADS OE	008C	714.67
2 052	HECTOR LORENZO	STREETS & ROADS S & W	008	1,139.20
2 053	EDUARDO MARTINEZ	STREETS & ROADS S & W	008	1,952.80
2 054	DEBORAH EVANS	ADM & EXEC OE	001C	66.10
2 055	ANDRIA MONTES	RECREATION	029	400.00
				<u>\$36,092.25</u>
2 056	VERIZON	AID TO FIRE DEPT.	033	\$82.52
2 057	N.J.N.G.			<u>440.34</u>
				<u>\$522.86</u>

DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 2 Permits issued for a total value of construction of \$8,900.

CLERKS RECEIPTS - Taxes	\$6,043.01
Dog Licenses	373.20
Cat Licenses	187.20
Food Licenses	275.00
Total	<u>\$6,878.41</u>

DEPARTMENT REPORTS CONTINUED:

MUNICIPAL COURT -	ATS	\$	70.00
	VCCB		100.00
	DMV		819.90
	MUNICIPAL		1,245.10
	OTHER		183.00
	TOTAL		\$2,418.00

TAX COLLECTOR - Total Tax Receipts Month To Date: \$73,673.69
 Total Tax Receipts Year To Date: \$73,673.69

REGISTRAR - No reports of marriage for the month of January 2012.

COMMITTEE REPORTS:

Councilwoman Cheatham & Councilwoman Hedgepath - There is a Community Development meeting scheduled for the first week in March. We both will be going to that. It is scheduled for Monday and Tuesday. We both have to be there both days. We sit on the Housing Committee. People are coming in to start doing their presentations for the money they are requesting. We do have an application in this year for Victory Gardens and Leon Hall will be presenting that. Councilwoman Cheatham said she went to a luncheon last week at Employment Horizons. They showed us where funds had been utilized and it was very interesting all the information we received and the things they showed us.

Councilman Holeman - Dover Fire Department said our firehouse was broken into. They called the police and filed a report. Eddie and Hector went up and secured the building. I will have to get an electrician up there to get some lights around the firehouse so it is well lit. Councilwoman Hedgepath said there are a lot of kids in the parking lot at the firehouse all hours of the day and night.

Councilman Lorenzo - No report.

Motion to accept and put on file all reports. Motion made by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

NEW BUSINESS:

INTRODUCTION TO THE 2012 MUNICIPAL BUDGET - Already done earlier in the meeting.

RESOLUTION FOR THE OEM COORDINATOR -

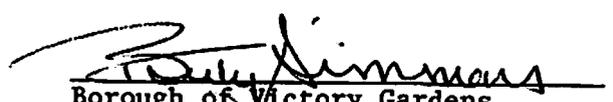
RESOLUTION APPOINTING AN EMERGENCY MANAGEMENT
 COORDINATOR FOR THE BOROUGH OF VICTORY GARDENS

WHEREAS, the Borough of Victory Gardens, Morris County, New Jersey is obligated to maintain an Emergency Management Coordinator; and

WHEREAS, said position must be filled by a resident of the Borough; and

WHEREAS, David Holeman has met the requirements of the position

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens that David Holeman be appointed to the position of Emergency Management Coordinator for the Borough of Victory Gardens for a three year appointment beginning Jan 1, 2012 and ending on Dec. 31, 2014.


 Borough of Victory Gardens
 Mayor

NEW BUSINESS CONTINUED:

RESOLUTION FOR THE OEM COORDINATOR CONTINUED - Motion was made on the Resolution by Councilman Lorenzo, seconded by Councilwoman Hedgepath and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

RECEIPT OF RESOLUTION FROM DOVER FOR THE COURT - Everyone has a copy of this Resolution. We are waiting on change in the price. When we first gave the figures to Dover our court expenses were less than what they were last year. Last year out court fees were a little over \$22,000. So now Dover has to send us a new Resolution with the new figures and the agreement. They also have a letter that they said they would send me from Judge Weisenbeck at Superior Court stating that we have been accepted into the joint court by the County. We are going to hold this over until we get the paperwork from Dover the Mayor said.

OLD BUSINESS:

SECOND READING/ADOPTION OF CAP BANK ORDINANCE - We introduced this at the last meeting and tonight we are going to have the public hearing and adoption. CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion was made to open the meeting for a public hearing on the Ordinance by Councilwoman Cheatham, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Jim Janone - I would like an explanation of the CAP Bank Ordinance, the limits and how it affects the overall budget? Bill Schroeder would be the best to answer you. Can we get the information for the next meeting? Yes.

Hector Lorenzo, Jr. - You are going to pass the ordinance even though you can't answer the questions? Yes, if Council desires. You shouldn't adopt something if you aren't sure what you are adopting.

Motion to close the meeting to the public by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

The Mayor asked what Council wanted to do regarding the Ordinance? Councilman Lorenzo said we should hold off and wait until we can get the answers to the questions. The Clerk said that the ordinance allows you to go up 3 1/2% for Cap Bank purposes. You may not need this ordinance and in most cases, maybe all cases for Victory Gardens, we have never needed it. The regular budget for expenditures you are only allowed to go up 2 1/2% . This gives us a cushion by doing this ordinance. As Bill explained earlier, inflation went up 4% . This doesn't allow us to go that high but it will allow is an increase of 3 1/2% . In the ordinance as I read it it says the 3 1/2% amounts to \$9,200.53 . Councilman Lorenzo asked if this answers the questions? The Council said they think so. Any amount authorized that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

Jim Janone said he still needs figures and what it means.

Councilwoman Hedgepath made a motion that we move forward with the Ordinance, seconded by Councilwoman Cheatham. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Abstain

CAMERA FOR PROPERTY MAINTENANCE - The Clerk said at the last meeting I asked the Council if it was okay to purchase a camera for the new property maintenance person. I was never given an answer and Greg called and said he needs a camera to do his job so he has proof to show the court if needed. I told Greg to look at a camera and get back to me so you would have a figure. He came back with a Kodak Digital camera model #Z501,0. The cost is \$159.99. This was a sale price about a week ago. I don't know if it is still on sale. Greg said he will be able to print out the pictures at home. Is he allowed to go on property? No. Councilman Lorenzo said he thinks it is a good idea and he should get the camera. The Clerk asked if there is a limit on the price? Do you want to say not to go any higher than a certain amount? No more than \$200.00 .

OLD BUSINESS CONTINUED:

CAMERA FOR PROPERTY MAINTENANCE PERSON CONTINUED:

Motion was made to purchase the camera that Mr. Stafford requested. Motion made by Councilman Lorenzo, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

Motion to open the meeting to the public by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - I think that if there were questions on the Cap Ordinance that no one knew the answers to it should have been held off. Mr. Stafford will be printing the pictures he takes at his home. Is he going to charge the Borough, has anyone thought of that? The Clerk said she asked him and he will be charging the Borough for supplies he uses at home. I don't want to see bills coming in that the Borough has to pay and they aren't really our bills. I don't think if Mr. Stafford says he needs ink and he only used three pictures that that would constitute him needing a new ink cartridge. You talked about the firehouse getting broke into - we pay the power company a flat fee and they maintain a light just like street lighting. What is the costs for the shared court? Our costs in 2011 in order to run the court was approximately \$22,000. So now Dover has to give us a figure based on that amount. When you were talking about the parties has there been an accounting of where the left over Christmas gifts went? We were told they are at the fire house. Are they still there? Yes. You may want to put two people on the committee for the parties so you are waiting all this time for receipts. It would give you better accountability. We have two people on the committee - Councilpersons Garcia Montes and Hall. I asked about checking account balances do we have those yet? No, do a request for them and I will give it to Amy. Okay. Have the police been told about these people coming around and trying to sell cakes? Yes. They have been told. Also voucher 2050, 2051 and 2054. 2054 is for Petty Cash. Debbe goes to the bank for the town and that is the reimbursement for petty cash. 2051 is for gas for the trucks for 7 fillups and each one is over \$100 each. We all know the price of gas. 2050 is for brake pads and sway bar links. Two of them. This is for the small truck.

Hector Lorenzo, Jr. - Maybe someone can help me out with the history of Victory Gardens and the zoning. I did some research and noticed that the NJ State Planning Bureau issued documents in 1959 with recommendations regarding zoning ordinances. It seems that back in 1959 after about 8 years after Victory Gardens became a town that these were passed by the NJ Legislature on 6/20/51. As you know Victory Gardens was something done during WWII and dealt with the food because there was rationing going on. Since 1959 I have not been able to find anything regarding ordinances or amendments changing any zoning laws. So it seems to be that our laws have been the same since 1959. For the record I would like to define amendment "a modification of materials by addition of supplemental information, the deletion of unnecessary undesirable or outdated information." I would like to define archaic "marked by the characteristics of an earlier period, antiquated. I want you to be very aware especially when you go home tonight, when you turn left onto Washington there are no sidewalks on the right side of the town, only the left side of Washington. The entire right side of Washington Avenue is absent of sidewalks. These homes were built in a certain way and their are driveways that lead up to the roads. The only place that has a little sidewalk is where Liberty Mortgage is. Every single home on the right side as you go through the town, if there is a driveway it meets the road, absent of the sidewalk. The whole town is that way. Now I am going to describe discrimination " unfair treatment of a person, race or group, minority, action based on prejudice, a fine distinction in differences." It seems as though it is hard to find any public records so can you make me aware of any zoning ordinances that I can look up for Victory Gardens that have been passed since 1959?

Has there been any zoning ordinances passed since 1959? There have been changes to the Zoning ordinances. You can ask Barrie Krause for those. We do not have a website we are working on one for this year. I commend you for working here for the town this is not something that is easy to do. These are things I wanted you to be aware of. The Liberty Mortgage when it was a bank and people left through the drive up I believe, and I could be wrong, I think they put out their private money to put the sidewalk in that is currently there.

The Mayor asked for a motion to close the meeting to the public by Councilman Holeman, seconded by Councilwoman Hedgepath. Councilman Lorenzo said he wanted to speak before it is closed out to the public. The floor was turned over to Councilman Lorenzo.

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Councilman Lorenzo said he wants to talk a little more about what Hector Lorenzo, Jr. was talking about. I think everyone is aware that I have been given tickets. No, no one is aware of that the Council said. I am asking the Council to drop these charges against me at this time so you have time to review the Planning Board minutes of September 21, 2011. This was the minutes when I submitted my application for a variance to the Planning Board. I would like everyone to look at this before we go any further with the charges.

Mayor Simmons said she was going to interject right here. Council needs to know that this was brought before the Planning Board and the Planning Board took a vote. Correct. The outcome of the vote was that the Planning Board voted against Councilman Lorenzos' application.

That is my point Councilman Lorenzo said. The Council is responsible for the decision that the Planning Board took. At the end of the minutes it says so.

Mayor Simmons said that the Councilman should distribute copies of the minutes he is talking about to the Council. This Council should not take any legal action until our Municipal Attorney comes back from vacation and is here to represent us. Councilman Lorenzo said he thinks the Council should know how they are responsible for the whole entire thing. I thought the Mayor told the Council about this.

The Mayor said it is not her place to tell the Council anything that happens at a Planning Board meeting. This is your problem because of certain things that you have done on your personal property. Whether these things were done legally or illegally it is not my place to tell the Council of any decisions that the Planning Board makes. If you wish to do that you can do it.

Councilman Lorenzo said the Board recommended that the Governing Body would like to consider some of the changes that they never acted on. This is at the end of the minutes from 9/21/11 from the Planning Board. It basically says that Council is in charge if they want to continue with the charges. Another thing I want to point out is that the Council has the responsibility to find a solution to any allegation regardless of who submits them. In this case, we as a Council should have something to work out. That was the idea and suggested to file a variance to do the job. We didn't come out with any type of solution. we went for a variance for lot coverage and we ended up with 20 different things on the same day. You can see the minutes and what exactly happened that night. It is pretty self explanatory. We went from one thing and then all the Planning Board members are throwing different things at me. None of them had to do with lot coverage.

Mayor Simmons asked Councilman Lorenzo to stop for a minute. She is looking at the Council and they all look confused. I think you need to tell them what the problem is so they can follow.

Councilman Lorenzo said that he was trying to get a variance because his property went over the amount of lot coverage he was allowed to have. I argued because the Planning Board is saying that I have too much impervious coverage. This happened over 10 or 15 years ago. This happened over the course of 15 or 20 years ago. Some of the lot coverage came when you asked permission to build and you build up then you cover over the whole entire area now it comes impervious coverage. When I asked for permits it was granted. I am arguing that. About 45 to 50% of the coverage was already there. Then it happened to be that an area in the back of the hose was paved. That area wasn't covered with asphalt it was covered with stone. Gravel or dirt that is sitting there for a long time that you drive over for a period of years, it becomes impervious. It will not let the water go through. So since the area already had gravel we blacktopped. If I did it without permits that is fine. I agree with that. I never said I had a permit to put asphalt on top of the gravel. That is what we are debating at this time and we will still debate and keep debating it because we are going to show some information on that. The town has, and a whole bunch of us that live on the right side of street going up the hill, and I got a summons saying that I supposedly covered the sidewalk. I don't have a sidewalk. There is a law that says you have to have so many feet. It doesn't explain how many. If that is right, then everybody that lives on Washington Avenue on the right side going up, is in violation, because everyone parks their car the same way I do, almost to the curb. You can go and look at that yourself and see how far away the people are parked from the curb. I can show you a whole lot of violations in town that have been there for a long time. We have been talking about these violations for some time and you guys know about them. Here is a photo of someone parking right on the curb but it has been there parking for years. If we are giving violations for one - then we have to do it for all and if we don't then we have to come up with a solution. We aren't doing that. There was an Ordinance that we were going to do awhile ago but never did it was something about changing the residential or business to residential. For some reason it never got done. That is what Attorney Fraser said at a Planning Board meeting of 9/21/11.

I don't know who was on Council at the time but they didn't change this ordinance. It was around 2007, 2008 or 2009. The reason they wanted to change from business to residential was that all the house at the bottom of the hill were considered business but they are all residential houses. We are applying both rules for business and residential. This is a double regulation. We can't have this both ways. We have to work on this.

Mayor Simmons said she remembers when we were trying to make that residential, it was voted upon, and it was left as a business zone. I also remember you making a statement yourself that you wanted to have a record shop out of your house. If it was going to be changed to residential you wouldn't have been able to have your record shop. Councilman Lorenzo said he got a letter from Council back in 1993 that says it was residential and he couldn't have a business. The Mayor said that Councilman Lorenzo wants the Council to be aware of what happened with his property at the Planning Board meeting? Yes. You want to address your property issues and perhaps get Council to move forward and over ride what Planning Board. Is that correct? Yes. The Mayor said these properties that are doing illegal parking or whatever they are doing according to you, is not the issue at hand. This is a separate issue the Mayor said. I really think what you need to do is get copies to all of Council so they have time to read things over so it can be put on the agenda to address it. This is what you are looking for, right? Yes. We need to get this information to our Attorney. We need to get opinions from him and legal advice. I gave a list Councilman Lorenzo said with a bunch of violations. We have that list it is from September 30, 2011. This is a list that Councilman Lorenzo came up with on his own, that he felt there were violations. Correct Councilman Lorenzo said. We all saw this list and I spoke to you about it. The reason I spoke to you about it was because I had a permit for my shed when we put it up. That was back in 1971. You are saying that there are other violations that you want addressed in Victory Gardens that have not been addressed? Yes, possible violations Councilman Lorenzo said. You don't know if these people had permits or not, correct? Correct. You are looking for Council to give you an answer tonight on something that they aren't aware of and that isn't going to happen. You need to get the documentation to the Council so they can look at it. It isn't fair to expect them to go by your word without them looking at documentation. We also need legal advice from Attorney Feintuch. The sooner you get the information to Council the quicker they can look at it. Council has that information where I wrote all the violations down. They may have that but they don't have the whole issue that you brought up about the Planning Board and your coverage.

Councilman Holeman asked if we shouldn't have Barrie Krause here to go over all this with us? As Council you can ask her to come to a meeting. She was already at one of our meetings about this list Councilman Lorenzo said.

The Clerk said Barrie was at a Council meeting where we were discussing this list. If I remember correctly she asked the Council if they wanted to have her pursue this list and have the residents get copies of their deeds made so she can look them over to see if they are in violation. This was a list that Councilman Lorenzo thought were in violation and that is why he wrote the addresses down. He wanted Council to give Barrie permission to go after these addresses and see if she could find violations. Councilwoman Hedgepath said surveys would have to be made and it was a lot of money to have the people make up these surveys for her to look at it. Barrie said it was a lot of money to charge the people to have a survey done and then maybe this list wouldn't even find a violation. Councilman Lorenzo said Attorney Feintuch said you don't have to do anything about this and it was on his advice that Council did nothing. This was not a decision by the Council. I want the Council to make a decision Councilman Lorenzo said.

The Mayor asked Councilman Lorenzo to get the information to the Council. Mr. Lorenzo wants us to over ride what the Planning Board did. You got a complaint because someone filed a complaint against you? Yes. I think it was a personal thing. It was for that persons gain, nothing else Councilman Lorenzo said. So all this didn't start until someone filed a complaint against you and your property? Correct. According to Ms. Krause there was no zoning ordinance in affect at that time. What does that mean Councilman Lorenzo asked? She said it in minutes. Then provide them to the Council. Councilman Lorenzo said before we get into this, because it will be coming up in the next few weeks, we have to decide if we keep going with it or we hold onto it until we find out. Right now the Mayor said we aren't doing anything because we don't have any information to look at. We are only hearing what you say. Councilman Lorenzo asked the Clerk to make copies of the Planning Board minutes from 9/21/11. The Clerk said she will have to get them from Barrie. Everything else, Councilman Lorenzo said he will get to Council. I will also send pictures to them. Okay. I have been parking in my parking lot for 27 years and I never got a ticket for parking there. Now I have one.

Motion to close the meeting to the public by Councilman Holeman, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk



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March 13, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on March 13, 2012.

Council President David Holeman called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: Mayor Simmons.

Motion to approve the minutes of February 28, 2012 by Councilman Lorenzo, seconded by Councilwoman Hedgepath. Councilman Lorenzo said there was something omitted in the minutes that he would like to have added to them. It was a statement made by the Clerk. The Clerk asked if he knew what the statement was? Councilman Lorenzo wasn't sure what the exact statement was. After discussion, Attorney Feintuch said that Councilman Lorenzo would have to listen to the tape from that meeting and let the Council know exactly what is missing so it can be included. Councilwoman Montes said the minutes do not have to be verbatim. No, but in this case Councilman Lorenzo said he would like that statement put in. Councilman Lorenzo will have to let this Council know what is missing and then bring it back to the next meeting and let you know and Council will vote on if they want it included or not.

Motion to table the acceptance of the minutes by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion was made to go out of the regular order of business so that Attorney Fraser and Barrie Krause can speak to the Council. We asked that they be here tonight regarding the conversation that was held at the last meeting. Motion to go out of the regular order of business by Councilwoman Hall, seconded by Councilwoman Motnes and approved on verbal vote. None opposed.

Everyone has a copy of the Planning Board minutes from 9/21/11. Does anyone have any questions for Gail or Barrie? Councilwoman Hall said that at the last meeting we were asked to take action on something that the Planning Board did. I spoke with Ms. Krause after I read the minutes and I want to know if the Council has the authority to do what was requested? Gail Fraser Attorney for the Planning Board. I will tell you from a Land Use perspective when the Planning Board renders a decision as of the time that they adopt the Resolution, the applicant has 45 days to file an appeal with the Superior Court of New Jersey. It is my understanding that this was not done. There is one kind of appeal that the Land Use Law allows the applicant to file an appeal from a Planning Board decision to the Governing Body. That is only if the Planning Board is sitting as a Board of Adjustment and renders a decision on a Use Variance application. This is not the case with Mr. Lorenzo and his application. Mr. Lorenzo's application came before the Board in September of 2011, on 10/19/11 the Board adopted the Resolution on what action it took denying the relief to Mr. Lorenzo, according to the standard practice of the Board Secretary notice of this action was published the following Wednesday on 10/26/11 in the newspaper. With 10/26 as the notice date in the paper, if the applicant were going to file an appeal with the Superior Court he would have had to do so by 12/12/11. I don't believe an appeal was ever filed. The action that the Planning Board took had nothing whatsoever to do with the Use Variance application so Mr. Lorenzo had no right of appeal to the Governing Body at all.

Councilwoman Hall asked then that this Governing Body has no say so or authority to try to overturn the Planning Boards decision? That is my opinion as an Attorney Ms. Fraser stated. Attorney Feintuch said that he had the opportunity to review all the documents and checking the law and that is very accurately stated by Attorney Fraser.

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Attorney Fraser said she would be happy to answer any questions that the Governing Body may have. I did have the opportunity to review the minutes from the Council meeting of February 28, 2012 where there appeared to be quite a lot of discussion about different things. Councilman Holeman asked what were the exact violations that Mr. Lorenzo had? The one that was at issue which was heard before the Planning Board was an improved lot coverage in far in excess of the maximum lot coverage permitted in the zone. Specifically the zoning ordinance allows a maximum improved lot coverage of 35%. The coverage on Mr. Lorenzo's property is 56.8% . It covers more than half of the lot.

Barrie Krause said that based on the Boards decision once the Resolution is passed by the Planning Board, it then falls back on the Zoning Officer for enforcement. Based on documents and testimony on the impervious coverage, some sheds and some parking issues. There was also something about the blockage of the drain. That was another issue Attorney Fraser said. Barrie said that was brought up and it was part of the documents submitted. The impervious coverage issues are for the whole lot from front to back. There were sheds that they didn't have permits and there were issues in both the front of the house and the back of the house with pavement. The parking in the front of the house is at least 10 feet in the right of way of the Borough. Since part of their parking is in the road then they are not providing off street parking.

Councilwoman Hall said she knows that the problem with the drainage was why this all started. We asked our Attorney to send a letter to Mr. Lorenzo to rectify the situation with the drainage channel. Now you are saying that is a separate issue? Yes, that is part of it. That was brought to the Council at one of their meetings by another person that lives here. There was a flooding issue. The Council asked the Engineer to go over and take a look at what was going on and at that time Leon Hall indicated that he thought the property had more coverage than it should have. This proceeded all that Attorney Fraser said. There is a 11/17/11 letter from Leon Hall to Deborah Evans regarding a concrete drainage channel. Mr. Halls letter states that both he and the Health Officer inspected the area and there were several observations made. One was that house #52 there were 3 obstructions in the drainage channel and he went on to identify other issues and in the course of that letter, he indicated that the property at 52 Washington Avenue is in the business zone and that lot coverage is limited to 35% . Leon was informed that the pavement was done in 2010 to this whole area 40 feet by 40 feet and he identified that coverage with other impervious surfaces which might exceed the amount allowed of lot coverage. So it all started with the one complaint about the drainage channel? Yes. Then after that, in some point in time, Ms. Krause went to the property to do her own inspection. She made her own observations and recommended that Mr. Lorenzo file a request for a variance with the Planning Board because he was exceeding lot coverage.

Councilwoman Hall asked about the blockage of the culvert has then been taken care of? Not to our knowledge. This is a business zone. Is there a difference between a business zone and a residential zone as far as the percentage of coverage? Barrie said in a single family dwelling zone 35% is common. Mutli family is 25% . If I have houses and I want to add on or do something where it will add to my coverage can it be done if I go through the proper channels and get a variance granted by the Board? Yes, as long as it gets approved by the Planning Board. What about permits for the different zones? If you are a residential home in a business zone you have to go to the Planning Board. If you are in a residential zone you can in most cases just file for a regular permit. Any kind of additions or lot coverage should go to the Planning Board.

Attorney Fraser said she thought this was part of the discussion at your Council meeting last month. Councilman Lorenzo is identifying saying that Attorney Feintuch said there was a recommendation from the Board and the Council did not follow through on that. What I believe that comment relates to is that when the Planning Board did the Master Plan Reexamination which it is required to do every 7 years, and one was adopted in April of 2007, one of the recommendations of the Planning Board at that time, for changes or amendments to the VG development ordinances. One of those changes identified the properties along Washington Avenue that are located in the business district and are residential dwellings. One of the suggestions was because they are in the B zone even though they are presently used as residences, if those property owners wanted to, they could put a business there. The consequence of that would perhaps be detrimental to the residential owners surrounding it because suddenly you are living next to a business. So the Planning Boards recommendation in the Master Plan was that you may want to change the zoning of those properties to a residential zone so no one could put a business there.

Attorney Fraser Continued - The Governing Body is always free to follow through on that request or recommendation. You can make your own determination that you like things the way they are or you could say we aren't going to do it now but we might consider it in the future.

Councilwoman Hall said as the Governing Body we have no say so or no authority to over ride any decision that is made by the Planning Board. That is correct. The applicant had the chance to file an appeal and due to the nature of the variance the Governing Body really has no jurisdiction.

Councilwoman Cheatham asked in order to correct this or make it go away, it just requires Mr. Lorenzo moving part of the surface that he has put down? That is correct. Barrie Krause said there were several correspondences before the application and after the application to do that. That wasn't done. Mr. Lorenzo made his application to the Board and the Board denied it. Again the option was there to cut back on the coverage and it wasn't done.

Councilwoman Montes asked why the Board denied the variance? Based upon the evidence, Attorney Fraser said that Mr. Lorenzo did not satisfy the positive and negative criteria required by the Municipal Land Use Law for the granting of variance relief. If someone had pavement on their property that predates the 35% limitation they would be able to maintain their property in that current condition without change. They could not increase the impervious coverage, they could not change the impervious coverage, anything that they would want to do would require variance relief. If I have a paved driveway and I take it up and want to put a new one down I would have to go before the Board because I would need a variance. Once I rip up the old driveway it is no longer impervious surface.

Councilman Lorenzo said he would like to add something to that. Attorney Fraser while is explaining all this she forgot to explain that the majority of the lot coverage was already in place. We requested permits for various construction on the site. Those permits were granted. Most of the coverage came when we built. The amount of going to 56% naturally we were already about 50% of lot coverage even before we paved the area. That is not true Barrie said. Attorney Fraser said that is not the findings of the Board. Barrie said that was not what was presented to the Board. That was not what documents showed. That is not true. During your testimony you clearly stated your backyard, some areas were gravel some were muddy and you paved it and gave us a bill in 2010 saying you paved. Correct Mr. Lorenzo said. Barrie said we are not here to rehash the hearing. The hearing was held and the Board made its determination. It is up to me now to take the action that I did. It is now up to municipal court to make their determination. Councilman Lorenzo said he just wants to clarify that with this Board that the area had over 45-50% lot coverage before we did that. I want to also mention that how many ordinances in 2008 did the Council approve? I think there were 6 ordinances sent to the Governing Body. How many of those were approved? The Clerk said she believes all the ordinances that the Planning Board suggested were adopted except one. I would have to check. Well do you know or not Councilman Lorenzo asked? How far back are we talking? In 2008. No, I don't know for sure the Clerk said. I would have to look.

Councilwoman Hall said none of this is here or there. We as a Governing Body can't do anything. We can't change anything we can't over turn anything. This is a Planning Board issue. It would have to go to the Planning Board and at this point it is for Superior Court. I don't think this requires further discussion because this is only for us to have knowledge of what is going on. This isn't going to have any affect on the outcome. We have no say so as Council. I don't know if we should have any further discussion.

Councilman Holeman asked what the surveys say? There were 2 surveys Attorney Fraser said. One was from 1982 by a prior owner. That survey confirms that sometime after that survey was done and before a 2011 survey which was performed at Mr. Lorenzo's request, Mr. Lorenzo constructed additional structures at the rear of the lot which are identified on newer survey which are two sheds and a wooden structure. There was testimony by a neighbor that when he purchased his adjoining property in 1998 there was only one shed on the property. That survey also showed that Mr. Lorenzo also constructed an asphalt bridge over the drainage channel which at the time showed a car parked on that, and over the years the applicant has constructed additions to the dwelling including replacement of two existing open porches with new portico roof overhangs, an installation of a new rear egress door for the basement as well as a very large addition to the north side of the home in 2005. On the building permit application it was described as the enclosure of

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an existing porch. Based upon the comparison of the original 1982 and the 2011 survey it was really an expansion of the dwelling beyond the limits the footprint of the original porch. By the calculations that were done at the time that 2005 addition brought the improved lot coverage to more than 40%. That was back in 2005. That was done without seeking variance relief for improved lot coverage. The Planning Consultant as well as the Borough Engineer were present at the hearing and both of them reviewed the application and prepared reports and provided testimony at the hearing, including Mr. Gallo who is a Planner with Mr. Zimmermans office and whose opinion as a professional planner was that the applicant had not satisfied the positive and negative criteria of the statute for granting variance relief. So that is basically where we have the problem with the parking in front of the house Councilman Holeman asked? Yes, part of it because it is all paved and the pavement extends into the back of the house. It is also in the official right of way of Washington Avenue.

Councilman Lorenzo said there is something that we have to clarify here. This ordinance is affecting a lot of people in the neighborhood. There are a lot of people that fall under this ordinance. For some reason this ordinance was in place for the last 20 or 30 years and they haven't been updated. Dover just updated their ordinances. Dover has about 65% coverage per lot. We are still at 35% .

Councilwoman Hall said the problem isn't the ordinances the problem is that the proper steps weren't taken. I still don't think this is for us to discuss. This is a personal issue that should be at Planning Board. If you are using this forum to try to push your personal property issues that you have this is not the correct way to do it. Councilman Lorenzo said he only brought it here because in the minutes Attorney Fraser said that the issue has to be either addressed by some violation or the Governing Body. I don't know what she meant by that. That is why I brought it here. The only way the Governing Body is involved is if the Planning Board brings forth an ordinance and we as the Governing Body need to address it, that is the only time we get involved Councilwoman Hall said. When it comes to rulings, enforcement, violations, we have nothing to do with that. We have no say so in what is going on with you and the Planning Board. If we change things in the future, it doesn't change anything that you have done because that fell under another time and a different ordinance. So it is still a violation on your behalf. You did this 15 or more years ago so you are still in violation.

Barrie Krause said this shouldn't be discussed here. The Council understands what is going on. We are now in the enforcement area. You went through the entire process. You did not appeal any decision. They understand. You don't like it but they understand.

Attorney Feintuch said the determination has been made. This Council can not do anything about it. You had the right to appeal to the court. You are out of time. You can still appeal to the court and ask them to waive the time limits if in fact you have a legitimate reason to waive it. Any relief you are looking for is in Superior Court. This Body can not do anything. If you want to discuss changing the ordinance that is something different. There is a different avenue that we go down in order to do that. Would that have to be initiated by the Planning Board. No.

Attorney Fraser said Zoning Ordinances can happen in one of two ways. The Governing Body says we think it would be good to look at this and do whatever change. You would defer that to the Planning Board and see what they say. You may want to draft the ordinance and introduce it and then turn it over to the Planning Board for input and then bring it back to Council for adoption. The second way is for the Governing Body to suggest to the Planning Board that they might want to consider changing something and then ask the Planning Board to look it over and make a recommendation to the Council. I will tell you that 35% lot coverage is not unusual in towns. Bear in mind that the more coverage you have the greater drainage and flood damage control problems you create because you are eliminating pervious surfaces where storm water can drain into the ground. The water has to have some place to go.

Councilwoman Hall asked Attorney Fraser what is actually meant by lot coverage? Barrie Krasue said a lot of times gravel will become impervious because it sinks and then nothing can go through. Older decks the water can go through but the decks of today are made differently and the water can't get through them.

Patios are interlocking and water can't get through those. If someone puts in french drains to help with the drainage would that be an issue? When you come before the Planning Board and do something to help the water issue that may help you get your approval. Lot coverage includes structures also. What would be the definition of impervious surface Councilman Lorenzo asked? Any surface that does not allow water to drain. So you are saying that an area that has gravel in it eventually becomes impervious because it gets stuck down and eventually water can not get through. That is correct.

Councilman Holeman asked what we do now? Attorney Fraser said there is nothing for the Planning Board to do. This action has concluded in October of 2011. Ms. Krause stated that Mr. Lorenzo did not address the issues and summonses are being processed through the municipal court. We will have to await the outcome in municipal court.

Are there any other questions or comments from the Council? Mr. Lorenzo said he just wants to make it clear that this variance is affecting a lot of people in town. I am still disputing that the lot coverage was not just done by me. The professionals did not supply the correct advice before we put anything in there. There are several houses in town that have impervious lot coverage. Councilwoman Hall said you have no knowledge of what they applied for. The information I got from an OPRA request doesn't show anything. They are residential and you are business. I don't know if our area is business or residential. Councilwoman Hall said you know what it is. Weren't you on the Planning Board when that decision was made? It is business but I request a business permit for a store and was denied because we are residential. Attorney Fraser said it is in a business zone. Barrie Krause said that Mr. Lorenzo wanted to keep it business when he was on the Planning Board. You voted against the change. There was 6 people that voted against it. I was only one of them. Barrie said that you discussed what you perceive is a violation. There is no proof of that. You don't know where property lines are. You will have to prove all that to the court Councilwoman Hall said. You don't need to tell us or show us because as the Council we can't do anything. I want you guys to be aware Councilman Lorenzo said. I don't want to have to bring anyone anywhere but if this goes through I may have to. I want you to be aware. Aware of what? The problem we have with the ordinances in this town. There is no problem. No one is having a problem. No one said there was a problem.

Council thanked Barrie and Attorney Fraser for being here. Motion was made to go back into the regular order of business by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

The Clerk said she only has one thing and that is from Rockaway Valley. Everyone was given a copy of the letter. If anyone has any questions they can ask the Attorney. Councilwoman Hall asked how this will affect us financially? The Attorney said at this time we don't know the percentage. It will be relatively small. It is an 8 million dollar project but they are doing grants for 75% of it. Once it is over then we will get a bill. You can also ask your RVRSA representative. Where was the collapse? Route 287 in Boonton. The road was washed away. It has been fixed but they need to secure it and do more work.

Motion to accept the correspondence and put on file by Councilwoman Montes, seconded by Councilwoman Hall and approved on verbal vote. None opposed.

VOUCHERS:

Are there any questions on the vouchers? Councilwoman Cheatham asked about voucher #3010 is this on all computers or just one? It is payment for 2011 and 2012. We will have to ask Mark. This one will be held. It says that it is software maintenance. Which computers is this for? It talks about backup. We will look into this one so we will hold it off. Are there any other questions on the vouchers? None.

Motion to approve the vouchers for payment except voucher #3010. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

VOUCHERS CONTINUED:

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
3 000	DOUGLAS CABANA	LEGAL SERVICES	016	\$250.00
3 001	JOHN CESARO	LEGAL SERVICES	016	200.00
3 002	PHILIP FEINTUCH	LEGAL SERVICES	016	1,833.33
3 003	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
3 004	DOVER WATER	BLDG & GRDS OE	006B	23.63
3 005	COUNTY OF MORRIS	BLDG & GRDS OE	006B	20,300.00
3 006	RUBINETTI DISPOS	SANITATION	024	7,529.00
3 007	ANDERSON & DENZLER	ENGINEERING	017	1,379.00
3 008	DAILY RECORD	ADM & EXEC OE ADVERT.	001D	97.76
3 009	DAILY RECORD	ADM & EXEC OE ADVERT.	001D	15.60
3 010	MICRO SYSTEMS	ASSESSMENTS	003B	500.00
3 011	DELL	ASSESSMENTS	003B	2,289.79
3 012	MORRIS CTY MUA	RECYCLING	(R)	240.00
3 013	GOLUB ANIMAL HOSP	DOG WARDEN OE	012	160.00
3 014	DOVER BD OF EDUC.	MARCH TUITION	BOE	71,287.48
3 015	HANDY MANS	STREETS & ROADS OE	008C	899.98
3 016	GAIL FRASER,LLC	LEGAL SERVICES PL BD	016	336.60
3 017	P. DAVID ZIMMERMAN	LEGAL SERVICES PL BD	016	280.00
3 018	J.C.P.& L.	BLDG & GRDS OE	006B	436.76
3 019	FWDSL & ASSOC	TAXES	003	689.52
3 020	AUTO PARTS PEOPLE	STREETS & ROADS OE	008C	271.50
3 021	GANN LAW BOOKS	COURT	005C	104.00
3 022	GERALD FLATT	DOG WARDEN	012B	440.00
3 023	HECTOR LORENZO	STREETS & ROADS S&W	008	1,253.12
3 024	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,148.08
3 025	HOME DEPOT	CLEAN COMMUNITIES	CC	619.91
3 026	VERIZON	BLDG & GRDS OE	006B	95.77
3 027	DAILY RECORD	ADM & EXEC ADVERT	001D	42.64
3 028	! DEAL AIR	BLDG & GRDS OE	006B	350.00
				<u>\$114,373 .47</u>
3 029	J.C.P.& L.	AID TO FIRE DEPT.	033	\$276.73
3 030	DOVER WATER COMM			110.65
3 031	VERIZON			47.25
				<u>\$434.63</u>

NEW BUSINESS: Done earlier in the meeting.

OLD BUSINESS:

Council President Holeman said at the last meeting we were holding the Easter Party check until Councilwoman Montes gave us the receipts from the Halloween Party and Christmas Party 2011. The Clerk said we received all the receipts and everything is fine. Amy has looked over everything. Tonight I gave the Councilwoman the check for the Easter Party. She has that. I believe what the Council wanted to talk about tonight was the refreshments that will be served at the party. At the last meeting Councilwoman Cheatham suggested some other type of food for the party instead of all sugar. Council was suppose to think about it and come back to this meeting with suggestions.

After much discussion Council decided that they would do up several bags of candy with sugar free candy. All other items will remain the same. Kids look forward to candy. Also, the items we bought when we were going to have a dentist come in are sitting here at Borough Hall. We can give those to the kids also.

Motion to open the meeting the public by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Barb Nietz - What about potato chips for the party? That isn't good for a diabetic either.

Jim Janone - How many members of the Council go to the parties? One. Maybe you should all go and help out. This way the people will get to know you. I have a question for Barrie Krause but she isn't here. I have something for the budget. Bill Schroeder will be here next meeting for the budget. Voucher #3029 JCP & L this bill is high. Also, #3030 for the Dover water for the firehouse. That is a high bill also. Attorney Feintuch you haven't been here for a month and we still pay you. Yes, my office still answers calls and does paperwork if I am not there. If any faxes or anything comes in we still have to answer. Do you have an itemized list of what you do for the Borough? No. There are alot of things we do that the Borough doesn't get billed for. You held #3010. Yes. #3011 this is for the two new computers. The budget hasn't been approved yet why are you buying things? They approved them to be bought. The money was there. #3015 Handymans. Two leaf blowers and they were bought with Clean Communities. #3020 for the vehicles. Brakes and other items.

Joan Cegelka - I understand that at your last meeting you had the introduction of the budget and it wasn't approved? No, the budget was approved. The Cap Ordinance was not adopted. What happens now? It will be done the same night the budget is done. If the budget doesn't pass and the Cap Ordinance doesn't pass what happens? They would have to cut the budget I believe. Okay. About your diabetic candy you have to check the carbs. If you are thinking about giving fruit for the parties just have some in a bowl and if someone wants it they can have it.

Hector Lorenzo, Jr. - I like the idea of the parties. You might be held liable for diabetic candy. You don't want anyone getting sick and being held responsible. The ordinances and changing some of them in town, is a good idea. Please look at right of ways and sidewalks. I am being told that I am parking in the right of way but as I drive through the Borough it seems everyone on the right side going up is in violation. I did apply to be on the Planning Board. I know it isn't easy to do what you guys do but you are doing a good job.

Motion to close the meeting to the public by Councilwoman Cheatham, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Cheatham and approved on verbal vote. None opposed.

Submitted By:
Deborah Evans
Deborah Evans
Borough Clerk

March 27, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on March 27, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None.

Mayor Simmons asked for a motion to go out of the regular order of business so that Bill Schroeder can talk to us about the adoption of the budget, the audit and the Cap Ordinance.

Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Bill Schroeder said we need to adopt the CAP Ordinance first. Expenditure CAP is what we will discuss first and that is what you are voting on tonight. The CAP is 2½% but with the Ordinance you can go up 3½%. This does not authorize the expenditure of any money. The State of New Jersey has this law that says basically it is operating expenses. Exclusions are debt service, Capital, Reserve for Uncollected Taxes and Grants for cap calculations. Everything else is considered inside the CAP. You don't really need this Ordinance because you went up less than 2½% on your expenditures. But the other side of this Ordinance is what you don't use you are allowed to bank it for two years. It is important because right now inflation is at 3½% but in the years when the inflation is in double digits there can be problems. I advise all my towns to pass this Ordinance. If you can't meet the calculations of inflation you will then have to cut services. Every year that you don't use the CAP bank one year is gone. This year you are \$11,470 under the CAP bank. If you only went up the 2½% you would be \$2,269 under the CAP bank. You are saving the CAP bank in case you need it in the future. This will be important when the inflation goes up. The first CAP we are going up 3½%. We don't need this we are just doing it to protect the CAP bank.

The second calculation for the 2% tax levy CAP you are just below \$13,000 for that CAP and that gives you a three year bank for that. There are two different CAP banks. One requires an ordinance the other does not. Again, I tell all my towns to adopt this ordinance because you may not need it now but you may in the future. The next thing would be the adoption of the 2012 budget and the hearing. The budget is going up no tax points for the local tax rates. We were talking about going up a small amount of money. Then you decided not to do that. You cut Capital to get down to zero tax rate increase. So on the local level the municipal side of the budget there is no tax increase. We don't know about the school and the County as of yet.

ADOPTION OF THE CAP BANK ORDINANCE - This will be done by title only since we already had the public hearing.

CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK

Motion was made to adopt the CAP Ordinance by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

PUBLIC HEARING AND ADOPTION OF THE 2012 MUNICIPAL BUDGET - Bill Schroeder said you local tax rate increase is 0. We discussed this earlier. This is a great budget. You should have your public hearing now.

Motion to open the meeting to the public on the Budget. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - I think the last time you were here you spoke about the budget and how the town should do a 2% increase in order to keep up with inflation. Yes. If you keep going up the 2% then you have money and if inflation hits harder you have the bank and can use it. If you don't raise anything up eventually you will find yourself in trouble and have to cut programs. What is the current fund balance? It is \$645,000 at the end of last year. We used \$370,000 to balance the budget this year as a revenue. The money we don't spend every year in the budget goes back to fund balance.

Our fund balance went down \$10,000 from the year before Bill said. Our budget looks very good the Mayor said but you also stated that every year we need to increase the 2% . Yes. The whole secret to this tax levy law - the only variable is the fund balance revenue - we have to be consistent. The old school money - we are using \$48,425.00 . At this level of using the school monies we will run out in 27 years. When that runs out we will have a \$48,000 hole in our budget.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

The Capital Improvement Fund has \$449,000.00 in it. That money can be used for anything that has more than a year useful life. Playground, vehicles, sewers. In General Fund Balance you have \$645,000.00 . We are using \$370,000 to balance this budget. If you do not replenish that this year, then that \$640,000 will come down to \$270,000. You always have to regenerate the fund balance. If we used \$80,000 for a playground next year would our taxes go up. No. But I have to caution you, when you use the money you have to put it back. That money took years and years to get there. You only replenished \$10,000 . You didn't put anything in last year. How much money do you feel is a comfortable amount to have in this fund? It depends on what your needs are. You don't want to incur debt. You have not had debt in years. You are great with that and you should keep it that way. You pay as you go. If we need a truck it will come out of the \$449,000 account. Yes.

We have \$449,000 in Capital. We have \$645,000 in fund balance which is your savings at the end of the year. If you are only going to fund \$10,000 a year for Capital but you are using \$50,000 you will never get what you are using replenished back into Capital unless you don't spend anymore until you make up the \$50,000 you spent. If you want to have no tax increase next year you can only put in \$10,000 back in Capital. If you want to increase taxes then you can put more back into Capital.

What major capital expense will this Borough ever have? DPW trucks or sewer lines or road work. You can cancel the other reserves that we have and rededicate them through an ordinance.

Motion to adopt the 2012 Municipal Budget by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

The 1.4 million we have the from the unused school funds, that is the \$48,000 I am using for the next 27 years. This is additional money. Yes. So then we have \$645,000 as the current fund balance, \$449,000 in Capital and at the end of this year you will have 1,370,000.00 in the school. So this is over 2 million. Yes. I tell you every year that you are incredibly healthy as far as your budget goes.

AUDIT FOR 2011 - Bill Schroeder said that a lot of what we have been talking about is in this Audit. It shows the fund balance, capital. You can cancel your reserves to the Capital Fund. Road improvements in other towns eat up a very big portion of reserves. You had 4 comments and recommendations. The first two you will always have because you don't have enough employees. All our small and medium size towns have this and no one want to hire more people to cover this. Amy is trying to get rid of the encumbrance this year. In a small town like this it isn't that important but the State requires it. With practically all towns there is no fixed asset accounting. It is too expensive. It is still a directive but 3/4 of the towns don't have it. Animal Control and Court funds aren't deposited within 48 hours. You have part time people. Everything always comes out fine. But we have to mention it. Lorenza and Sonia have been spoken to about this.

Motion was made to accept the 2011 Audit by Councilwoman Hall, seconded by Councilwoman Montes and approved on roll call:
Councilwoman Cheatham Yes
Councilwoman Hall Yes
Councilwoman Hedgepath Yes
Councilman Holeman Yes
Councilman Lorenzo Yes
Councilwoman Garcia Montes Yes

Motion was made to open the meeting to the public in case there are any questions on the audit. Do you know how much was made on the court in the last year? In 2011 it made \$18,588.56 . This doesn't take into account for overhead, pensions, stamps, paper, envelopes and the like. The Mayor said we may have broke even on the court by the time you take out all the expenses. This is just what we brought in. The Clerk said she thinks we lost money on the court. Attorney Feintuch said there is something about losing the towns identity. We lost the school board and the fire department. Now you may think about giving up the court. The town will lose its identity and the Body should consider that. When the public comes into this court it is their court.

Motion was made to open the meeting to the public by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Jim Janone - The encumbrance system are you recommending to get rid of it? No, we don't have one. I think the school board did that. I don't know I wasn't the Auditor for the school board.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to go back to the regular order of business by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to accept the minutes of 2/28/12 by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.
Motion to accept the minutes of 3/13/12 by Councilwoman Hall, seconded by Councilman Holeman and approved on verbal vote. None opposed.

The Mayor asked if there were any questions about the minutes from the meetings? Councilman Lorenzo said we discussed the minutes of 2/28/12 and I came over here and listened to the tape and what Ms. Evans said on the tape is not what she wrote. The Mayor said for clarification purposes the minutes are not verbatim. Okay. If there are any questions you have the tape. The minutes are an outline and to the point. I just wanted to reference that what she wrote in the minutes is not what she said. I want that on the record. The Attorney said he wanted to remind the Council that minutes are action taken. Votes. It isn't the dialogue.

CORRESPONDENCE:

PUBLIC WORKS MANAGER - We received a letter from the State granting us an exemption from having a public works manager. We are good for 5 years and then we will have to apply again.

CORRESPONDENCE CONTINUED:

At one of our last meeting we had a question from the public about our water bills at the firehouse. I called Dover Water and they sent someone out from service to look at the meter to make sure everything is working ok. It is. They did say that we are charged by the meter size and since it is a firehouse the meter or the hose connection is 1½ inches. You are charged more for that size but they aren't coming out to change anything. We may use it again as a firehouse one day and they won't change the meters or the lines. This is why you pay more.

PAPERWORK FROM DOVER ON JOINT COURT - We received this today. I made copies for everyone. You can look it over and decide what you want to do as far as the court is concerned.

COUNTY OF MORRIS PUBLIC WORKS ENGINEERING - We received a letter regarding the intersection at S. Salem and Franklin Roads. The County is looking to upgrade the intersection at a cost of \$180,000. They will put in \$90,000 and they want Randolph and Victory Gardens to each put in \$45,000. They want an agreement with all of us if we are willing to do this. Council will have to think about it. I asked Leon to get in touch with the County and see where this is going and if it is something that they want to do this year.

Motion to accept correspondence by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Councilwoman Montes has questions. #3035 Sue Ruiz what does she do. She has been with us for many years. She does the Recycling reports and Tonnege Reports. She also sends letters out to the businesses and tries to get them to comply with the recycling laws. She does State and County reports. She is certified. She was given a raise because the other person the administration committee spoke to wanted \$4,000 and that would have taken up our whole Clean Communities grant. #3047 and 3048. Why are we getting overpayments? Duplication of payments. Sometimes a transfer of title or they re mortgage and two people pay.

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(Vouchers on Next Page)

VOUCHERS CONTINUED:

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
3 032	AMERIHEALTH	ADM & EXEC MEDIC	001C	\$6,661.67
3 033	TREAS. DEPT CHILD	ADM & EXEC OE	001C	50.00
3 034	TREAS CODES & STAND	ADM & EXEC OE	001C	26.00
3 035	SUSAN RUIZ	RECYCLING	(R)	500.00
3 036	N.J.N.G.	BLDG & GRDS OE	006B	460.00
3 037	J.C.P.L.	STREET LIGHTING	023	684.64
3 038	VERIZON	BLDG & GRDS OE	006B	159.84
3 039	A T & T	BLDG & GRDS OE	006B	47.05
3 040	R. & S. TORRES	TAXES	003B	1,225.10
3 041	MADISON HEALTH	HEALTH SERVICES	010B	7,142.75
3 042	PHILIP FEINTUCH	LEGAL SERVICES	016	2,292.50
3 043	DAILY RECORD	PLANNING BD. ADV.	009C	6.24
3 044	OFFICE CONCEPTS	ADM & EXEC OE	001C	205.82
3 045	HECTOR LORENZO	STREETS & ROADS S & W	008	1,253.12
3 046	EDUARDO MARTINEZ	STREETS & ROADS S & W	008	2,148.08
3 047	F & M PETRUS	TAXES	003	2,724.55
3 048	FNA JERSEY BOI	TAXES	003	786.01
3 049	MT FREEDOM PRINT	ADM & EXEC OE	001C	195.00
				\$26,568.37
3 050	N.J.N.G.	AID TO FIRE DEPT.	033	\$ 596.07
3 051	VERIZON			81.38
				\$ 677.45

DEPARTMENT REPORTS:

BUILDING INSPECTOR - 2 permits issued for a total value of construction \$5,015.

CLERKS RECEIPTS - Taxes	\$52,593.02
Sewer	389.46
Food Licenses	100.00
Appliances	15.00
Cat Licenses	68.80
Dog Licenses	486.20
Total	\$53,652.48

MUNICIPAL COURT - ATS	210.00
VCCB	140.00
DMV	3,220.70
MUNICIPAL	1,302.30
OTHER	190.00
TOTAL	\$5,063.00

TAX COLLECTOR - Total Tax Receipts Month to Date: \$286,363.52
Year to Date: 360,037.21

REGISTRAR - 1 marriage license issued for a total collected: \$28.00

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COMMITTEE REPORTS:

Councilwoman Cheatham - No report

Councilwoman Hall - No report

Councilwoman Hedgepath - Community Development - Vera and I went to the Housing. They allocated monies but all decisions are not made yet. Victory Gardens is not getting anything again this year. They aren't doing work on roads. They are doing more for the people and the groups of people that need. The funding has been cut in half.

Councilman Holeman - JCP & L gave us a report. We gave a list to them of what trees in town needed to be cut. They have come through and cut. There is a tree on the corner of Roosevelt and Monroe that they are coming in to take down. Our men will help control traffic and help remove branches from the road way. We are in the process of lining that work up to be done.

Councilman Lorenzo - I spoke to Hector about a lot of glass in the parking lot. It has been cleaned up. They do a good job.

Councilwoman Garcia Montes - The Easter Party will be at the firehouse on April 7 from 1 p.m. to 3 p.m.. The flier will be out this week. It is for ages 1 - 10.

Motion to accept the reports by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

NEW BUSINESS:

AUDIT 2011 - This was already done earlier in the meeting.

TONNAGE GRANT RESOLUTION -

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

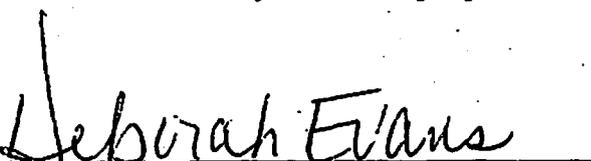
WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

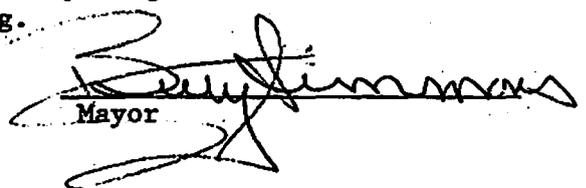
WHEREAS, a Resolution authorizing this municipality to apply for the 2011 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens hereby endorses the submission of the recycling tonnage grant application to the NJDEP and designates Deborah Evans to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.


Deborah Evans
Borough Clerk


Mayor

TONNAGE GRANT RESOLUTION CONTINUED:

Motion to approve the Resolution by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS:

ADOPTION OF CAP ORDINANCE - Already done earlier in meeting.

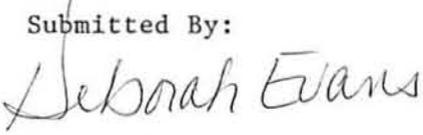
ADOPTION OF 2012 MUNICIPAL BUDGET - Done earlier in meeting.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Jim Janone - Any takers for Planning Board? Two residents responded. The traffic light issue is there a plan yet? No. I do agree with the Attorney on the court. If we are breaking even why get rid of the court? Voucher #3042 what is this for? Work on RVRSA. #3049 what is that for? Having vouchers printed.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

 Deborah Evans
 Borough Clerk

April 10, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on April 10, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: Councilwoman Hedgepath.

Motion to accept the minutes of March 27, 2012 as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

CORRESPONDENCE:

FEINTUCH, PORWICH & FEINTUCH - There are six letters that our Attorney sent out regarding property maintenance on the homes we have spoken about at the last few meetings that have been foreclosed upon.

Motion to accept the correspondence as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

VOUCHERS:

Are there any comments or questions on the vouchers? Councilwoman Montes asked about vouchers #004, 005, and 006 to Inkwell. This is for Clean Communities. They are the red bags, water bottles and pens. Why is there different set up fees for each item? The print is different on each item and it has to be set up for each group of items we do. Also, one is charging us tax. That will be removed by the Finance Officer. She will not pay the tax. There are no other questions.

Motion to pay the bills by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(See Voucher Listing Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
4 000	DOUGLAS CABANA	LEGAL SERVICES	016	\$250.00
4 001	JOHN CESARO	LEGAL SERVICES	016	200.00
4 002	PHILIP FEINTUCH	LEGAL SERVICES	016	1,833.33
4 003	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
4 004	INKWELL	ADM & EXEC OE	001C	533.62
4 005	INKWELL	ADM & EXEC OE	001C	710.16
4 006	INKWELL	ADM & EXEC OE	001C	2,688.57
4 007	J.C.P.& L.	BLDG & GRDS OE	006B	407.19
4 008	THE HARTFORD	INSURANCE	018	1,091.99
4 009	R.V.R.S.A.	JAN. 2012	026	8,110.00
4 010	R.V.R.S.A.	FEB. 2012	026	8,110.00
4 011	R.V.R.S.A.	MAR. 2012	026	8,110.00
4 012	R.V.R.S.A.	APR. 2012	026	8,110.00
4 013	SHELL FLEET	STREETS & ROADS OE	008C	459.09
4 014	NISIVOCIA	AUDIT	015	14,240.00
4 015	RUBINETTI DISP.	SANITATION	024	7,529.00
4 016	DOVER BD OF EDUC.	APRIL TUIT.	BOE	71,287.47
4 017	DAILY RECORD	ADM & EXEC OE	001D	13.00
4 018	ROSA SANTIAGO	COURT	005A	75.00
4 019	SYLVIA FUENTES	COURT	005A	50.00
4 020	U.S.BANK	TAXES	003	18,529.56
4 021	U.S.BANK	TAXES	003	12,488.76
4 022	HECTOR LORENZO	STREETS & ROADS S&W	008	1,139.20
4 023	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	1,952.80
4 024	GERALD FLATT	DOG WARDEN	012B	480.00
4 025	MORRIS CTY MUA	RECYCLING	(R)	504.00
4 026	HENRY O BAKER	INSURANCE	018	4,698.00
				\$173,900.74
4 027	J.C.P.& L.	AID TO FIRE DEPT.	033	\$201.44

NEW BUSINESS:

Mayor Simmons wanted to remind Council that she runs the meetings and prepares the agendas. If anyone wants something on the agenda that they feel needs to be discussed before Council please see me. I will then have the Clerk put it on the agenda for the meeting. If it is not on the agenda and not an emergency it will not be discussed.

BOARD OF HEALTH MEETING - Our next meeting is April 17, 2012 at 6:00 p.m.. Take the time and look through town and if there are any complaints that need to be filed we will have them for Madison at that meeting.

TREES IN BOROUGH ALONG WASHINGTON AVENUE - The Clerk spoke to Leon Hall about several trees in the Borough that are uplifting the sidewalks. I asked Leon to check them out because I didn't know if they were Borough trees or if they belonged to the residents. There are maybe 8 trees lifting the sidewalks and they are huge trees. Leon looked at them but is giving me a thorough list with addresses and what needs to be done. He said the ones he looked at do belong to the Borough after he measured the right of way. This is a safety issue with the sidewalks lifting as we don't want anyone falling. Once I have the list I will give it to everyone to decide what to do. Leon said it could be anywhere between \$30,000 to \$50,000 to have the trees removed, the stumps ground and the sidewalks replaced.

OLD BUSINESS:

The Clerk sent a letter to the County asking them if they applied for a grant. I also asked what the start time and finish time would be. I told them it is a lot of money and Victory Gardens will do what they have to but they should try for a grant to help ease the burden on all of us. I spoke with Randolph and they said to send them a copy of the letter we send to the County and they will wait to see what happens. They said they don't have the money in this years budget but if it is necessary they will comply. We can apply for a DOT grant to maybe help us with the costs if Randolph doesn't apply but that is why I needed to know the start and finish time of the project. Leon said he would talk to the County to see if they did a traffic study or if they have any information on accidents or pedestrian accidents.

MUNICIPAL COURT TO DOVER - Everyone received the paperwork from our Finance

OLD BUSINESS CONTINUED:

MUNICIPAL COURT TO DOVER - Officer. She has a breakdown for the year 2011 where we spent money and has the breakdown of revenues and expenses for the years 2008, 2009, 2010 and 2011. After much discussion and questions without answers, Council is putting this on hold until our next meeting. The Clerk was asked to have Bill Schroeder and Amy here for that meeting so the questions can be answered. Also, the Clerk will contact Dover to get a copy of the Master Agreement and also to find out when court is in Dover and how Victory Gardens will fit in to their schedule. The Mayor said she doesn't want a vote on this until we have a full Governing Body present. No action was taken at this time.

Motion was made to open the meeting to the public by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Joan Cegelka - Is a flier going on to notify the residents about moving the court to Dover? Will there be a meeting for the public? That will be left up to the Council. Is our tax levy going up from the school budget? Joan said it is going up by \$361,000. Are we paying debt service to Dover BOE now? Any debts incurred by Dover before we joined will be paid by them. Any new debt they incur we expect that we will be a part of. Is there a liason to the Dover BOE? No, but if you would like to be it you can be. No thanks.

Jim Janone - The residents should have a right to look over the documents for the court and I think the residents should be able to voice their opinion. There are a lot of unknown things that we don't know regarding the court. Can't your Council people on streets and roads look at trees instead of paying your Engineer? Leon is our Engineer and we need him for right of ways. Your Finance Committee should have caught that the Clean Communities items are taken from that account and not Admin O & E. Voucher 024 is that every month? No it depends on how busy he is. Voucher 020 and 021 what are they? Lien redemptions. For a house? Yes.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilman Holeman, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

April 24, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on April 24, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.

Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgpath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion was made to go out of the regular order of business so that our Finance Officer can answer any questions pertaining to the court. Motion made by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

The Mayor asked any Council members that have questions or comments to speak to the Finance Officer now. Councilwoman Montes said that the first paperwork we received from you compared to this one, this one is much worse. Yes. Originally I used Charlies documents and some of his were different from the audit because of timing issues. With the court, some items of revenue come in after the year ends. His reports were a little different so I went back and did it according to the audit.

Councilman Lorenzo asked were the Prosecutors pay is put? It is in the legal line item. Has it always been done like this? Yes. That is how Charlie had it set up. They are paid through accounts payable and not through payroll. That is why we don't have the employer costs for them. It is as if they are a private contractor. In the page you gave us I see a 0 amount but on the other page I see it in 2010. That was from 2009. The \$300 is under 2009. But it is under 2010. When it is spent in 2009 it goes into the audit as appropriated reserves of the following year. It was spent in 2009 but was not reported until 2010. I have no other questions.

Are there any other questions from the Council? There were no other questions. At this time Amy was able to leave the meeting. The Mayor asked Councilman Lorenzo if he was satisfied and he said he was fine.

Motion was made to go back into the regular order of business by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to accept the minutes of April 10, 2012 as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

CORRESPONDENCE:

Anderson & Denzler - Everyone has a copy of the letter from Leon Hall. I spoke about this at the last meeting and I stated at that time I was waiting to get something in writing back from Leon. There are 16 trees that need to come down at an approximate cost of \$32,000. Also the sidewalk repair that would have to be done is approximately \$6,200.00. The Mayor asked everyone to hold onto this paperwork for discussion at the next meeting.

Letter to American Legion in Dover - I sent a letter to the Legion asking them if they would participate in our Memorial Day Services this year. I have not heard back from them yet.

Coded Systems - I heard back from Coded Systems on the condification/update to our ordinance book. The last time we updated was back in 2004. It is time to update again. The cost is \$6,600 and this would be as a supplement to the book we now have. The Mayor asked everyone to bring this back to the next meeting also.

Motion to accept correspondence as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Are there any questions? Councilman Lorenzo asked about #040. This is for the dog waste receptacles. It is paid out of Clean Communities. Voucher 028 for Anderson & Denzler they have certifications on here. The voucher is signed by Carl Denzler. That is because he is the President of the company. His secretary always signs Carls name to the vouchers. Leon does the work for us. Stormwater certification? You have to do that every year. Attorney Feintuch said he is in the process of doing some storm water ordinances for us now. There were no other questions on the vouchers.

Motion to pay the bills by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
4 028	ANDERSON & DENZLER	ENGINEERING	017	\$2,149.00
4 029	A T & T	BLDG & GRDS OE	006B	59.75
4 030	VERIZON	BLDG & GRDS OE	006B	158.12
4 031	J.C.P.& L.	STREET LIGHTING	023	681.81
4 032	AMERIHEALTH	ADM & EXEC MEDIC	001C	6,661.67
4 033	ALCOA	ADM & EXEC MEDIC	001C	164.08
4 034	POSTMASTER	ADM & EXEC OE	001C	270.00
4 035	DAILY RECORD	PLANNING BD ADVE.	009	5.72
4 036	GOLUB ANIMAL	DOG WARDEN OE	012	727.00
4 037	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
4 038	HECTOR LORENZO	STREETS & ROADS S&W	008	1,253.12
4 039	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,148.08
4 040	BP BARCO PRODUCTS	ADM & EXEC OE	001C	2,253.65
				<u>\$16,557.00</u>
4 044	WALTER M. LUERS	LEGAL SERVICES	016	2,300.00
4 045	ROSA SANTIAGO	COURT	005A	75.00
				<u>\$18,932.00</u>
4 041	VERIZON (7539)	AID TO FIRE DEPT.	033	\$53.85
4 042	N.J.N.G.			271.20
4 043	VERIZON (7539)			81.28
				<u>\$406.33</u>

DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 4 permits issued for a total value of construction of \$9,100.

CLERKS RECEIPTS - Taxes	\$5,578.68
Dog Licenses	143.60
Food Licenses	50.00
Recycling	30.00
Total	\$5,802.28

MUNICIPAL COURT - ATS	105.00
VCCB	50.00
DMV	1,670.54
MUNICIPAL	2,100.46
OTHER	534.00
TOTAL	\$4,460.00

TAX COLLECTOR - Total Tax Receipts Month to Date:	12,294.16
Total Tax Receipts Year to Date:	372,331.37

REGISTRAR REPORT - 2 marriage licenses issued. Total collected \$28.00

CFO REPORT - Everyone has a copy of Amys report.

COMMITTEE REPORTS:

Councilwoman Cheatham - None.

Councilwoman Hall - None.

Councilwoman Hedgepath - I will be attending a meeting tomorrow for Community Development. I have to do a presentation. We did not get any funding this year. My presentation will be to the Freeholders.

Councilman Holeman - None

Councilman Lorenzo - None

Councilwoman Garcia Montes - We had the Easter Party. It went well. Councilwoman Hall did activities with the kids. Some of the Council people came and helped out. Councilpersons Holeman and Lorenzo stopped by.

Motion to accept the reports as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

NEW BUSINESS:

CLEANING OF THE FIREHOUSE AND DISCARDING FURNITURE - There was much discussion on cleaning the firehouse and what needs to be thrown out. The Mayor said she was at the firehouse twice. Once by herself and she looked at the sofa and there were bugs crawling in there so I called Debbe the next day and asked her to have Eddie and Hector go up there and throw out the sofa. The next day I went up there and Debbe and Councilman Holeman went with me. The Mayor asked Councilman Holeman if he got in touch with the fire department to let us know what they wanted. I have spoken to him but he hasn't gotten over here yet. There are paint cans in the bay and in the furnace room. Eddie and Hector need to get that paint and cleaning items out of there. The County is having a hazardous waste day on a Saturday and we need to have the DPW take that stuff down for us and get rid of it. We need a professional group to go in there and clean.

Attorney Feintuch said that you should give the Clerk the discretion to hire someone and set a fee for the cleaning. This way you don't have to get estimates or bid it out. The Clerk can already spend up to \$500 without it not having to come to Council.

A motion was made to have the Clerk spend up to \$1,000 to retain a cleaning company to come in and clean the firehouse. It is not necessary for her to come back to the Council for approval if it is under \$1,000. Motion made by Councilman Lorenzo, seconded by Councilwoman Hall. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

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NEW BUSINESS CONTINUED:

CLEANING FIREHOUSE AND DISCARDING FURNITURE CONTINUED - The Mayor also said we need to give Eddie and Hector permission to work on a Saturday to take the items to the County for Hazardous Waste Disposal Day on May 12 so we can get all those paints and cleaners out of the fire house.

Motion was made to authorize overtime for Eddie and Hector to take the paint and chemicals to the County on disposal day which is May 12, 2012 - a Saturday. Motion made by Councilwoman Hall, seconded by Councilwoman Montes. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Approval was also given for Eddie and Hector to throw out all the broken furniture and clean up all the mess in the firehouse and put all the garbage out to the curb.

The Clerk asked if Eddie and Hector just are going up there and throwing everything out that Dover doesn't want or is anyone on Council going up there before hand and putting stuff in a pile to get rid of? Councilwoman Hall and Councilwoman Cheatham will go up to the firehouse and look at what needs to be thrown out. Councilman Holeman will contact the Dover Fire Department so they can let us know what is theirs.

OLD BUSINESS:

COURT DISCUSSION/FINANCE OFFICER - The Mayor said that we had Amy here to discuss the finances with the court and Council was able to ask her any questions they had. So, what do we do next? Does Council want to let the public hear about this and have a meeting for the public or do you just want to vote on this?

Motion was made by Councilwoman Montes to have a flier go out to the residents letting them know that we are discussing moving our court to Dover and that they can come and give their opinions at our Council meeting on May 8, 2012. Motion was seconded by Councilwoman Cheatham. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	No
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	No
Councilwoman Garcia Montes	Yes

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - This report that you are looking at for the court is that the one I have? No. Did you get the agreement from Dover? Yes. I think you need to look at a lot of things before you make your decision about the court. Did we get a list from Dover yet as to what equipment they were taking and what they left us? I don't know. Councilman Holeman said yes we got the list. You just can't dispose of things that the taxpayers paid for. Do both men have to work the overtime that you were talking about? Yes, they need help.

Joan Cegelka - You are talking about cleaning the firehouse. Why don't you advertise for bids in the paper? There is a lot to doing specs and someone would have to write them up. It is not going over the bid threshold. I thought it would be much easier with bids.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

May 8, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on May 8, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo and Councilwoman Garcia Montes.

ABSENT: Councilwoman Hall.

Motion to accept the minutes of April 24, 2012 as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

CORRESPONDENCE:

COUNTY OF MORRIS DEPARTMENT OF PUBLIC WORKS - I received an answer back from my letter I sent them regarding the intersection work at Franklin Road and South Salem Street. They have no specific start date or end date at this time. They haven't begun to do anything until they hear back from Victory Gardens and Randolph to make sure they have backing from us on the project. They have not applied for any grants on this project.

Council will first have to decide if you want to do this project. Do you want us to apply for grants for our part? Or do you just want to hold off and see what happens? Randolph is not doing anything until they hear from us.

MORRIS COUNTY MUA - I sent a letter to the County which they asked I do. I had to list all the chemicals that were up there. They will tell me what items our men can bring to them and how much it will cost us to get rid of it. Just to give you an idea of what is up there there are 38 gallons of latex paint alone. That doesn't include all the other paints, thinners, and chemicals.

Motion to accept correspondence as received by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

VOUCHERS:

Are there any questions on the vouchers? No questions or comments on the vouchers.

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(Vouchers Listed on Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
5 000	J.C.P. & L.	BLDG & GRDS OE	006B	\$364.23
5 001	SHELL FLEET PLUS	STREETS & ROADS OE.	008C	713.27
5 002	N.J.N.G.	BLDG & GRDS OE	006B	460.00
5 003	VERIZON	BLDG & GRDS OE	006B	93.00
5 004	DOUGLAS CABANA	LEGAL SERVICES	016	250.00
5 005	JOHN CESARO	LEGAL SERVICES	016	200.00
5 006	PHILIP FEINTUCH	LEGAL SERVICES	016	1,833.33
5 007	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
5 008	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
5 009	ALCOA INFOLINE CTR.	ADM & EXEC MEDIC	001C	164.08
5 010	R.V.R.S.A.	MAY 2012	026	8,110.00
5 011	DOVER BD OF EDUC.	MAY TUITION	BOE	71,287.47
5 012	COUNTY OF MORRIS	TAXES	004	49,639.82
5 013	KONICA MINOLTA BUIS.	ADM & EXEC OE	001C	63.76
5 014	PHILIP FEINTUCH	LEGAL SERVICES	016	630.00
5 015	HECTOR LORENZO	STS & RDS S&W	008A	1,290.96
5 016	EDUARDO MARTINEZ	STS & RDS S&W	008A	2,212.32
5 017	RUBINETTI DISPOSAL	SANITATION	024A	7,529.00
5 018	MORRIS CTY MUA	RECYCLING	(R)	528.00
5 019	PHILIP FEINTUCH	LEGAL SERVICES	016	1,312.50
5 020	FWDSL & ASSOC LP	TAXES	004	1,323.90
5 021	FNA JERSEY BOI, LLC	TAXES	004	686.83
				\$149,017.47

5 022 J.C.P. & L. AID TO FIRE DEPT. 033 \$166.54

NEW BUSINESS: There is none on our agenda but the Mayor said she wants to know what Council wants to do regarding the letter from the County and the work on Franklin Road and South Salem Street. Do you want to move forward with this? Apply for grants? Or just wait?

Motion was made to apply for grants and see if we can get anything for our part of this project. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham. If we get grant money then we will move forward. If we don't get a grant we will see at that time what we will do. Roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

OLD BUSINESS:

CODED SYTEMS - Everyone has a copy of the proposal from Coded Systems on updating the ordinance book. This is for a pocket part to be added to the book. We are not getting the whole book redone. The cost is \$6,600.

Motion was made to proceed with the revisions to the code book. Motion made by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

OLD BUSINESS CONTINUED:

JOINT MUNICIPAL COURT WITH DOVER - The Mayor said she would like to open this discussion to hear what the public has to say.

Motion to open the meeting to the public on the court discussion only by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Attorney Feintuch said that just for the record, there was a notice that went around to the residents so everyone was aware that we were having this discussion tonight and they were invited to attend.

Joan Cegelka - I did find a couple of discrepancies in the cost of the court. I do have paperwork from your CFO that I will look over. How much is a tax point. The Mayor said she believes a tax point is \$7,500. It might be less. So what we are losing in our court isn't even a tax point for 2011? Correct. By keeping the court in our town it is a service to our people.

Jim Janone - I looked over data and the financial stuff and the cost of doing business with the court has dropped. You should take that into consideration. It might be the wrong thing to do by jumping on board with the court. I asked your Court Clerk what is the makeup of the people coming to court and she said it is split about 50 -50.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Mayor Simmons told the Council we are not voting on this tonight but she would like to hear any questions or comments the Council may have. I want a full quorum to vote on this. There were no questions from the Council. Councilwoman Cheatham said she spoke with a few people and they said to keep the court here. Councilman Holeman said he thinks the court should go to Dover because we aren't guaranteed we will have income coming in from the court for as much as we have had in past years. Also, our people and anyone who gets a ticket in Victory Gardens have to wait a week to see Sonia. If we go with Dover then they can be taken care of right away. Councilwoman Montes said she feels we should keep our court here. No other Council person voiced an opinion. Be ready to go at the next meeting the Mayor said so we can vote on this.

BOARD OF HEALTH CONTRACT FOR THE YEARS 2013, 2014, & 2015 - You have three contracts in front of you. Madison, Rockaway Township and Mount Olive. Has everyone looked this over? If you have lets discuss. If you haven't looked this over then there is no sense in moving forward.

Councilwoman Montes said she looked her packet over. Councilwoman Hedgepath said she looked it over and it appears that Rockaway Township is offering the best. Councilwoman Cheatham said she hasn't looked over the whole thing yet. Councilman Holeman said he didn't look over all of them yet. Councilman Lorenzo said he never got the package. The Clerk said she gave the packet to everyone after the last meeting. I personally handed it to everyone.

The Mayor said we can't move forward on this because everyone has not looked this over. We have to give Madison 6 months notice if we are not going to go with them for the next contract.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - Did you contact several towns about the Board of Health contract? Yes. Are these the same towns you ask every year? No. There are several towns that already contract out with a different town. Did you try Dover? Yes. They contract with Randolph. Did you try Randolph? Yes, they didn't want to be bothered. Are you sure Dover and Randolph are together? I think that is what I was told it could be someone different but I am sure it was correct. Dover has their own BOH. Yes, so do we but we always contract out with Madison. Voucher #014 for the Attorney what was this for? A GRC complaint. This is a final bill. The dog receptacles that were put up look good.

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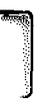
Motion to close the meeting to the public by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk



May 22, 2012

The regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on May 22, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.

Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilman Holeman, Councilwoman Garcia Montes.

ABSENT: Councilwoman Hedgepath and Councilman Lorenzo.

Motion to accept the minutes of May 8, 2012 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Abstain
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

CORRESPONDENCE:

None at this time.

VOUCHERS:

Are there any questions on the vouchers? No questions. Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
5 023	J.C.P. & L.	STREET LIGHTING	023 -	\$681.85
5 024	DAILY RECORD	PLANNING BD	009C	6.24
5 025	OFFICE CONCEPTS	ADM & EXEC OE	001C	58.86
5 026	LIBERTY MUTUAL	ENGINEERING	017	558.75
5 027	ANDERSON & DENZLER	ENGINEERING	017	1,784.00
5 028	GOLUB ANIMAL HOSP.	DOG WARDEN	012	160.00
5 029	VERIZON	BLDG & GRDS OE	006B	95.60
5 030	HORIZON BC BS	ADM & EXEC MEDICAL	001C	673.68
5 031	DOVER AM LEGION	PUBLIC RELATIONS	030	100.00
5 032	AMERIHEALTH	ADM & EXEC MEDICAL	001C	6,661.67
5 035	HECTOR LORENZO	STREETS & ROADS S&W	008A	1,408.32
5 036	EDUARDO MARTINEZ	STREETS & ROADS S&W	008A	2,413.44
				<hr/>
				\$14,602.41
5 033	VERIZON	AID TO FIRE DEPT.	033	\$53.63
5 034	N.J.N.G.			135.42
				<hr/>
				\$189.05

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DEPARTMENT REPORTS:

The Clerk said Lorenzo had the reports locked in her desk and she did not give them to her for tonights meeting. The Mayor said we will do them at the next meeting.

COMMITTEE REPORTS:

Councilwoman Cheatham - No report.
Councilwoman Hall- No report.
Councilman Holeman - No report.
Councilwoman Garcia Montes - No report.

NEW BUSINESS:

STORM WATER MANAGEMENT ORDINANCE - The Clerk said there are 3 ordinances that we need to introduce tonight. These ordinances are mandated by the State for us to do.

**AN ORDINANCE PROVIDING FOR THE MANAGEMENT OF
STORMWATER AND STORM SEWER SYSTEMS INCLUDING
A PORTION OF WHICH ADDRESSES PRIVATE STORM
DRAIN INLETS**

Motion to introduce the ordinance by Councilwoman Montes, seconded by Councilwoman Cheatham. There were no questions on the ordinance. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

**AN ORDINANCE ENTITLED HEALTH AND SANITATION
INCLUDING AN ARTICLE ENTITLED "REFUSE
CONTAINERS AND DUMPSTERS"**

Motion to introduce the ordinance by Councilwoman Montes, seconded by Councilwoman Cheatham. Any questions from the Council? Councilwoman Montes asked about #4 part c - individual residential homeowner trash and recycling containers. Is this an exception that people putting out garbage do not have to put a lid on their cans? Yes, that is what it means. The Clerk has a question for the Attorney. I know this ordinance makes the businesses put lids on their dumpsters, but what about our dumpsters that are in the parking lot? We don't have lids on them. The company that put the containers there didn't give us ones with lids. What do we do about that? Does this mean our garbage haulers will have to supply lids?

The Attorney said that you have to read both paragraph 3 and 4 as they go together. It states any person, we are a Borough not a person.

Councilwoman Hall asked if this was for garbage? Our dumpsters here only carry cardboard and recycling? It isn't garbage.

Attorney Feintuch said we could put the language in here that says any person, with exception of the Borough. The Clerk will have to add that to the Ordinance before she has it published.

The motion was amended to reflect the language that the Attorney added in paragraph 3 under Prohibited Conduct. The wording adding "with exception of the Borough". Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

**AN ORDINANCE ENTITLED "OUTDOOR
APPLICATION OF FERTILIZER"**

Motion to introduce the ordinance by Councilwoman Montes, seconded by Councilman Holeman. Any questions? The Clerk asked how we enforce this? We have problems with enforcement. It will be on the books because the state says we have to do this. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS:

VOTE FOR HEALTH CONTRACT FOR THE YEARS 2013, 2014 & 2015 - All Council was given the paperwork on the contracts a month ago. Everyone has had the chance to look everything over. After minor discussion, Council agreed to go with Rockaway Township for the Health Contract.

Year 2013	\$22,000.00
Year 2014	\$22,440.00
Year 2015	\$22,889.00

Motion to approve the contract with Rockaway Township for the three years for Health Services was made by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

VOTE ON MUNICIPAL JOINT COURT WITH DOVER - Mayor Simmons said we are holding off on this matter. I would like to have a full quorum present when we do this vote. This will be held off until our next meeting.

LEON HALLS LETTER REGARDING REMOVAL OF TREES AND REPAIRING SIDEWALKS - Everyone has a copy of the letter. Council agreed that the work needs to be done. Before approval is given to have Leon go to bid the Attorney mentioned that we should check the State contracts to see if they have someone that cuts trees. We will hold off on this until we hear back from the Clerk on the State contract.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

James Janone - Can the public have copies of the court agreement so we can look it over before your next meeting? The Attorney said we will have copies available. Does it say how often Rockaway Township will be here for our residents? They will come as we need them. If that is everyday then they will be here. As far as the ordinance with the covering of dumpsters, you can request a cover for your dumpsters from the company. How can you exempt yourself from what the state is saying has to be in the ordinance? You can adjust the ordinance the Attorney said. The State gives us guidelines. We follow the guidelines. Voucher 5026 what is this for? Escrow monies that are due back to Mr. DiSpoto. #5030 for BC/BS. Who is this for? Lorenza. Why do you pay that? She was full time and when she went to part time the Borough agreed to pay her insurance.

Joan Cegelka - Dumpsters at the mini mall are opened at times. I take pictures when they are open. Did you say that residents do not have to put lids on their garbage? That is what the new state ordinance states. I think we have an ordinance that says we do need lids on our garbage cans. There are a lot of people that put their garbage out in just bags. You have a BOH that can write this up. The Attorney said he will look at the ordinance. I don't know if it says that trash has to be put in a receptacle.

Ryme Sherbatol - 169 Washington Avenue - We just moved here and bought the house and there is a big tree in front of our house where a branch fell on our house. I came here and spoke about the limb and they sent someone up to look at it. We are looking at that tree in front of your house. The limb you will have to take care of. We will be taking care of that tree. We have another tree in the back yard that I don't know if it is ours or the town. We will check it out and let you know.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Submitted By:



Deborah Evans
Borough Clerk

June 12, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on June 12, 2012.

Mayor Simmons called the meeting to order and declared a quorum present. Pledge of Allegiance to the Flag of Our Country. Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None.

Motion to accept the minutes of May 22, 2012 as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. Councilman Lorenzo abstained.

CORRESPONDENCE:

FOGARTY & HARA - This letter is to the case manager at the Appellate Division in Trenton.

On 9/22/11 the NJ Supreme Court filed an Order granting Appellants Petition for Certification, vacating the decision of the Appellate Division and summarily remanding the matter to the Appellate Division to consider on merits. You previously advised that no further briefing was requested and that the matter was sent to disposition, which would result in a new appellate opinion. Kindly advise us of the status of this matter.

Attorney Feintuch said that months ago Attorney Fogarty made application to the Supreme Court to review this case. For the Supreme Court to do that was really unusual. The Supreme Court must have felt that there were insufficient facts developed at the Appellate level or they didn't consider certain facts at the Appellate level. Instead of hearing the appeal they sent it back to the Appellate Division for a conditional review.

This doesn't mean they are going to change their opinion, it means they will re-examine the case based upon the documents that have already been filed. They will make a new decision. It could be the same decision or it could be changed.

The Clerk said to let everyone know the DPW men took all the paints, thinners and whatever other chemicals were at the firehouse to the County for disposal. There is a voucher in tonight for the County for \$151.25 for what it cost us to get rid of the items.

Also, the firehouse has been cleaned. The low bidder was Capital Contractors with a low bid of \$495.00 . It was cleaned on 6/1/12. There is a voucher in for tonight. They did a good job.

Motion to accept and put on file the correspondence by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Councilwoman Montes asked what voucher was for the Cleaning of the Firehouse? It was voucher #027 to Capital Contractors.

There were no other questions on the vouchers.

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

(Vouchers On Back)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
6 000	POST OFFICE	TAXES OE	003B	\$112.00
6 001	DOUGLAS CABANA	LEGAL SERVICES	016	250.00
6 002	JOHN CESARO	LEGAL SERVICES	016	200.00
6 003	PHILIP FEINTUCH	LEGAL SERVICES	016	1,833.33
6 004	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
6 005	ALCOA INFOLINE	ADM & EXEC MEDICAL	001C	164.08
6 006	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
6 007	DOVER BD OF EDUC.	JUNE TUITION	BOE	71,287.47
6 008	SHELL FLEET PLUS	STS & RDS OE	008C	551.45
6 009	HANDYMAN	STS & RDS OE	008C	38.95
6 010	WELLS FARGO	TAXES	003B	793.05
6 011	MC MUA	RECYCLING	(R)	151.25
6 012	DIV. OF ALCOHOL BEV	ADM & EXEC OE	001C	6.00
6 013	RUBINETTI DISP.	SANITATION	024A	7,529.00
6 014	N.J.N.G.	BLDG & GRDS OE	006B	460.00
6 015	A T & T	BLDG & GRDS OE	006B	47.14
6 016	VERIZON	BLDG & GRDS OE	006B	159.99
6 017	DAILY RECORD	ADM & EXEC OE	001D	373.52
6 018	ROSA SANTIAGO	COURT	005A	75.00
6 019	USHER PUBLISHING	DOG WARDEN OE	012B	395.00
6 020	MC REGISTRARS	ADM & EXEC EDUC.	001E	25.00
6 021	R.V.R.S:A.	JUNE SERVICE	026	8,110.00
6 022	GERALD FLATT	DOG WARDEN	012B	540.00
6 023	J.C.P.& L.	BLDG & GRDS OE	006B	350.99
6 024	HENRY O. BAKER	INSURANCE	018	4,697.00
6 025	HENRY O. BAKER	INSURANCE	018	456.00
6 026	HOME DEPOT	BLDG & GRDS OE	006B	278.10
6 027	CAPITOL CONTRACTORS	BLDG & GRDS OE	006B	495.00
6 028	HECTOR LORENZO	STREETS & ROADS S&W	008A	1,290.96
6 029	EDUARDO MARTINEZ	STREETS & ROADS S&W	008A	2,212.32
6 030	MGL PRINTING SOL.	TAXES	004	352.25
				<hr/>
				\$103,559.85
6 031	MORRIS CTY MUA	RECYCLING	(R)	\$756.00
6 032	DOVER WATER	BLDG & GRDS OE	006B	22.10
6 033	GOLUB ANIMAL	DOG WARDEN	012B	538.00
6 034	ANDERSON & DENZLER	ENGINEERING	017	998.50
6 035	VERIZON	BLDG & GRDS OE	006B	91.40
				<hr/>
				\$2,406.00
				<hr/>
				\$105,965.85
				<hr/>
6 036	J.C.P.& L.	AID TO FIRE DEPT.	033	\$131.95
6 037	VERIZON			81.32
6 038	DOVER WATER			125.52
6 039	VERIZON			55.35
				<hr/>
				\$394.14

DEPARTMENT REPORTS:

The Clerk we didn't do these reports at the last meeting so the Mayor wanted them on for tonight.

Building Department - 3 permits issued for a total value of construction:
\$3,700.00

Clerks Receipts	- Taxes	\$11,234.54
	Sewer	1,304.42
	Total	\$12,538.96

Municipal Court	- ATS	80.00
	DMV	2,055.53
	MUNICIPAL	822.47
	OTHER	18.00
	TOTAL	\$ 2,976.00

Tax Collector	- Total Tax Receipts Month To Date:	71,289.44
	Total Tax Receipts Year To Date:	443,620.81

Registrar - 2 marriage licenses issued for a total collected: \$56.00

Motion to accept and put on file the reports by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

NEW BUSINESS:

**Borough of Victory Gardens
Sears Business Card Authorization
Resolution #**

WHEREAS the Borough would be able to purchase sale items and consolidate trips for needed items by purchasing items at one store for discount prices for a savings to the Borough; and

WHEREAS the Borough would authorize the issuance of a Sears Business Card with a maximum limit of purchases set at \$1,000; and

WHEREAS the authorized signers on the card would be the Road foreman and the Clerk.

NOW, THEREFORE, BE IT RESOLVED by the council of the Borough of Victory Gardens authorization is granted for the issuance of a Sears Business Card with a \$1,000 limit with Eduardo Martinez (Road foreman) and Deborah Evans (Clerk) as authorized signers on the card.

NEW BUSINESS CONTINUED:

The Clerk said Amy did the Resolution for us. I spoke with Bill Schroeder and he said it was okay to do the Resolution. If it is a store card you can do a Resolution as long as it states an amount that you have a limit for and who is allowed to purchase. Both these items are in the Resolution that everyone has a copy of.

Motion to approve the Resolution by Councilman Holeman, seconded by Councilwoman Hall. Are there any questions? How long has it been since we used the old Sears card? Years. We haven't used it and they cancelled it out. Is Sears a good place to shop? Yes, the tools are guaranteed. You can also use the card at K-Mart. What about getting a different card where you can use anywhere? Then we would have to get a Procurement Card. Bill Schroeder said to go with the store card and then we don't have to go through the whole other process.

There is a \$1,000 limit is that a month? It is the limit at any time. You can't charge more than \$1,000. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS:

LEON HALLS LETTER REGARDING TREES - The Clerk said that there is a State contract for tree removal. However, Leon contacted two companies from the list and he met with them. We received one bid of \$33,000. We are asking for quotes from local companies to see what they would come in at. They are much less than the State contracts so we may be able to get quotes. The bid threshold is \$17,500. We are waiting to see what the other State contractor will charge.

We have one quote from Master Tree at around \$19,000. We also have Johnnys Tree Service that came in around \$17,000. Do we need another quote? Yes, we should get another one. We do have three.

The Clerk said that even though we have the money in Capital, we have to do an Ordinance to release the money from the Capital Improvement Fund. So no matter what it may take about a month anyway to do the Ordinance. I will have the Ordinance ready for the next meeting.

Council said they would wait for the next meeting.

JOINT COURT WITH DOVER - The Mayor said we have been going over this for some time. We had our public hearing on this. I have been waiting to get a full Council here and we have one tonight. We need to make a decision on this tonight so what is Council wanting to do?

Motion was made to join the joint municipal court with the Town of Dover. Motion made by Councilman Holeman, seconded by Councilwoman Hedgepath.

There were no questions from the Council on the joint court with Dover. The motion has been made and seconded. Roll call:

Councilwoman Cheatham	No
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	No
Councilwoman Garcia Montes	No

There is a tie vote so the Mayor will have to break the tie. Mayor Simmons voted yes to turn the Court over to the Town of Dover. The Clerk will contact the Town of Dover and move this forward for July 1. Notify everyone in our court of the vote.

Motion to open the meeting to the public by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Joan Cegelka - Joan asked questions about court costs that are in addition to what is in the contract? Is there more insurance? We have insurance and we will keep that. There is only one policy. We would name them as an additional insured. What is the reason you are going with Dover? It is cost effective. Every year will be different as we know from the paperwork we had from our records. If we don't like it after we go with Dover we can get out of it. Sonia will now be safe and won't be by herself anymore in the building. Plus our people will have access to Sonia 5 days a week instead of just Tuesday evenings. You say you are trying to save money but you are still paying a salary for a no show job since 2003. Which job is a no show? The welfare director. That salary has been paid to Debbe and it started out at \$5,200 in 2003. What does this have to do with court?

Public Comment Continued:

Joan Cegelka Continued - No, what I am saying is that you are talking about saving money but here you are paying this money out and the Welfare job was sent to Morristown. Council can address that if they so choose.

Jim Janone - Is it true that Debbe is getting paid for a job that is no longer here? Would you like clarification the Clerk asked? Maybe after the meeting Mr. Janone said. The Clerk said she would like to put it on the record. Regarding the court - how is the capital expenditure going to be shared by everyone.

If Dover decides they want to add onto the court and put it upstairs, how much do we have to pay? If Dover comes with any big jobs that are going to be done and we have to put out as much as the other towns, then we will get out of the agreement. Did Greg Stafford send a report in? No. We will send him a letter letting him know we need a report on a monthly basis. I have a picture regarding storm drainage and the flood on Franklin Road. This happens often. Debbe has asked Leon if there is map of the underground storm system. He hasn't found anything yet. For these trees if you go out to bid are they sealed bids? Yes.

Motion to close the meeting to the public by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

The Clerk said before the meeting gets closed she wants to mention one thing that should have been said earlier in the meeting. I talked to the State about the 3 Stormwater Ordinances that we introduced at our last meeting. There was one of the ordinances that had to do with refuse dumpsters. We had added an extra piece in the ordinance which was the way it was advertised. The State said we can not add that wording. The Borough is no exempt from this ordinance. I also found out that the containers we have at Borough Hall in our parking lot are containers and not dumpsters. So this really has nothing to do with the Borough and the containers we have.

I need to do an addendum for the paper before our next meeting so that the ordinance is correct upon adoption. Are there any questions from the Council about this? No questions.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

June 26, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on June 26, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hegepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Mayor Simmons asked the Council to go out of the regular order of business for John Anderson from JCP & L who is here tonight to go over some information for the Council regarding recent power outages and what JCP & L has done to help correct those problems.

Motion to go out of the regular order of business by Councilwoman Hall, seconded by Councilman Holeman and approved on verbal vote. None opposed.

John Anderson from Jersey Central Power & Light - I am the area manager for JCP & L. I want to update you on several communication updates from the Irene event and the October snowstorm. At one time we reported outages by zip code. Now are now doing outages by tax district. Our outage information is now available for everyone by going on our companys website. firstenergycorp.com then go to public utilities and click on JCP&L. The information is updated at real time. A resident will still have to call in a power outage. If you don't call in we will not know that you have no power. We can send out blasts emails now instead of by fax. I can add your email addresses to our data base so as I send out information you will also get that. Give your information to Debbe and she will get it to me. Obviously, if you have no power you will not be able to view this information unless it is on your phone. We do have a new phone system in our office in Morristown. We have an 800 phone system. There will be no busy signals and no drop calls. The 800 number that I am talking about is the contact number that we will give the officials of the town. Customers will still have to call the number that is on the electric bill to report an outage. We can send information to your smart phones also. How many grids are in this area? There are several sub stations. You can have 4 to 8 circuits at a substation. Within this part of Morris Country you have 4. We can close switches and run power through another area. Most of this is how your power is routed from the sub station to your home. Typically, the closer you are to the sub station is the more reliable your power will be.

I was speaking to Debbe earlier in the day and we had a problem on Polk Avenue. It turns out is was an outage due to vandalism. Debbe and Councilman Holeman provided a thorough list of areas in Victory Gardens where there was damage done from trees. We came out with tree crews and cut back all the areas they told us about and we also removed a huge tree at 89 Monroe which has been causing problems for years. We had so many damaged trees and limbs after the October snowstorm that even months after we still have problems with trees and limbs. At this time, Victory Gardens should be in good shape.

What about the substation on Morris Street? Is that complete? Yes, that is done. About 2 years ago there was an extended outage in July where there was a lot of damage out of the Morris Street substation. We brought in a mobile substation for a while but now all that equipment has been replaced and the substation is back to it normal configuration.

The Mayor thanked Mr. Anderson for his time and the updates. I have some handout for tips for power outages.

Motion to go back into the regular order of business by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Motion to approve the minutes of June 12, 2012 as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE:

RVRSA - We have a letter telling us that the Executive Director of the RVRSA, Ed Ho has resigned and they have accepted his resignation.

Letter to Greg Stafford - Asking him to forward monthly reports to us for the work he is doing. I did not a report for tonight.

Letter to Judge Bowkley, Prosecutor Cabana and Public Defender Cesaro - I thanked them for their years of service to the Borough and let them know that June 25, 2012 was our last court date for Victory Gardens.

Letter from Attorney Greb - This is in regards to Mr. DiSpoto/Liberty Mortgage. He is saying that they are requesting an audit of the escrow fees for his property. I gave Amy a copy of the letter so she can give a breakdown on the escrow fees to Mr. Greb after she goes over everything with Barrie.

Motion to accept the correspondence as received by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Mayor Simmons asked if anyone had any questions on the vouchers? The vouchers for Sunnyside what is that for? Every year we do the Memorial Day services and that is for the cost of the wreath Councilwoman Montes said.

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
6 040	DOVER POST MASTER	ADM & EXEC OE	001C	\$450.00
6 041	A T & T	BLDG & GRDS OE	006B	43.88
6 042	DAILY RECORD	ADM & EXEC ADVERT	001D	19.24
6 043	M.C.LEAGUE OF MUN	ADM & EXEC OE	001C	50.00
6 044	AMERIHEALTH	ADM & EXEC MEDICAL	001C	6,661.67
6 045	VERIZON	BLDG & GRDS OE	006B	158.49
6 046	J.C.P.& L.	STREET LIGHTING	023A	670.23
6 047	PHILIP FEINTUCH	LEGAL SERVICES	016	1,225.00
6 048	MGL SOLUTIONS PRINT	TAXES	003B	302.00
6 049	SUNNYSIDE FLORIST	PUBLIC RELATIONS	030	82.00
6 050	M.C. TC/TA NJ	TAXES	003B	20.00
6 051	HOME DEPOT	BLDG & GRDS OE	006B	59.31
6 052	HECTOR LORENZO	STREETS & ROADS S&W	008A	1,173.60
6 053	EDUARDO MARTINEZ	STREETS & ROADS S&W	008A	2,011.20
6 054	SHELL FLEET PLUS	STREETS & ROADS OE	008C	615.46
				\$13,542.08
6 055	VERIZON	AID TO FIRE DEPT.	033	\$82.46

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

DEPARTMENT REPORTS:

Building Department - 3 permits issued for a total value of construction \$3,600.

Clerks Receipts - Taxes	\$57,804.69
Sewer	50.00
Food Licenses	50.00
Dog Licenses	48.40
Total	\$57,953.09

Municipal Court - ATS	70.00
VCCB	100.00
DMV	632.46
MUNICIPAL	450.54
OTHER	764.00
TOTAL	2,017.00

Tax Collector - Total Tax Receipts Month To Date:	\$336,948.21
Year To Date:	\$780,569.02

Registrar - 2 marriage licenses issued for a total collected: \$56.00

Finance Report - Everyone has a copy of Amys report.

COMMITTEE REPORTS:

Councilwoman Cheatham - No Report.

Councilwoman Hall - No Report.

Councilwoman Hedgepath - No Report.

Councilman Holeman - No Report.

Councilman Lorenzo - Someone stole one of our garbage cans on the corner of Monroe and Washington Avenue. Our road department will replace it. How could someone steal that? They just sit there. They aren't cemented in. They are heavy. They are metal.

Councilwoman Garcia Montes - No Report.

Motion to accept all reports by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

NEW BUSINESS:

See Following Page

RESOLUTION

WHEREAS, the hereinbelow names have duly filed application for renewal of their Alcoholic Beverage License for their respective premises as shown for the year July 2012 to June 30, 2013

WHEREAS, no objections have been received from the public; and

WHEREAS, the required fees have been paid and all premises have been inspected and approved except as otherwise noted, by the Board of Health and the Bureau of Fire Prevention; and

NOW, THEREFORE BE IT RESOLVED BY THE Mayor and Council of The Borough of Victory Gardens that the said application be approved; and that the respective license be granted; and

BE IT FURTHER RESOLVED that in those cases where the inspectors of the different agencies of the Borough of Victory Gardens have found violations, the licensee shall comply and correct said violations within the time specified in the reports by the various agencies.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to issue license certificates accordingly.

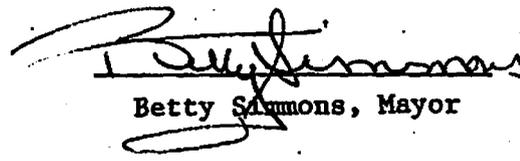
PLENARY RETAIL CONSUMPTION LICENSES

1437-33-002-002

SOUTH SALEM INC. T/A THE SHOW PLACE
347 SOUTH SALEM STREET
VICTORY GARDENS, NEW JERSEY 07801

ADOPTED: _____

BOROUGH OF VICTORY GARDENS


Betty Simmons, Mayor

ATTEST:

Lorenza M. Bly

I, hereby certify the foregoing is a true and exact copy of a Resolution adopted by the Mayor and Council at a meeting held _____.

Lorenza M. Bly
Deputy Borough Clerk
Secretary to A.B.C.

NEW BUSINESS CONTINUED -

Liquor License Approval for Plenary Retail Consumption Licenses for South Salem Inc, t/a The Show Place -

Motion to renew the liquor license for the Show Place. Motion made by Councilwoman Hall, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	No

RESOLUTION

WHEREAS, the hereinbelow names have duly filed application for renewal of their Alcoholic Beverage License for their respective premises as shown for the year July 2012 to June 2013

WHEREAS, no objections have been received from the public; and

WHEREAS, the required fees have been paid and all premises have been inspected and approved except as otherwise noted, by the Board of Health and the Bureau of Fire Prevention; and

NOW; THEREFORE BE IT RESOLVED BY THE Mayor and Council of The Borough of Victory Gardens that the said application be approved; and that the respective license be granted; and

BE IT FURTHER RESOLVED that in those cases where the inspectors of the different agencies of the Borough of Victory Gardens have found violations, the licensee shall comply and correct said violations within the time specified in the reports by the various agencies.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to issue license certificates accordingly.

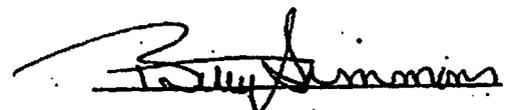
1437-44-001-003

PLENARY RETAIL DISTRIBUTION LICENSE

POPULAR INC. t/a LAKELAND LIQUORS
301 SOUTH SALEM STREET
VICTORY GARDENS, NEW JERSEY 07801

ADOPTED: _____

BOROUGH OF VICTORY GARDENS


Betty Simmons, Mayor

ATTEST:

Lorenza M. Bly

Liquor License Renewal for a Plenary Retail Distribution License for Popular Inc, t/a Lakeland Liquors. Motion to approve the liquor license for Lakeland Liquors by Councilwoman Hall, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

**BOROUGH OF VICTORY GARDENS
ORDINANCE NO.**

CAPITAL ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALKS ON WASHINGTON AVENUE AND NECESSARY TREE REMOVAL TO ENSURE PROPER SIDEWALK REPLACEMENT BY THE BOROUGH OF VICTORY GARDENS IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$50,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH TO PAY FOR THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF VICTORY GARDENS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 2 of this capital ordinance is hereby authorized to be undertaken by the Borough of Victory Gardens, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of \$50,000 from the capital improvement fund of the Borough.

Section 2. (a) The capital improvement hereby authorized and the purpose for the use of the capital improvement fund is to replace sidewalks on Washington Avenue and resultant tree removal to accomplish proper sidewalk replacement. necessary therefor or incidental thereto.

Section 3. The capital budget of the Borough of Victory Gardens 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 Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect immediately after final adoption in accordance with applicable law.

NEW BUSINESS CONTINUED:

CAPITAL IMPROVEMENT ORDINANCE CONTINUED - Motion was made to approve the Ordinance for sidewalk and tree removal. Motion made by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

TWO NEW MEMBERS TO PLANNING BOARD - Mayor Simmons said she has two residents that wish to come on our Planning Board. I would like to appoint them tonight with Councils approval. They are Kenneth Diehl and Hector Lorenzo, Jr..

Motion was made to appoint Kenneth Diehl to the Planning Board. Motion was made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Motion was made to appoint Hector Lorenzo, Jr. to the Planning Board. Motion was made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS:

TREE ESTIMATES - The Mayor said we have 4 estimates. The Clerk said we also received an amended estimate from one of the services. Read us the names of the companies and the amounts they quoted.

1. Johnnys Tree Serice, LLC	\$16,000.00	
2. Master Tree Service, Inc.	\$15,800.00	
3. Rich Tree Service	\$33,000.00	State Contract
4. Tuff Greens, LLC	\$38,362.50	State Contract

Councilwoman Hall asked why Master Tree Service changed at such a late time? I don't know the Clerk said. Councilwoman Montes said because their bid originally was for 16 trees and now it is for 15 trees. What was their amount before they went down Councilwoman Hall asked? The Clerk said we had an estimate from Master Tree for \$16,800 and the one that came in tonight was for \$15,800. Both those estimates were for 15 trees. Are they all for 15 trees? Yes. How many trees were in the beginning Councilman Lorenzo asked? Originally it was for 16 trees. Leon Hall went out and remeasured one of the trees because he thought it was much too close to the house to be the Boroughs. When it was remeasured it turned out to be a homeowner tree and it was removed from the list.

Attorney Feintuch said one of the ones he looked out it says something about not removing the roots. I don't know if all the contractors are aware of that or not. Johnnys Tree says 15 trees with stump grinders. Remove the wood and clean up. Master Tree says 15 trees with stump grinders. Does not include grinding of roots or root chasing. Remove grindings.

Rich Tree Service says 15 trees. Grind stumps and remove grindings.

Tuff Greens says 15 trees with stumps grinded and excess chips removed.

OLD BUSINESS CONTINUED:

TREE ESTIMATES CONTINUED - None say nothing about roots. The Clerk said that she believes Leon Hall said that when the sidewalk work is done that will be included in the proposal for the sidewalks. The first thing to do was get the trees out of the way.

The Attorney said we should get a clarification from the Engineer on that. The Mayor said then that might change everyones bid. The Mayor asked what the Council wants to do. We need clarification. Leons original letter is what was given to the companies. Leons estimations were crossed off. Councilwoman Hall suggested contacting the Engineer and seeing if there would be an extra costs for root removal and if so what would it do to the estimates we received.

We will get the information from the Engineer and see if anything changes. We should be able to move on this at the next meeting.

STORM WATER ORDINANCES/PUBLIC HEARING/ADOPTION -

- 1. AN ORDINANCE PROVIDING FOR THE MANAGEMENT OF STORMWATER AND STORM SEWER SYSTEMS INCLUDING A PORTION OF WHICH ADDRESSES PRIVATE STORM DRAIN INLETS
- 2. AN ORDINANCE ENTITLED OUTDOOR APPLICATION OF FERTILIZER
- 3. AN ORDINANCE ENTITLED HEALTH AND SANITATION INCLUDING AN ARTICLE ENTITLED REFUSE CONTAINERS AND DUMPSTERS

Motion was made to open the meeting to the public on the ordinances only. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - How will enforcement be done on the ordinance for fertilizer? We can't enforce unless someone complains. Storm water sewer systems does that cover private as well? The Attorney said it is all covered. Do we have a copy of the condos or apartments storm water plans? No. We can notify them and ask for a copy of their plans. When was the last time this was updated? What you have is a copy of an old ordinance that was on our books. This is an update that the State is doing. All these State Ordinances are updates to what we have on the books now.

Valerie Williams - I picked up minutes from 5/22. I am concerned about the refuse container ordinance. Why would you pass an ordinance that says you don't have to put lids on refuse containers? It says on page 2 Section 4 line c.

No other comments from the public. Motion to close the meeting to the public on the ordinances by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

AN ORDINANCE PROVIDING FOR THE MANAGEMENT OF STORMWATER AND STORM SEWER SYSTEMS INCLUDING A PORTION OF WHICH ADDRESSES PRIVATE STORM DRAIN INLETS

Motion to adopt the Ordinance by Councilman Holeman, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

AN ORDINANCE ENTITLED OUTDOOR APPLICATION OF FERTILIZER

Motion to adopt the ordinance by Councilman Holeman, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS CONTINUED:

STORM WATER ORDINANCES CONTINUED -

AN ORDINANCE ENTITLED HEALTH AND SANITATION
INCLUDING AN ARTICLE ENTITLED REFUSE CONTAINERS
AND DUMPSTERS

Motion to adopt the ordinance by Councilwoman Cheatham, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Jim Janone - When are ordinances being codified? It is in the process of being done now. We should be getting a draft soon. Stormwater plan doesn't show direction of flow or interconnects. What is voucher #6047 for? Billing for litigation for RVRSA. When is the last time we did cameras for the sewer system? We don't examine these things until there is a problem. Do you know when the storm water lines were checked? I don't know. That would be something Leon would have to answer. Also, any roots or things like that - that is for the company doing the sidewalks. The tree people are only cutting the trees and grinding the stumps. That is what I said earlier the Clerk stated.

Valerie Williams - I have questions and will you answer them as I go so they will be part of the minutes? You have 5 minutes. If you want us to answer them during your time we will. When is the new Master Plan coming into affect? We did it in 2008 so we will be updating again between 6-8 years. Why weren't the street scapes identified by the Municipal Engineer? If it is in the Master Plan that is something for the Planner to do. Is the Animal Control Officer identified as a Code Enforcement person? Yes. He enforces the animal control ordinances and has the power to write tickets. Who keeps the files for the Code Enforcement Officers? They do. Has the Joint Court papers been signed yet? Not yet. We are waiting for papers from Dover. We will sign them once we get them. It is effective as of July 1, 2012. What levels of enforcement will the DPW workers have for the stormwater ordinances you just did? They won't. They will report if something is wrong and then it will be turned over to the appropriate person. Code enforcement officers will be listed when we update our ordinance for property maintenance. That is one thing I talked about before the Clerk said. It is in our notes. They will be included by title. Can I get a copy of the Master Agreement from Dover Joint Court? Yes. Liason for DPW is Councilman Holeman and Councilman Lorenzo.

Joan Cegelka - How is the capital expenditure going to be shared for the joint court? Everything is coded. We don't know all the information. Will we be charged any additional insurance costs? There will be done. We are keeping our policies in force. What lawsuit are you being paid for? RVRSA.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans
Deborah Evans
Borough Clerk

July 10, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on July 10, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo.

ABSENT: Councilwoman Garcia Montes.

Motion to accept the minutes of June 26, 2012 as received by Councilwoman Cheatham, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE:

Letter Sent to Resident on Coolidge Avenue - Our maintenance men were having trouble picking up brush and branches that this person was putting out. They weren't cut up and tied and I sent the letter asking him to do so. other wise the items would not be picked up.

Sent Memo to Sonia Barria - For all her hard work and dedication to the Borough and for all her years of service to the Borough.

Motion to accept and put on file the correspondence by Councilman Holeman, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

VOUCHERS:

There were no questions on the vouchers. Motion was made to pay the bills by Councilwoman Cheatham, seconded by Councilman Holeman. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

(See Voucher Listing Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
7 000	DEBORAH EVANS	ADM & EXEC OE	001C	\$42.75
7 001	DOVER MUNIC COURT	COURT JULY.	005C	1,385.58
7 002	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
7 003	SUSAN RUIZ	RECYCLING	(R)	500.00
7 004	PHILIP FEINTUCH	LEGAL SERVICES	016	1,833.33
7 005	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
7 006	ALCOA INFOLINE	ADM & EXEC MEDIC	001C	164.08
7 007	DOVER BD OF EDUC	JULY TUITION	BOE	\$69,351.94
7 008	RUBINETTI DISP.	SANITATION	024A	7,529.00
7 009	THE HARTFORD	INSURANCE	018	2,892.00
7 010	TREAS. ST OF NJ	ADM & EXEC OE	001C	175.00
7 011	TREAS. ST OF NJ	ADM & EXEC OE	001C	32.00
7 012	DAILY RECORD	ADM & EXEC ADV.	001D	71.92
7 013	DAILY RECORD	ADM & EXEC ADV.	001D	49.04
7 014	TOWN OF DOVER	ADM & EXEC OE	001C	1,000.00
7 015	J.C.P. & L.	BLDG & GRDS OE	006B	353.45
7 016	HECTOR LORENZO	STS & RDS S & W	008	1,173.60
7 017	EDUARDO MARTINEZ	STS & RDS S & W	008	2,011.20
7 018	MADISON HEALTH DEPT	HEALTH SERVICES	010B	7,142.75
7 019	MORRIS CTY MUA	RECYCLING	(R)	840.00
7 020	OFFICE CONCEPTS GR	ADM & EXEC OE	001C	40.56
7 021	N.J.N.G.	BLDG & GRDS OE	006B	460.00
7 022	N.J.MUNICIPALITIES	ADM & EXEC OE	001C	16.00
				<u>\$97,389.20</u>
7 023	N.J.N.G.	AID TO FIRE DEPT.	033	\$77.14
7 024	J.C.P. & L.			86.86
				<u>\$164.00</u>

NEW BUSINESS:

BOARD OF HEALTH MEETING - Our BOH meeting will be held this month on July 17th. Everyone mark your calendar. It is at 6 p.m..

CAT & DOG CENSUS - The census is done every two years. By law it has to be done at this time. Carol and her daughter have been doing it for the past 7 times which would be the last 14 years. They have done it since 1998. They charge \$288.75 per person and the price would be the same this year. The total is \$577.50 They received this same amount of money when the census was last done in 2010.

Motion was made to have Carol and her daughter continue to do our census. Motion made by Councilwoman Cheatham, seconded by Councilman Holeman and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes

Mayor Simmons said there are two Resolutions that were added at the last minute that are not on the agenda. We need to get them done tonight.

**RESOLUTION OF THE BOROUGH OF VICTORY GARDENS
AUTHORIZING THE BOROUGH TO PARTICIPATE IN THE
JOINT MUNICIPAL COURT OF THE TOWN OF
DOVER, MORRIS COUNTY**

Whereas, the Town of Dover, Morris County, State of New Jersey, has established a Joint Municipal Court serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and Borough of Wharton under a Shared Services Agreement with the Town of Dover as lead agency; and

Whereas, the Borough of Victory Gardens has operated its own Municipal Court; and

Whereas, the Borough of Victory Gardens and the Town of Dover have determined it to be in the best interests to provide for joint municipal court facilities, personnel and resources for use by their respective municipal courts with Dover being the lead agency; and

Whereas, the agreement is established in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:61-1 et seq.; and

Whereas, each of the participating municipalities will realize a savings to their respective tax payers in entering into this Shared Service Agreement; and

Whereas, the scope of services provides that Dover will make the necessary facilities available by way of courtroom, offices and storage space; and

Whereas, the Dover Municipal Court personnel will include judges, prosecutors and public defenders, interpreters and court administrators as well as security personnel; and

Whereas, the municipal court operations will be managed by Dover as a joint court using one set of books and one court calendar; and

Whereas, all municipalities will each receive and retain all net revenues generated by each of their respective cases; and

Whereas, the supported municipalities have agreed to pay increase based upon increases in the cost of the operation of the joint municipal court; and

Whereas, Dover will be able to obtain a substantial annual cost savings benefit which benefit must continue into the future of the agreement; and

Whereas, additional municipal participants may become part to the joint municipal court; and

Whereas, there will be two judges and two prosecutors appointed with Dover making a recommendation for the presiding judge and the presiding prosecutor and a committee to be

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NEW BUSINESS CONTINUED:

established to make a recommendation for the second Judge and Prosecutor, and

Whereas, based on the formula the Joint Court Advisory Committee, Victory Gardens shall pay a base fee of \$16,626.96 annually for their use of the Dover Joint Court; and

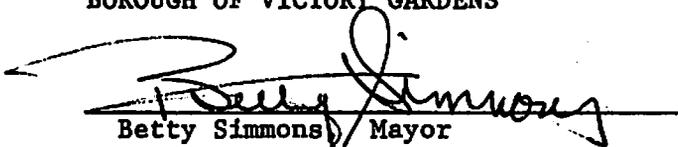
Whereas, the inclusion of the Borough of Victory Gardens in the Joint Municipal Court of Dover would result in both the Borough of Victory Gardens and Joint Municipal Court of Dover benefitting from operational effectiveness and cost efficiency;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Victory Gardens, County of Morris, State of New Jersey that the Mayor and Clerk are hereby authorized to execute an agreement for a Joint Shared Court with Dover as the lead agency and the inclusion of the Borough effective July 1, 2012 upon the terms and conditions set forth herein and do hereby authorize its inclusion in the Joint Municipal Court pursuant to NJSA 2B:12-1 et seq. and NJSA 40A:65-1 et seq.; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Town of Dover, the Township of Mine Hill, the Borough of Mount Arlington, the Borough of Rockaway and the Borough of Wharton. A similar resolution has already been adopted by these other municipalities.

BE IT FURTHER RESOLVED that upon adoption of this Resolution a copy of said Resolution shall be forwarded to the Honorable Thomas L. Weisenbeck, Assignment Judge, Superior Court and the Honorable Michael Luther, Chief Judge of the Joint Municipal Court of Dover.

BOROUGH OF VICTORY GARDENS


Betty Simmons, Mayor


Deborah Evans, Borough Clerk

Adopted: July 10, 2012

Motion to approve the Resolution for Dover Municipal Joint Court. Motion made by Councilman Holeman, seconded by Councilwoman Hedgepath. Any questions the Mayor asked? Hearing none we need a roll call:

- | | |
|------------------------|-----|
| Councilwoman Cheatham | Yes |
| Councilwoman Hall | Yes |
| Councilwoman Hedgepath | Yes |
| Councilman Holeman | Yes |
| Councilman Lorenzo | Yes |

RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT FOR THE UPPER DELAWARE UPPER RARITAN AND NORTHEAST WQM

Whereas, the Borough of Victory Gardens desires to provide for the orderly development of wastewater facilities within Upper Delaware, Upper Raritan and Northeast portions of Morris County; and

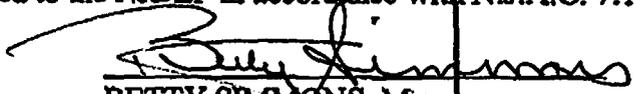
Whereas, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed waste water treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

Whereas, the NJDEP has established the WQM plan amendment procedure as the method of incorporating changes to the delineation of future wastewater service areas into a WQM plan; and

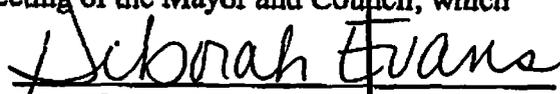
Whereas, a proposed WQM plan amendment noticed in the New Jersey Register on June 18, 2012 for the Upper Delaware, Upper Raritan and Northeast WQM plan has been prepared by the New Jersey Department of Environmental Protection and the County of Morris:

NOW THEREFORE, BE IT RESOLVED on this 10th day of July, 2012 by the governing body of the Borough of Victory Gardens that:

- 1) The Borough of Victory Gardens consents to the amendment entitled: **PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT FOR THE UPPER DELAWARE, UPPER RARITAN AND NORTHEAST WQM** prepared by the Borough of Victory Gardens, for the purpose of its incorporation into the applicable WQM plans(s).
- 2) This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.


 BETTY SIMMONS, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of a Resolution passed at a meeting of the Mayor and Council, which meeting was held on July 10, 2012.


 DEBORAH EVANS, Borough Clerk

Prepared: July 5, 2012

Attorney Feintuch said that this Resolution has to be done at the request of the NJDEP. The State of New Jersey Water Management Planning Rules require that the Resolution be filed with the NJDEP. A copy of this Resolution should go to the County as well as the NJDEP.

FEINTUCH, BROWN & FEINTUCH
 ATTORNEYS AT LAW
 711 NEWARK AVENUE
 JERSEY CITY, NJ 07310
 (201) 636-8600

Motion to approve the Resolution by Councilman Holeman, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

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OLD BUSINESS:

TREE PROPOSALS - The Mayor asked Council what they want to do on this. We have been working on this for the last few meetings.

Councilman Holeman made a motion to hire Jhonnys Tree Service in the amount of \$16,000. Motion seconded by Councilwoman Hedgepath. Is there any discussion on this motion before we move the forward the Mayor asked? Hearing none - roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Abstain
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes

Motion to open the meeting to the public by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Jim Janone - Voucher #7002 Greg Stafford is on to be paid. Has he given any reports since he was hired? No. Debbe will send him a letter. The dog and cat census how do they do it? They come to town hall. They have done this in other towns. They look at the licensing books and see who got licenses. Then they look back on the following year and see if there are any people that had licenses but didn't get them this year. Then they go out door to door. If they notice that there are licenses for one year and not the following year they call them to see if they still have their pets. How many animals do we license? About 90 dogs and about 55 cats. There are other towns that are mailing out letters to ask residents if they have pets and if so to get them registered. It is a lot cheaper that way. The Clerk said she doesn't know if they can do that. The law says you have to do a census every two years. The Attorney will check that out. Do we have a seperate sewer account? No. It all goes into the general fund. is that permitted by law? Yes. You voted on Jhonnys Tree Service to do the tree removal. How much was the difference between the low bidder Master Tree and Jhonnys? \$200. Is there a reason why you chose Jhonnys Tree Service? It is no secret that there is a relationship between one of the Council people and the company. The Mayor said that Jhonnys Tree Service has worked for us in the past and they have done very good work. The Mayor said that with Master Tree there would also be another involvement with someone from Council. What is the address showing on the proposal from Jhonnys Tree Service? 32 Monroe Avenue. Why are they running a business out of a residential zone? That is a zoning violation. You are going to give this business to a company that is violating our zoning ordinance. Attorney Feintuch said just because that is their mailing address doesn't mean they are running a business out of there. I saw construction equipment in the driveway. It isn't a business such as a store or any other kind of business. Look at the other proposals I am sure they have a PO Box or a commercial zone to operate a business. It leads me to believe that he is running a business out of a home. I don't think that classifies as running a business out of the town. Well he has a piece of equipment in the driveway. I think this needs to be looked into because it leaves an open door for everyone else to do it.

Joan Cegelka - When in the past did Jhonnys Tree Service do work for us? I don't have the dates the Mayor said but he did work not too long ago for us. How were these vendors notified that we had work to be done? Leon Hall contacted them except Master Tree. That one Councilwoman Montes contacted. Leon met with all the contractors. What was the address of the tree that was taken off the list? 191 Washington Avenue. I feel the same way Jim does, I think it strange that you gave the bid to one of the tenants of a Councilperson.

Motion to close the meeting to the public by Councilman Holeman, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Councilwoman Hall said she would like to make a statement so it is on the record. In regards to Jhonnys Tree Service. I take my Council job very seriously. I do not violate anything ethical. They had no notification from me for this job or the first job. Leon Hall contacted them directly and made an appointment with them directly. I have not had any conversations with Jhonnys Trees or anyone in that business in regards to this quote or any other quote. I wanted to make that clear on the record. The Mayor also added that you did abstain when it came time for the vote. Yes I did just like I did with the first job they did.

Motion to adjourn the meeting by Councilman Holeman, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

July 24, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on July 24, 2012.

Mayor Simmons called the meeting to order and declared a quorum present. Pledge of Allegiance to the Flag of Our Country. Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: Councilwoman Hall.

Motion to accept the minutes of July 10, 2012 as received by Councilwoman Cheatham, seconded by Councilman Lorenzo and approved on verbal vote. None opposed. Councilwoman Garcia Montes abstained as she wasn't present at the last meeting.

CORRESPONDENCE:

At the last meeting a resident asked when the last time was that Jhonnys Tree Service did work for the Borough? That was in October of 2011.

Letter Sent To Greg Stafford - At the last meeting Council asked me to send a letter to Greg letting him know we need a report every month.

Letter to Attorney Greb from Amy Maronpot - At the last meeting we received a letter from Attorney Greb asking about escrow monies owed to Mr. DiSpoto. Amy answered that letter. We do owe Mr. DiSpoto monies back from escrow. According to Amys analysis we owe him \$163.40 .

The Clerk said she will send Mr. DiSpoto a voucher for him to sign and we will put this in for the next meeting.

Letter from JCP & L and NJ Natural Gas - Both letters are mentioning the same thing. They have a policy where they send notifications to the town if a resident has their utility cut off for lack of payment. They want to know if the town wants to receive these notifications. Several years ago when Jim Benton was here he said not to have them notify you because if you do that could hold the Borough liable. He said that once we are notified we then may have to do something about the fact that these people may be living without heat or electric during the winter months. I need to let the companies know what the town wants to do. The Mayor said we will discuss later in the meeting.

Gibraltar Savings - The Clerk said she was typing the BOH minutes and heard where the BOH wanted me to send a letter to Gibraltar about the condition of the building. I had sent a letter to them in June of 2012. I resent that letter on 7/18/12. I have not heard anything back from them yet. The Attorney asked if the building is vacant? Yes. For many years. Why don't you authorize me to send a letter to Gibraltar and see if they want to donate it to the town? You have permission to do so.

Dover Public Schools - I received a letter from Bill Schappell about moving the school bus stops from in front of the white fence and Taft Avenue and putting both stops at the firehouse. He wants our DPW to remove the old signs at the stops and put a sign up at the firehouse so they can get it marked before school starts.

Superior Court - We received a letter from Judge Weisenbeck who is the Assignment Judge at the County. He received all the other towns and our Resolution allowing Victory Gardens to join the joint court and he has approved same.

Tax Collector - Our tax rate for this year has gone down 6¢ . Last year in 2011 the rate was 2.25 and 2012 the rate is 2.19 . Have tax bills gone out yet? We just did them today. They are ready for the mail tomorrow. There is a grace period to pay the August taxes and that is on the bill.

CORRESPONDENCE CONTINUED:

Nisivoccia - Everyone has a copy of the letter Bill sent. It is regarding when the Borough needs to have a Business Registration Certificate. The bid threshold is \$17,500. If you do not have a Qualified Purchasing Agent - which we do not - then you have to take 15% of the bid threshold amount which comes to \$2,625. Any bid, quote, estimate that is over \$2,625 we have to ask for the BRC.

Hopewell Borough v. Verizon - Council has a copy of this paperwork. At one time Verizon had to pay to each town what is called the Business Personal Property Tax. They stopped paying those fees. The last time Victory Gardens received any money from Verizon was back in 2008 and that was \$1,548.11. There is a class action lawsuit going which was started by Hopewell Borough. They want to know if Victory Gardens will join the lawsuit at a cost of \$220.00. The Mayor said we will discuss this later in the meeting.

Motion to accept the correspondence by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Are there any questions on any of the vouchers? Councilman Holeman asked about voucehr #7027 for Dover Water. That is for flushing the fire hydrants in town. No other questions were asked.

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
7 025	J.C.P. & L.	STREET LIGHTING	023-	\$663.65
7 026	VERIZON	BLDG & GRDS OE	006B	160.35
7 027	DOVER WATER	BLDG & GRDS OE	006B	3,588.00
7 028	GOLUB ANIMAL	DOG WARDEN JUNE	012B	160.00
7 029	AMSTERDAM	ADM & EXEC OE	001C	105.98
7 030	VERIZON	BLDG & GRDS OE	006B	92.20
7 031	I. DEAL AIR	BLDG & GRDS OE	006B	350.00
7 032	ANDERSON & DENZLER	ENGINEERING	017	1,034.25
7 033	DAILY RECORD	ADVERTISING PL. BD	009C	5.72
7 034	KONICA MINOLTA	ADM & EXEC OE	001C	63.76
7 035	SPARETECH SOLUTIONS	TAXES	004	1,409.25
7 036	COUNTY OF MORRIS	TAXES	004	48,384.06
7 037	AMERIHEALTH	ADM & EXEC OE	001C	6,661.67
7 038	OFFICE CONCEPTS	ADM & EXEC OE	001C	65.86
7 039	HECTOR LORENZO	STREETS & ROADS S & W	008A	1,408.32
7 040	EDUARDO MARTINEZ	STREETS & ROADS S & W	008A	2,413.44
7 041	IMPAC PROPERTY MGT	STREETS LIGHTING OE	023	3,076.66
7 042	A.T. & T.	BLDG & GRDS OE	006B	37.42
				<u>\$69,680.59</u>

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

DEPARTMENT REPORTS:

Building Department - 4 permits issued for a total value of construction: \$13,400.

Clerks Receipts -	Sewer Payments	\$7,515.19
	Taxes	323.19
	Dog Licenses	7.20
	TOTAL	\$7,845.58

Municipal Court -	ATS	95.00
	DMV	712.68
	MUNICIPAL	610.32
	OTHER	10.00
	TOTAL	\$1,428.00

Tax Collector -	Total Tax Receipts Month to Date:	\$ 58,088.58
	" " " Year To Date:	\$ 838,657.60

Registrar Report - No marriage licenses issued for the month of July 2012.

Finance - Everyone has a copy of Amys report.

Property Maintenance - The property owners listed below should be notified that maintenance on their property needs to be done.

- 24 Jefferson Avenue
- 12 Adams Avenue
- 48/54 Polk Avenue
- 108/110 Monroe Avenue
- 128/132 Monroe Avenue

Councilwoman Montes asked if Greg notified these persons? The Clerk said she isn't sure if he understands what he is suppose to do. It is up to him to notify. It doesn't sound like he notified them. I will talk to him and let him know. Do we know what is wrong with the properties? I do because I look, but he doesn't have it written down. Councilman Lorenzo said for the next report he needs to tell us what is wrong.

COMMITTEE REPORTS:

Councilwoman Cheatham - Nothing

Councilwoman Hedgepath - Nothing

Councilman Holeman - I went to a seminar at the Hilton for NJ Natural Gas. They were explaining how they are trying to work with residents throughout the State and what programs they have for saving energy.

Councilman Lorenzo - Nothing

Councilwoman Garcia Montes - Nothing

Motion to accept and put on file the reports by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

NEW BUSINESS:

Mayor Simmons said that everyone has a copy of the Resolution and the Corrective Action Plan. This is what we have to do because of the recommendations in our 2011 Audit. a copy of this has to go to the State.

(See Next Page for Resolution/Action Plan)

**RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN IN CONNECTION
WITH THE AUDIT REPORT YEAR 2011, BOROUGH OF VICTORY GARDENS.
COUNTY OF MORRIS**

WHEREAS, Borough of Victory Gardens has received and reviewed the Audit Report for Year 2011 ("2011 Audit Report"); and

WHEREAS, the 2011 Audit Report makes various findings and recommendations; and

WHEREAS, the Local Finance Board in the Division of Local Government Services in the New Jersey Department of Community Affairs requires that a Corrective Action Plan be prepared by the Chief Financial Officer with the assistance of other officials affected by the audit recommendations which covers all findings and recommendations in the 2011 Audit Report and sets forth for each finding:

- a) A description of the deficiency (i.e., finding, observation, questioned costs)
- b) An analysis of why the deficiency occurred
- c) A description of procedures to be used to correct the deficiency or reason why the finding will not be corrected.
- d) An expected date of implementation (which is required to be no later than six months after the date of the 2011 Audit Report); and

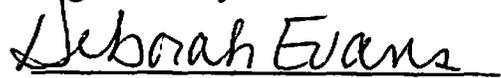
WHEREAS, there has been prepared a Corrective Action Plan in accordance with the requirements of the Local Finance Board, attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Chief Financial Officer of the Borough of Victory Gardens has recommended that the governing body approve the Corrective Action Plan attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Victory Gardens, County of Morris, State of New Jersey as follows:

1. The Corrective Action Plan for Audit Year 2011 attached hereto and made hereof as Exhibit A is hereby approved by the governing body of the Borough of Victory Gardens
2. The Chief Financial Officer, along with all other appropriate officers and employees of the Borough of Victory Gardens are hereby authorized and directed to Implement the Corrective Action Plan as approved herein.
3. A copy of this resolution and Corrective Action Plan shall be submitted to the Division of Local Government Services and placed on file in the Office of the Municipal Clerk.
4. This resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution Adopted by the governing body of the Borough of Victory Gardens at the July 24, 2012 meeting of the Mayor and Council.


Deborah Evans
Borough Clerk

**Borough of Victory Gardens
County of Morris
Audit Report year: 2011
Corrective Action Plan**

Finding / Condition #2011-1:

The Borough does not maintain an adequate segregation of duties with respect to the recording and treasury functions.

Recommendation:

Management include more involvement in the areas of collecting, disbursing and recording to provide for a more adequate segregation of duties.

Explanation and Corrective Action:

Duties of personnel will be reviewed to determine where a more adequate segregation of duties can be provided.

Implementation date: During the year 2012

Finding / Condition #2011-2:

The Borough does not adequately maintain accounting and reporting systems for fixed assets and encumbrances which should be maintained to be in compliance with Technical Accounting Directives issued by the State.

Recommendation:

Consideration be given to implementing accounting systems for encumbrances and fixed assets as prescribed by the draft "Requirements of Audit and Accounting".

Explanation and Corrective Action:

Consideration will be given to implementing accounting systems for encumbrances and fixed assets

Implementation date: During the year 2012

Finding / Condition #2011-3:

Funds within the Animal Control fund are not always being deposited within forty-eight hours of receipt in order to be in compliance with State Statute.

Recommendation:

The Animal Control funds are to be deposited within forty-eight hours of receipt in order to be in compliance with State Statute.

Explanation and Corrective Action:

The Borough will ensure that all Animal Control funds are deposited within forty-eight hours of receipt in order to be in compliance with State Statute.

Implementation date: During the year 2012

Finding / Condition #2011-4:

Funds within the Municipal Court are not always being deposited within forty-eight hours of receipt in order to be in compliance with State Statute.

Recommendation:

The Municipal Court funds are to be deposited within forty-eight hours of receipt in order to be in compliance with State Statute.

Explanation and Corrective Action:

The Borough will ensure that all Municipal Court funds are deposited within forty-eight hours of receipt in order to be in compliance with State Statute.

Implementation date: During the year 2012

The Mayor asked Council before the vote, if anyone had any questions? Councilman Lorenzo asked if the action plan will be done this year? Yes, if it can be done. Bill said there are always going to be two items that will be on our corrective action every year. That is because we just don't have enough people to segregate the duties. The other two items had to do with the court and the dog account. Both those will be corrected. Now that our court is in Dover, those items should be rectified and we have already spoken to Lorenza about making the deposits into the dog account timely. So everything should already be done.

NEW BUSINESS CONTINUED:

Motion to adopt the Resolution for the Corrective Action Plan by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Hopewell Township v. Verizon - We talked about this earlier. We need to make a decision on this as to whether or not we are going to join the action. This has already gone to court and it was denied and ruled in favor of Verizon. They have filed an appeal. They are looking for all towns in New Jersey to join the battle. We are told it looks good for a win for the towns and if they win we will get money from Verizon in the future. At this point, we don't know if it will be any further costs. The Clerk said she spoke with Mr. Dressel at the State and by no means does this mean the Borough would be on the hook to pay out more money. If it is denied again the League of Municipalities would have to discuss the merits of the case and decide if they are going to push this any further. The cost to join is \$220. If we win we could get the \$1,500 back.

Motion was made to join the Hopewell Township v. Verizon and pay the \$220 to join. Motion made by Councilman Lorenzo, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

JCP & L and NJ Natural Gas - Basically they are asking so we want to be notified if a resident gets their utility cut off for lack of payment. After much discussion Council will think about this and bring it back to the next meeting for final decision. Remember that a lot of these companies have accounts to help people.

Signs for the bus stop - Debbe read earlier a letter from Dover. We just need to get approval to move the signs.

Motion to move the bus stop signs from the white fence on Washington and to remove the sign from Taft Avenue and to make it one stop at the firehouse. Motion made by Councilman Holeman, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS:

PUBLIC HEARING/ADOPTION OF ORDINANCE FOR TREE AND SIDEWALKS - We already introduced. This is to adopt and have the public hearing before adoption.

CAPITAL ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALKS ON WASHINGTON AVENUE AND NECESSARY TREE REMOVAL TO ENSURE PROPER SIDEWALK REPLACEMENT BY THE BOROUGH OF VICTORY GARDENS IN THE COUNTY OF MORRIS, NEW JERSEY APPROPRIATING \$50,000.00 THEREFORE FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH TO PAY FOR THE COST THEREOF.

OLD BUSINESS CONTINUED:

CAPITAL IMPROVEMENT ORDINANCE CONTINUED - Motion to open the meeting to the public for discussion on the ordinance only. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - The \$50,000 is coming out of Capital how is that broken down and who came up with the money number? It was an estimate by Leon Hall. He estimated \$32,000 for tree removal and about \$10,000 for sidewalk repair. That is only a little over \$40,000. The rest is a cushion because it was only estimate by him. We didn't know how much it would actually cost. What happens with unused money that isn't used? We will cancel the ordinance out and it will go back into the fund.

No other questions or comments from the public.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Motion to adopt the ordinance by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

TREE QUOTATIONS - At the last meeting the Council approved the quote to give the work to Jhonnys Tree Service in the amount of \$16,000. This has to be rescinded because they can not do the work because they do not have enough insurance coverage under Workmans Comp.

Motion to rescind the motion that was made at the last meeting to hire Jhonnys Tree Service in the amount of \$16,000 for tree work. Motion made by Councilman Holeman, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Abstain

The Mayor said we now have to go back to the tree quotes that we received from the other three companies.

Master Tree Service, Inc.	\$15,800.00
Rich Tree Service	\$33,000.00
Tuff Greens LLC	\$38,362.50

Motion was made to hire Master Tree Service in the amount of \$15,800.00 to cut and grind stumps on 15 trees. Motion made by Councilman Holeman, seconded by Councilwoman Cheatham. The Clerk said the only thing we need from them is to add the Borough as an additional insured on their policy. They said they would do that if and when they are awarded the contract. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Abstain

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Jim Janone - Do we get a franchise fee from Cablevision? Yes. How come you didn't read the letter you sent me in correspondence? Because that is an OPRA request and don't read them in. There is no license number on the proposal for Master Tree. Did you get a non colusion affidavit from Master Tree? No. We get that with bids but we have never gotten them with proposals. Had it not been for the public this whole thing with Johnnys Tree would not have gone through. We made mistakes the Mayor said and this would have been caught when we went over the insurance papers.

Joan Cegelka - Shouldn't you have read the Resolution on Corrective Action into the minutes so you have a record. It will be put in full in the minutes. Do you have the corrective action. Yes. How will it be taken care of? The people that were written up will correct their mistakes. How do you pay the Engineer? Is it a monthly retainer? No. We pay him as he submits bills. When you are cutting these trees do you have to notify the Division of Forestry? We don't know. We haven't. Why are we taking these trees down? Because some have termites. Some are breaking. Some are lifting the sidewalk and that becomes a danger. Can't you remove the sidewalk and not the tree? No. If you rip the sidewalk up you have to take out the roots under the sidewalk otherwise the same thing will happen. If you cut the roots then the tree might fall over and die. When these trees were planted were they in the right of way or did they grow into the right of way? I don't think anyone knows that. Leon said the trees are in the Borough right of way. About the electric and gas company. They have something in their bills that says if you need help there is help for you. They also put people on budgets. There are other State and County programs that the people can go to in order to get help. Think about this before you make a decision.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:
Deborah Evans
Deborah Evans
Borough Clerk

August 14, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on August 14, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion to approve the minutes of July 24, 2012 as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

CORRESPONDENCE:

MEMO FROM BOARD OF HEALTH PRESIDENT - Councilwoman Montes asked that I send a memo to the Board members asking them to call her if they are not going to be present at BOH meetings so she will know if there will be a quorum.

LETTER TO RESIDENT AT 5-7 POLK AVENUE - I sent a letter asking them to cut their flowers and weeds from our stop sign as you could not see the sign coming out of Victory Gardens.

LETTER TO RESIDENT AT 81 WASHINGTON AVENUE - I sent a letter telling him the condition of the grounds and also to let him know that the railing on the side porch is almost broken off and needs to be repaired as there are children in the household that could get hurt.

LETTER TO PROPERTY MAINTENANCE INSPECTOR - I thanked Greg for his report but I told him he has to send letters to the owners and follow through with the complaints. I also said that Council wanted addresses on the report as to where he has been and what the specific problems are at that address.

LETTER FROM BARRIE KRAUSE TO THE COUNCIL - Everyone has been given a copy of this letter.

MORRIS COUNTY BOARD OF CHOSEN FREEHOLDERS - The Freeholders are marking the 11th anniversary of 9/11 with a service on 9/9/12 at 7 p.m. at the Memorial on West Hanover Avenue. If you are attending they would like you to confirm your attendance by calling them.

DOG AND CAT CENSUS - Carol has finished the census. She mailed her report off to the State. I gave Jerry a copy. There are approximately 64 dogs in here that have not been licensed yet. Jerry will go back and check the houses and leave notes telling the owner to get the dog/cat licensed. If they do not he will take them to court.

LETTER OF RESIGNATION - I have a letter of resignation from Councilwoman Montes on resigning from the Recreation Committee - She will be resigning tonight due to personal reasons. I have enjoyed the many years I worked on recreation and hope that next year I will be put back on the committee.

Motion to accept and put on file the correspondence by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

VOUCHERS:

There were no questions or comments on the bill list. Motion was made to pay the bills by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

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VOUCHERS CONTINUED:

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
8 000	PHILIP FEINTUCH	LEGAL SERVICES	016	\$1,833.33
8 001	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
8 002	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
8 003	ALCOA INFOLINE	ADM & EXEC MED	001C	164.08
8 004	MORRIS CTY MUA	RECYCLES	(R)	564.00
8 005	GOLUB ANIMAL	DOG WARDEN OE	012B	160.00
8 006	DAILY RECORD	ADM & EXEC ADV.	001D	14.56
8 007	R.V.R.S.A.	AUG. SERVICE	026	8,110.00
8 008	DOVER MUN. COURT	AUGUST CT.	005	1,385.58
8 009	DOVER BD OF EDUC.	TUITION - AUGUST	BOE	69,351.94
8 010	SHELL FLEET PLUS	STREETS & ROADS OE	008C	640.58
8 011	J.C.P.& L.	BLDG & GRDS OE	006B	485.49
8 012	RUBINETTI DISPOSAL	SANITATION	024A	7,529.00
8 013	MICRO SYSTEMS	TAX ASSESSMENT	003B	120.00
8 014	ANDERSON & DENZLER	ENGINEERING	017	786.75
8 015	JILL KEPLER	DOG WARDEN	012A	288.75
8 016	CAROL ELKO	DOG WARDEN	012A	288.75
8 017	N.J.N.G.	BLDG & GRDS OE	006B	460.00
8 018	LIBERTY MORTGAGE	BLDG & GRDS OE	006B	163.40
8 019	HECTOR LORENZO	STREETS & ROADS S&W	008	1,290.96
8 020	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,212.32
8 021	VERIZON	BLDG & GRDS OE	006B	94.71
				<hr/>
				\$96,269.20
8 022	VERIZON	AID TO FIRE DEPT.	033	\$54.16
8 023	VERIZON			81.69
8 024	N.J.N.G.			72.39
8 025	J.C.P.& L.			76.61
				<hr/>
				\$284.85

NEW BUSINESS:

LETTER FROM BARRIE KRAUSE - Mayor Simmons said she doesn't think we need to talk about this. Everyone has a copy of Barrie's letter. We discussed a similar incident at one other time regarding another resident. The complainant wanted Barrie to answer their complaint. At that time Council said no, Barrie doesn't answer residents she answers to us. The things that are coming to Barrie are things that residents are thinking are violations. In the letter that Barrie received it states that a person is running a business out of their home. Barrie's letter says "if a resident maintains a home office for mail deliveries, computer work, telephone calls, etc. that is not a zoning violation." There should be no storing of vehicles or equipment. Barrie has been told to send the resident a letter to get the equipment removed. Councilwoman Hall said there is no commercial license on the equipment. Maybe not but we all know it is being used for a commercial business. We are talking about the wood chipper? Yes. If that is all the equipment that is one there then that is all they would have to remove.

ORDINANCE INTRODUCTION FOR REVISION OF THE CODE BOOK - Everyone has a copy of the Ordinance. This is for the revisions we just did to our Code Book.

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF VICTORY GARDENS IN THE COUNTY OF MORRIS, NEW JERSEY

Motion on the introduction of the ordinance by Councilman Holeman, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(Ordinance Follows)

ORDINANCE 8/10/10**ADOPTING ORDINANCE
AN ORDINANCE ADOPTING A REVISION AND CODIFICATION
OF THE ORDINANCES OF THE BOROUGH OF VICTORY GARDENS
IN THE COUNTY OF MORRIS, NEW JERSEY**

WHEREAS, the Mayor and Borough Council of the Borough of Victory Gardens in the County of Morris, New Jersey, has caused its ordinances of a general and permanent nature to be amended and supplemented and to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Borough of Victory Gardens, 2004."

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF VICTORY GARDENS IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. The ordinances of the Borough of Victory Gardens in the County of Morris, New Jersey, of a general and permanent nature, as codified in Chapter I through Chapter XXIII, are hereby ordained as "The Revised General Ordinances of the Borough of Victory Gardens, 2004."

Section 2. All of the provisions of "The Revised General Ordinances of the Borough of Victory Gardens, 2004," shall be in force and effect on and after the effective date of this ordinance.

Section 3. All ordinances of a general and permanent nature, adopted by the Mayor and Borough Council (hereafter referred to as the "Council") and in force on January 1, 2004, and not contained in "The Revised General Ordinances of the Borough of Victory Gardens, 2004," are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

Section 4. The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right of franchise conferred by the Council;

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- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Borough;
- e. Any ordinance of the Borough providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the Borough;
- f. Any ordinance or resolution of the Borough promising or guaranteeing the payment of money by or for the Borough or authorizing the issuing of bonds or other evidence of the Borough's indebtedness, or any contract of or obligation assumed by the Borough;
- g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;
- h. The administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of this Revision;
- i. Any ordinance or resolution of the Council fixing compensation or salaries of the Borough officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Revision and which are not in conflict or inconsistent therewith;
- j. Any ordinance or resolution of the Council creating employments, positions or offices and fixing duties therefore which are not provided for in this Revision and which are not in conflict or inconsistent therewith;
- k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways until the traffic and parking chapters of this Revision are finally approved by the Commissioner of the New Jersey Department of Transportation, and said chapter shall not take effect until finally approved by the Commissioners as aforesaid;
- l. Ordinances adopted by the Board of Health of the Borough of Victory Gardens;
- m. Any ordinances of the Borough Council adopted upon final passage after the 1st day of January, 2004.

Section 5. The effects of proposed changes contained in the Revision are listed below.

Many sections of the Code have been revised to reflect the fact that the Borough of Victory Gardens does not have a police department, and revisions are included to refer to Law Enforcement Official or Code Enforcement Officer and Borough Official.

Chapter I: General Provisions. Portions of Chapter I are new and portions are continued from the 1982 Code.

ADOPTING ORDINANCE

Section 1-1, Short Title, is new and provides the official title of this Code. Section 1-2, Definitions, includes definitions for use within the entire Code or when drafting future ordinances of the Borough. Section 1-3, Construction, provides rules of construction and interpretation of general terms used throughout this Revision, as well as for all other ordinances adopted by the Borough of Victory Gardens.

Section 1-4, Severability, provides that any portion of the Code which is declared unconstitutional, invalid or inoperative by a court of competent jurisdiction shall not invalidate the remainder of the Code.

Section 1-5, General Penalty, contains the most recent penalty provisions provided by Statute. The general penalty clause is applicable to the entire Revision or any other ordinance adopted by the Borough Council. In subsection 1-5.1, Maximum Penalty, a maximum penalty of a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars and/or imprisonment for a term not to exceed ninety (90) days and/or a period of community service not to exceed ninety (90) days is established in accordance with State Statutes. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2, Minimum Penalty, permits the Borough Council to establish a minimum penalty for a particular ordinance which may be a fine that does not exceed one hundred (\$100.00) dollars. Subsection 1-5.3, Additional Fine for Repeat Offenders, provides that additional fines may be imposed on any person who is convicted of the same violation within one (1) year of the date of the previous violation. Subsection 1-5.4, Default of Payment of Fine, provides that any person who defaults on payment of a fine may be imprisoned in the County Jail or be required to perform community service. Subsection 1-5.5, Separate Violations, provides that each and every day a violation exists shall constitute a separate violation. Subsection 1-5.6, Application, states that the amount of any particular penalty is at the discretion of the Judge of the Municipal Court. Throughout the Code penalties have been revised to refer to Section 1-5, General Penalty.

Section 1-6, relating to Maintenance of the Code, is new and provides that the Municipal Clerk shall keep the Code up-to-date.

Chapter II: Administration. This Administrative Chapter has been organized into seven (7) articles as follows:

- Article I Title of Chapter
- Article II Mayor and Council
- Article III Officers and Employees
- Article IV Departments of the Local Government
- Article V Municipal Court
- Article VI Boards, Committees and Commissions
- Article VII Fiscal Policies and Procedures

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Article VIII Administrative Policies and Procedures

ARTICLE I establishes the title of the chapter.

ARTICLES II and III provide the public with a general knowledge of the Borough form of government. Section 2-2 provides for the organization of the Borough Council, the rules of Council and the filling of a vacancy in office.

Sections 2-2 through 2-5 are continuations of the 1982 Code.

Section 2-3, Meetings, provides for the organizational meeting and regular meetings of Council.

Section 2-4, Powers and Duties of the Mayor, provides the powers of the Mayor according to Statutes. Section 2-5, President of the Council, contains provisions for the election and duties of the Council President.

Section 2-7, Municipal Clerk, is new and provides for the appointment, qualifications, compensation, and powers and duties of the Municipal Clerk.

Section 2-8 codifies the ordinance establishing the position of Borough Administrator.

Portions of Section 2-9, Chief Financial Officer, are new and provide for the appointment, qualifications and duties of the C.F.O.

Section 2-10, Tax Assessor, is new and provides the appointment, qualifications, duties and terms for this office.

Section 2-11, Tax Collector, is new and provides for the appointment, term, qualifications and duties for this office.

Section 2-12 is new and provides the duties and qualifications of the Borough Attorney.

Section 2-13, Code Enforcement Officer, is new and establishes the position, compensation, hours and duties of the Code Enforcement Officer.

Section 2-14 is new and establishes the position and duties of the Emergency Management Coordinator.

In ARTICLE IV, DEPARTMENTS OF THE LOCAL GOVERNMENT, Section 2-20, Department of Public Works, is new and establishes the function of that department.

In ARTICLE V, MUNICIPAL COURT, the provisions of the 1982 Code are continued with revisions as required by statutes.

Section 2-28, Municipal Prosecutor, is new and establishes the office, appointment, qualification and duties of the Municipal Prosecutor.

ARTICLE VI, BOARDS, COMMITTEES AND COMMISSIONS, contains the establishment of the Housing Authority of Morris County.

ADOPTING ORDINANCE

ARTICLE VII, FISCAL POLICIES AND PROCEDURES, contains Section 2-51, Payment of Claims and Section 2-52, the Prohibition of Payment of Fire Insurance Claims in Excess of \$2,500.00 Prior to Payment of Taxes and Assessments.

ARTICLE VIII, ADMINISTRATIVE POLICIES AND PROCEDURES, establishes a fee for copy of documents in subsection 2-61.1 a fee to be assessed for a returned check.

Chapter III: Conduct and Prohibitions. This chapter contains restrictions on loitering, curfew for minors; parental responsibility for juvenile offenses, the prohibition of distribution or consumption of alcoholic beverages on public property; disorderly conduct; noise control; littering; accumulations of litter prohibited at construction sites; the storage of unlicensed motor vehicles; use of mini-bikes, snowmobiles and unlicensed motor vehicles on public property; hunting and discharge of firearms prohibited and abandoned shopping carts.

Chapter IV: Animal Control. Regulations for licensing and control of dogs and cats are included in this chapter.

Chapter V: General Licensing. This chapter regulates the licensing of hawkers, peddlers and itinerant vendors; amusement and entertainment machines and juke boxes; solicitations by nonprofit organizations; massage, bodywork and somatic therapy establishments and licensing of retail food establishments.

Chapter VI: Alcoholic Beverage Control. The existing Borough ordinances on this subject have been arranged for purposes of topical sequence and new text material has been included.

Section 6-6, Persons Under the Legal Age, has been revised as requested by the Division of Alcoholic Beverage Control to add subsection 6-6.8, Violations and Penalties for Persons Under the Legal Age.

Chapter VII: Traffic. This Chapter contains the Traffic Ordinances of the Borough placed in accordance with the model of organization that has been recommended by the State of New Jersey Division of Motor Vehicles. This chapter may not be enforced until approval is obtained from the Commissioner of the New Jersey State Department of Transportation. New and revised street regulations are included as they have been recommended by the Bureau of Traffic Engineering and Safety of the State of New Jersey Department of Transportation

Chapter VIII: Reserved.

Chapter IX: Reserved

Chapter X: Reserved.

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Chapter XI: Building and Housing. This chapter codifies the ordinances establishing the State Uniform Construction Code Enforcing Agency and the fees charged for a Construction Permit; the fees charged for inspection for resale and a Certificate of Compliance; establishes fire limits and housing standards and contains the requirements for a Certificate of Habitability.

Chapter XII: Property Maintenance. The chapter includes the adoption by reference of the B.O.C.A. National Property Maintenance Code; regulates the height of hedges, walls and fences at intersections; regulates outdoor storage; and prohibits parking on residential lawns.

Chapter XIII: Reserved.

Chapter XIV: Fire Prevention and Protection. This chapter codifies the provisions of Ord. 10/9/85, the enforcement of the State Uniform Fire Safety Act; includes the ordinance establishing the Victory Gardens Volunteer Fire Department; in subsection 14-2.6 provides that the Fire Department shall be reimbursed for the cost of materials to clean up hazardous materials; provides for the establishment of the Fire Marshal in Section 14-3; and establishes penalties for false alarms in subsection 14-4.3.

Chapter XV: Trees. This chapter contains regulations for the preservation of trees and requires an application be submitted for permission to remove trees.

Chapter XVI: Sewer and Water. This chapter contains regulations for use and the fees for sewer and water service.

Chapter XVII: Solid Waste Management. Regulations for the collection of garbage and trash and recycling are contained herein.

Chapter XVIII: Streets and Sidewalks. This chapter required the removal of ice and snow from sidewalks; prohibits obstructions on sidewalks and streets and requires the repair or replacement of sidewalks when in need of repair.

Chapter XIX: Cable Television. The Franchise Agreement with Sammons Communication of New Jersey is included in toto.

Chapter XX: Land Use Procedures. This chapter is a continuation of the 1982 Code and provides for the establishment and powers of the Planning Board and also provides in Section 20-3 that the Planning Board shall act as the Zoning Board of Adjustment. This chapter also contains provisions relating to conflict of interest, meetings, hearings and appeals.

ADOPTING ORDINANCE

Chapter XXI: Land Subdivision and Site Plan Review. This chapter is continued from the 1982 Code as further amended and supplemented by Ordinance.

Chapter XXII: Reserved.

Chapter XXIII: Zoning. This Zoning Chapter is complete from the 1982 Code as further amended and supplemented by ordinance.

Throughout the Code revisions have been made to refer to the appropriate enforcing agent or agency. In many instances the revisions now refer to the Chief Financial Officer, the Code Enforcement Official, the Construction Official, the Fire Chief or Law Enforcement Officer.

Throughout the Revision there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases provisions of the source ordinances have not been included in the Revision either because they have been expressly or impliedly repealed by later ordinances, are obsolete or no longer apply in the Borough of Victory Gardens.

Section 6. A copy of the "Revised General Ordinances of the Borough of Victory Gardens, 2004," in the County of Morris and State of New Jersey, has been filed in the office of the Municipal Clerk of the Borough of Victory Gardens and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk in the Borough of Victory Gardens by impressing thereon the seal of the Borough of Victory Gardens, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk of the Borough of Victory Gardens to be made available to persons desiring to examine the same during all times the Revision is in effect.

Section 7. Amendments to the Revision. Any and all additions, amendments and supplements to the Revision when passed and adopted in such form as to indicate the intent of the Borough Council to make them a part thereof shall be deemed to be incorporated into such revisions so that reference to "The Revised General Ordinances of the Borough of Victory Gardens, 2004," shall be understood and intended to include such additions and amendments. Whenever such additions, amendments and supplements to the Revision shall be adopted they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Revised General Ordinances as amended and supplemented thereto.

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Section 8. It shall be the duty of the Municipal Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the Borough of Victory Gardens, 2004," required to be filed in his or her office for the use of the public. All changes in the Revision and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Revision and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

Section 9. The Municipal Clerk of the Borough of Victory Gardens, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the Borough of Victory Gardens. Sufficient copies of the Revised General Ordinances of the Borough of Victory Gardens shall be maintained in the office of the Municipal Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Revision for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Revision for all purposes.

Section 10. Copies of the book containing "The Revised General Ordinances of the Borough of Victory Gardens, 2004," may be purchased from the Municipal Clerk upon the payment of a fee to be set by resolution of the Council which may also arrange by resolution the procedures for the periodic supplementation thereof.

Section 11. Each section of "The Revised General Ordinances of the Borough of Victory Gardens, 2004," and every part of each section is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

Section 12. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Introduced:

Adopted:

NEW BUSINESS CONTINUED:

STREET MAP OF THE BOROUGH - The Mayor said she has a copy of the Borough street map and I am asking for some input. Council is BOH and we do have a property maintenance person I am thinking of a way we could work hand in hand in trying to get parts of Victory Gardens cleaned up. I thought if we broke the town up into sections we could help the property maintenance person. I don't know if Council wants to consider this. After discussion, Council felt that they do look at the town and they are trying to help out. They feel there is no reason to do this. It is a good idea but all of us do that now so there is no need to break the town up into sections. It will left as is.

OLD BUSINESS:

JCP & L AND NATURAL GAS COMPANY - We received letters from these companies asking us if we want to be notified if our residents have power shut off. We said we would think about it and come back to the next meeting.

After discussion, Council said they do not want to be notified. These companies have programs where people can get help financially if they need help with their utility bills. All Council voted no to not get the notifications.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Jim Janone - Are you saying that any resident can not make a complaint directly to a code enforcement person or just to the zoning officer? Anyone can file a complaint but it doesn't mean that someone will act upon your specific complaint. It should come to Council or to whatever Board it has to do with. That piece of equipment at 32 Monroe is still there. The Mayor said Barrie is aware of it and she will send a letter. I have read our land use law book and it says powers for this particular thing should be done by the Planning Board of Adjustment Board and shall not be done by any other body. This is a state law. From the Attorney Generals Office his business license which was filed in 2011 says 32 Monroe as his business location. The Mayor said this is what Barrie wrote to us this isn't the opinion of the Council. I have pictures to pass out regarding the trees. These trees were marked to come down. You can keep the pictures.

Joan Cegelka - At the last meeting Debbe you said some of the trees were diseased. No, I didn't say that it was the Mayor that said it. Leon said some of the trees were damaged, some were uplifting the sidewalks, one was breaking up a driveway. Why are these trees being removed? For the reasons that Leon gave us. They are in our right of way. Even though it doesn't look like they are uprooting sidewalks they are close enough where they will left them in the next year or two. These trees look perfectly okay. Why don't you do this in the fall when there are no leaves? We are in a contract and they will cut them when they have the time to do it. We are hoping to get the sidewalks done before winter sets in.

The Mayor asked if any Council member has anything to say about the trees after our residents say there is nothing wrong with them. None of us are tree experts. We rely on our Engineer. They are in our Right of way and there are things wrong with them. There shouldn't be any questions as to getting this done. We are already in a contract to have these tree removed. Anyone of us can look at these trees and we can say they look perfectly healthy. If you want to look at what we may perceive as a healthy tree look at the one at 48 Polk. To us that looked healthy and over the weekend it split in half and is now laying on the roof of the house. There are a few other trees that this has just happened to also. We are doing this for the safety of our residents.

Motion to close the meeting to the public by Councilwoman Cheatham, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

August 28, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on August 28, 2012.

In Mayor Simmons absence, Council President David Holeman called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: Councilwoman Hedgepath and Mayor Simmons.

Motion to accept the minutes of August 14, 2012 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

- Letters sent to: 178 Washington/7 Jefferson - Not cutting grass.
- 62 Washington Avenue - Not cutting grass/hedges
- 69-71 Franklin - House for sale. Moved new tenants in. Did not get CO.
- 53 Polk Ave - Moved new tenants in. No CO.
- 128-132 Monroe & -Sent to property management company.
- 319 Washington Property not being kept up. Grass needs cut/hedges trimmed.

Motion to accept and put on file the correspondence by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

VOUCHERS:

Are there any questions on the vouchers? Hearing none a motion was made to approve the vouchers by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(Vouchers On Next Page)

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VOUCHERS CONTINUED:

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
8 026	BARCO PRODUCTS CO	CLEAN COMMUNITIES	CC	\$108.75
8 027	A.T.& T.	BLDG & GRDS OE	006B	43.66
8 028	PHILIP FEINTUCH	LEGAL SERVICES	016	2,756.25
8 029	HANDYMAN'S	BLDG & GRDS OE	006B	70.88
8 030	VERIZON	BLDG & GRDS OE	006B	174.64
8 031	AMERIHEALTH	ADM & EXEC OE	001C	6,661.67
8 032	J.C.P.&L.	STREETS LIGHTS	023	663.65
8 033	DAILY RECORD	ADM & EXEC ADV.	001D	278.20
8 034	OFFICE CONCEPTS	ADM & EXEC OE	001C	903.40
8 035	SONIA HALL	RECREATION	029	400.00
8 036	OFFICE CONCEPT GROUP	ADM & EXEC	001C	159.23
8 037	HECTOR LORENZO	STS & RDS S&W	008A	1,408.32
8 038	EDUARDO MARTINEZ	STS & RDS S&W	008A	2,413.44
				\$16,042.09
8 039	VERIZON	AID TO FIRE DEPT.	033-	\$52.85
8 040	VERIZON			172.91
				\$225.76

DEPARTMENT REPORTS:

- BUILDING DEPARTMENT - 2 permits issued for a total value of construction of \$7,990.00 .
- CLERKS RECEIPTS - Taxes \$10,358.14
Sewer Accounts 6,890.00
Dog Licenses 84.00
Total \$17,332.14
- MUNICIPAL COURT - We are getting a different type of report from Sonia. We are not getting the breakdowns the way we use to get them. It is a report jointly with the other towns. She Has \$544.74 but I don't know if that is what we are getting before or after monies get disbursed to the State and the different divisions that get money from the local court. She will be back next week and I will ask her. Councilpersons Montes and Lorenzo asked for a copy of the report.
- TAX COLLECTOR - Total Tax Receipts Month to Date: \$ 69,963.50
Year to Date: \$ 908,621.10
- REGISTRAR - 3 Marriage Licenses Issued for a total of \$84.00
- CFO REPORT - Everyone has a copy of Amys report.
- PROPERTY MAINTENANCE - Property located at 48/54 Polk still has not been cleaned up. A tree has now fallen on the house and appears to have gone through the roof. The tree protrudes into the neighbors yard and is a danger. No attempt to clean the property at 12 Adams. The tree that fell in October still has yet to be removed. There are pictures attached. Tamika has both these properties going back to court on 9/5 and I plan on being there.

COMMITTEE REPORTS:

Councilwoman Cheatham - Nothing

Councilwoman Hall - Nothing

Councilman Lorenzo - DPW is telling me that they are having problems with recycling. The residents are putting a lot of garbage with the recycling and not cleaning the recycling. The Clerk said that she told Eddie and Hector to sticker what is dirty and leave it behind. Hector is saying that the cardboard and newspapers are in with garbage. We will send another flier out which is more direct. We have sent them out before - no one reads them and no one pays attention. If we do that again, and if it is still dirty, then Eddie and Hector will have to put a sticker on it and leave it there. Also, the drain at the DiSpoto property is backing up and Councilman Lorenzos property was almost flooded. The Clerk will send a letter to Mr. DiSpoto and remind him that the drain needs to be maintained.

Councilwoman Montes - Nothing

Councilman Holeman - We need to decide what to do about the air conditioning unit outside the firehouse. Kids are opening the doors and once they are open you can see all the copper in there. The Clerk said she spoke to Eddie and he said he would get a chain and lock it. Council agreed that this would be okay to do.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

NEW BUSINESS: NONE

OLD BUSINESS:

PUBLIC HEARING/ADOPTION OF ORDINANCE FOR CODIFICATION -

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF VICTORY GARDENS IN THE COUNTY OF MORRIS, NEW JERSEY

Motion was made to open the meeting to the public on the hearing for the ordinance only. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - Is this a revision of what we currently have? Yes. What is added and what has been deleted? Any new ordinances from the last time the book was codified which was 2004 any new ordinances that the Council did or amended are in the book. All these updates are ordinances that have been adopted by this Body since the last codification. It could be amended, deleted, revised or whatever. The Clerk said she can give Jim all the ordinances that have been adopted since the last revision to the code book.

No other comment from the public? Hearing none a motion was made to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adopt the ordinance by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

The Clerk said she has one other thing that she needs to get direction from Council on. We have a tree on the corner of Washington & Washington that a resident told us about at the last meeting where there are several dead branches and they are just hanging there ready to fall. I had Leon look at it and he said the whole tree should come down. He asked Master Tree who is already in here doing the other trees if they would give us an estimate. They did. To trim the tree it would cost \$980.00. To take it down completely and grind the stump it would be \$1,600.00. If we were to do the tree either way, the money is in the Road Department O & E. The dirt is coming away from this tree and the roots are showing. Council felt that this cost is too high and that isn't what he charged per tree to do the other ones. Council asked the Clerk to talk to them and see if he would do it any

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cheaper. If you can get him to \$1,200 that is good and he can do it. If he won't go that low then we will have to look elsewhere.

A motion was made to have the Clerk talk to Master Tree but not to give him any more than \$1,200 for the tree. Motion made by Councilwoman Hall, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Abstain

If he agrees to do the tree for \$1,200 is it okay to have him do it? Yes.

Motion to open the meeting to the public by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Jim Janone - At the last meeting a letter was suppose to go out to the owner of 32 Monroe as well as the tenant that had a piece of equipment of the property. Was that letter ever sent by Barrie Krause? The Clerk said she didn't know. Councilwoman Hall said it was not sent - she knows this because she spoke to Barrie. The letter was not sent because the equipment was removed. There was a voucher by the Attorney for over \$2,700 what is that for? The RVRSA lawsuit. Is Council saying that a resident can not make a complaint to any code enforcement officer including the zoning officer? I saw Barries letter to the Council and she was asking for direction from the Council as to what to do? Councilwoman Hall said her interpretation from the letter is that Barrie was instructed to answer only to the Mayor and Council. Since the question went to her, she came back to Council to make sure what it was. We already instructed them not to answer to residents until she comes to Council. She came back to us to see what was going on. She wasn't going to take a complaint from a resident on a perceived complaint. That is because that is what the Council instructed her to do. So Council told her not to investigate a complaint from a resident? Not to answer it. She answers to Council. Who told her that? We did. Is Council going to let her do her job or not? Is a complaint only answered when the Council tells her to do so. Yes. Barrie investigates things. She does her job. Everytime someone makes a complaints we can't have her running all over town. She knows if there is a concern she will do what she has to. It has to be done on a case by case matter. This is a part time code enforcement person.

Joan Cegelka - To continue with his questioning what did Council instruct Barrie to do about the complaint? Which complaint are you talking about? Running a business out of Monroe Avenue. There isn't a business being run out of there. There are some issues that I will be bringing up at a later date. There are a lot of issues that are not addressed. How would Barrie know if something is significant or not if she doesn't investigate? We are a small town and I understand most everyone is part time but it takes 5 minutes to get to the top of the hill for someone to investigate. Barrie has credentials to be a zoning officer. Can't she look into the code books and follow them? She does. She knows her job.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

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September 11, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on September 11, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.

Please remain standing for a moment of silence for our military and in remembrance of all those that had involvement in 9/11/01 and their families.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion to accept the minutes of August 28, 2012 as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

CORRESPONDENCE:

Court Report - At the last Council meeting Councilpersons asked about the Court report and the money allocation. I talked with Sonia and she said the \$544.74 is the money that came to the Borough after all other court fines and costs had been paid out. We will get this same type of report each time because this is how the report is done for the joint court.

Request for Quotations - Leon Hall sent out the request for quotation for sidewalk repairs. He asked that all proposals be submitted to me by September 20, 2012 so that hopefully Council can award the project at its 9/25/12 meeting.

RVRS - RVRS has hired a new Executive Director, JoAnn Mondsinini who began her employment on 9/4/12.

Letter to Vincent DiSpoto - At the last meeting Council asked me to send a letter to Mr. DiSpoto regarding the concrete channel/drainage ditch. I did that asking him to rectify the problems with the channel. He responded with the following: Please read this letter into the minutes at the next Council meeting. I have brought to the Councils attention the fact that the drainage channel has been over flowing and brought pictures of the same problem at a meeting last year. I was told via phone call from a Council person that there was nothing the Borough was willing to do and there was nothing the Council could do. I have also contracted the County and State to see if they could clean the ditch using Dovers sewer department and I was told it was not something they could help with. I have spoken with my attorney and I have warned the Council, that this ditch will not be serviced by me any longer. The expense is cost prohibitive and can no longer afford to clean up others peoples messes. In the Fall, everyone along the ditch line simply rakes their leaves into the ditch and clogs it underground causing flooding. Why does the Council feel this is my responsibility? Why isn't everyone along the ditch line receiving this letter? Please explain what basis in law you are using to put this additional expense on my Companys back. Signed, Vincent DiSpoto, Jr. CEO

Attorney Feintuch said we discussed this at length. We have no obligation regarding this culvert. We never exercised any control over it. Each land owner is responsible for that portion of the waterway. Mr. DiSpoto is the last one on the line and we can empathize with him but we can't do anything. We don't have authority to do anything. This is all private property. If the property owners look at their deeds it should show the culvert on each one of their properties. The Attorney said he will respond to Mr. DiSpoto.

Motion to accept and put on file the correspondence by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

VOUCHERS:

Master Tree Service their voucher we are holding \$1,500. Leon wants to make sure the gutter and other items at the church are resolved and taken care of before the balance of his money is paid out. There was damage to the gutter and to a window.

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
9 000	PHILIP FEINTUCH, ESQ.	LEGAL SERVICES	016	\$1,833.33
9 001	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
9 002	ALCOA INFOLINE	ADM & EXEC MEDIC	001C	164.08
9 003	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
9 004	MGL PRINTING	TAX ASSESSOR	003B	200.85
9 005	LORENZA M. BLY	ADM & EXEC MEDIC	001C	673.68
9 006	R.V.R.S.A.	SEPT. SERVICE	026	8,110.00
9 007	DOVER BD OF EDUCATION	TUITIO TO DOVER	BOE	69,351.94
9 008	DOVER MUNICIPAL COURT	SEPTEMBER 2012	005	1,385.58
9 009	HOME DEPOT	BLDG & GRDS OE	006B	71.09
9 010	SHELL FLEET PLUS	STREETS & ROADS OE	008C	1,152.11
9 011	PROF.GOV. EDUC.	ADM & EXEC EDUC.	001E	90.00
9 012	RUBINETTI DISPOSAL	SANITATION	024A	7,529.00
9 013	SEARS COMMERCIAL	BLDG & GRDS OE	006B	199.47
9 014	MT. FREEDOM PRINT	ADM & EXEC OE	001C	252.01
9 015	J.C.P.& L.	BLDG & GRDS OE	006B	485.49
9 016	METRO FLAG	ADM & EXEC OE	001C	55.00
9 017	GERALD FLATT	DOG WARDEN OE	012B	680.00
9 018	DAILY RECORD	ADM & EXEC ADV.	001D	10.92
9 019	DOVER WATER COMM.	BLDG & GRDS OE	006B	23.63
9 020	HECTOR LORENZO	STREETS & ROADS S&W	008	1,217.80
9 021	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,011.20
9 022	MORRIS CTY MUA	RECYCLES	(R)	924.00
9 023	ANDERSON & DENZLER	ENGINEERING	017	1,309.00
9 024	MCTCTA EMEHALT. TREAS	TAXES	004	20.00
9 025	CTY OF MORRIS TREAS.	ELECTIONS	014	1,491.08
9 026	MASTER TREE SERVICE	BLDG & GRDS OE	006B	15,800.00
9 030	FNA JERSEY LIEN SERVICES	TAXES		\$115,366.20
			004	1,018.69
				\$116,384.89
9 027	J.C.P.& L.	AID TO FIRE DEPT.	033	\$102.05
9 028	DOVER WATER COMM.			141.53
9 029	N.J.N.G.			69.05
				\$312.63

Motion to accept the vouchers for payment by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

NEW BUSINESS:

ROCKAWAY TOWNSHIP HEALTH CONTRACT FOR 2013 - We received the health contract for 2013 from Rockaway and Debbe saw that they didn't have the rabie clinic in there. So she talked to them, they will add it - it was a mistake on their part not to have it in there and they corrected. However, since they forgot about it all together it will cost an extra \$300 for the vet to do the clinic that Victory Gardens will pay. There is still a substantial decrease in the health contract compared to what Madison was charging us. We need to approve this change so we can sign off on the contract.

Motion was made to approve the change and for Victory Gardens to pay the vet directly for their services for the rabie clinic. Fees not to exceed \$300. Motion made by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

NEW BUSINESS CONTINUED:

PLANNING BOARD MEMBER - The Mayor said we have a resident that would like to go on Planning Board. She filed the application. She wrote on here that she would like to give time to the community.

Motion to approve Diane Feola for a member of the Planning Board by Councilman Holeman, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Abstain
Councilwoman Garcia Montes	Abstain

BEST PRACTICES - Everyone has a copy of the best practices checklist that we have to do for the State. The Governor gives us these to answer and we have to have a certain amount of yes answers. If you don't meet his percentage then there is a possibility that you could lose state aid. Amy and I filled this out with our answers. We have to speak about it at a Council meeting. So if Council will look this over for the next meeting that would be good. I will have to sign a certification saying we talked about it at a meeting and then it has to go to the State by the end of this month. Did we lose money any time from the state? No.

OLD BUSINESS:

MASTER TREE UPDATE ON CUTTING EXTRA TREE - At the last meeting we talked about this other tree that had to come down. Master Tree gave us an estimate of \$1,600 for the cutting and grinding of the tree and stump. Council said they wanted the Clerk to see if she could get them to do it for \$1,200. The Clerk asked they said they would cut the tree for \$1,200 but not grind the stump so we told them not to do it because Council wanted it all done for \$1,200. So now what are we going to do the Mayor asked? After discussion the Council decided to have Master Tree come back in and do the cutting of the tree and the stump grinding for \$1,600.

Motion was made by Councilman Holeman to have Master Tree cut the tree and grind the stump for \$1,600. Seconded by Councilwoman Hedgepath and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Abstain

Councilwoman Montes asked about what type of damage was done at the church. The tree hit the gutter and brought part of that down but when it hit it broke one of the window. We had just went through the church a week before because we were going to have a mens day and there was no damage to the church. Then they came in and did the tree work and I was there. They hit the roof, and the gutter and they broke a window. Is Leon aware of this? Yes, he has pictures and a letter from the pastor.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - What is the cost you are paying to have the tree come down? \$1,600. You can't base a tree being cut down on what he did previously. We aren't. We were comparing just to say the average cost. What prevents the residents or Liberty Mortgage to close up or cover over the culvert? You can obstruct the flow of water. A lot of the water comes from the condos. Don't you think the town should do something about this? No, it is on private property. The town did not put in the culvert. The letter that was suppose to go to 32 Monroe was not sent. Debbe gave me something from Barrie today. You should send letters because then you have proof that you sent something about a problem. Voucher # 9011 what is that for? A class for the Clerk.

Joan Cegelka - Whos seat is Diane Feola taking on the Planning Board? I think it will be Bernards seat. Did you say she is a new resident? No, I said she is new to wanting to get involved in the town. She has been here for a while.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:
Deborah Evans
Deborah Evans
Borough Clerk



September 25, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on September 25, 2012.

In Mayor Simmons absence, Council President Holeman called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hedgepath, Councilman Holeman, Councilwoman Garcia Montes.

ABSENT: Mayor Simmons, Councilwoman Hall, Councilman Lorenzo.

Motion to accept the minutes of September 11, 2012 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

FOGARTY & HARA - We received a letter from Steve Fogarty regarding the court matter and the Board of Education. Attorney Feintuch said this letter went to the Appellate Division of Superior Court asking what is holding up the decision. The matter was remanded by the Supreme Court back to the Appellate Court to reconsider its earlier opinion which was essentially against us. Attorney Fogarty is saying that there is this delay and he wants an answer. It is not unusual for a court to sit on a matter. As soon as an answer is given we should hear something.

DEPARTMENT OF TRANSPORTATION - We received a letter from the DOT letting us know we are getting a grant for \$37,000 from them for resurfacing Coolidge and Washington Avenue. Leon said we are slightly widening this area, milling and repairing it. We will hold off on this project for this year and get it done in the Spring.

MASTER TREE - Master Tree did come in and do the extra tree for us on the corner of Washington & Washington. He also ground the stump and the cost was \$1,600.

Motion to accept correspondence as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

VOUCHERS:

There were no questions on the vouchers. Motion to pay the vouchers by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilwoman Garcia Montes Yes

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
031	VERIZON	BLDG & GRDS OE	006B	\$171.74
032	AMERIHEALTH	ADM & EXEC OE	001C	6,661.67
033	I DEAL AIR	BLDG & GRDS OE	006B	350.00
9 034	CARQUEST AUTO PARTS	STREETS & ROADS OE	008C	195.48
9 035	PROF. GOVERN EDUC.	FINANCE	002B	90.00
9 036	VERIZON	BLDG & GRDS OE	006B	101.75
9 037	GOLUB ANIMAL HOSP.	DOG WARDEN	012	280.00
9 038	J.C.P. & L.	STREET LIGHTING	023A	659.94
9 039	MASTER TREE SERVICE	BLDG & GRDS OE	006B	1,600.00
9 040	HECTOR LORENZO	STREETS & ROADS S&W	008	1,173.60
9 041	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,011.20
9 042	SHELL FLEET PLUS	STREETS & ROADS	008C	107.12
				<u>\$13,402.50</u>
9 043	VERIZON	AID TO FIRE DEPT.	033	\$54.16

DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 3 permits issued for a total value of construction of \$7,200.

CLERKS RECEIPTS	-	Taxes	\$58,321.46
		Dog Licenses	572.40
		Cat Licenses	71.60
		Sewer Payments	1,323.37
		Total Collected	\$60,288.83

MUNICIPAL COURT - Total collected was \$733.36 There was a \$500.00 bail reinstatement for a Victory Gardens case that was returned so the total coming back to us is \$233.36

TAX COLLECTOR	-	Total Tax Receipts Month to Date:	\$ 358,663.21
		Year to Date:	\$1,267,284.31

REGISTRAR - One marriage license issued for a total collected of \$28.00

I did not get a report for Property Maintenance. Amy gave us a report at the last meeting. Councilwoman Montes asked if that is what we cleared after everything was paid out? Yes. There was a bail account paid out so we have a balance of \$233.36 .

COMMITTEE REPORTS:

Councilwoman Cheatham - None

Councilwoman Hedgepath - Community Development is starting their public meetings. They are handing out monies that were approved last round. Applications for the new year will start in January. They are doing a lot of services now and we may not get anything but we should still apply.

Councilman Holeman - None.

Councilwoman Garcia Montes - Nothing at this time for Finance.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

NEW BUSINESS:

BEST PRACTICES CHECKLIST - The Clerk said we have to discuss this at a meeting. We talked a little about it at the last meeting when I handed this out. I asked at that time for everyone to look it over and if you had any questions to bring them back to this meeting. The Governor has all the towns do this and we have had to do it for the past few years. There are a bunch of questions that have to be answered and they allow you different answers if things don't apply to your town. We have filled the information out already so when you received the package the answers were already there. You have to score a certain percentage in order to keep your state aid as it is currently. If you fail to score the required amount of correct answers then you will have state aid cut. We have not lost any state aid.

There are no questions on the checklist. Amy will send this in when she comes in.

Motion was made to accept the best practices checklist by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

REQUEST FOR QUOTATIONS FOR SIDEWALK REPAIRS - Leon Hall sent quotations out to several contractors but we only received two quotes back. The quotes had to come back to me by September 20, 2012. The two quotes received were:

- | | |
|---|--|
| 1. Tony;s Concrete Construction Co., Inc.
316 E. Kinney Street
Newark, N.J. 07105 | Unit Price of \$78.50 per square yard
Total Cost: \$21,195.00 |
| 2. Crossroads Construction Corp.
41 Hamilton Street
Kearny, N.J. 07032 | Unit Price of \$63.90 per square yard
Total Cost: \$17,253.00 |

*** Crossroads added wrong. On the paperwork it says \$17,892 but unit price prevails. That is why their bid was based on unit price.

NEW BUSINESS CONTINUED:

REQUEST FOR SIDEWALK REPAIRS CONTINUED - Attorney Feintuch looked over the quotes and all necessary paperwork is completed.

Motion was made to award the contract to CRC (Crossroads Construction) in the amount of the unit price of \$63.90 per square yard and a total cost of \$17,253.00 for replacement/repair of sidewalks. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

ACCEPTING SALT PRICING FOR 2012/2013 - We received the new pricing from Cargill. Last year we paid \$83.25 per ton. This year the price is \$81.60. I need approval to sign off on the contract for salt.

Motion was made to sign the contract at a cost of \$81.60 per ton for salt. Motion made by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

The Clerk said there is one thing that Attorney Feintuch wants to talk about that is not on the agenda and this is something that came up at the Planning Board meeting held on 9-19-12.

Attorney Feintuch said there is still talk about the drainage ditch and we have established in the past that we have no control over it. It is not Borough property. It belongs to various owners that are adjacent to it. This has to be resolved between them. Debbe gave me the Developers Agreement that goes back to 1987. I understand that there is a retention basin and it is possible that they are not working properly.

In the Developers Agreement in paragraph 11 it says "a catch basin shall be provided to filter silt as approved by the Borough Engineer prior to entering into the drainage retention system. The maintenance of the retention basin shall be done by the Developer or its successor."

So, the most we can do as a favor, is to write to the property association to have the retention basins checked.

The Clerk said then that Attorney Feintuch will write a letter to the Condo Association with a copy to the Property Maintenance Company, and a copy to Mr. DiSpoto so that he knows we did send a letter. In it we would like them to have a Professional Engineer look the matter over. Attorney Feintuch said he will do this. Debbe needs to get me the information on who is to get the letter and where the copies are going to. Council agreed to have the letter sent by the Attorney.

Councilwoman Hedgepath asked about the problem at the church from the company that cut the trees down and did some damage to the church. Leon Hall said that he contacted the Master Tree to fix what they destroyed and he told Leon he did nothing. We are holding \$1,500 of his money until this matter is resolved. Leon told him that you had witnesses that said it happened during the tree removal. If he doesn't take care of this the money we are holding, can we use that to make the repairs? Attorney Feintuch said no. What happens? If they had done something to municipal property then that is why we hold money. So we can pay for the repairs. It doesn't cover private property. The church would have to go to their property insurance company and their property insurance company would get in touch with Master Trees insurance company. It would be worked out from there. We hold his money to make sure he hasn't damaged anything that belongs to the town. If we have money it should go back to him. How long do we hold it? Until he asks for it.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

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Jim Janone - The quote you had for the sidewalk, Leon said it would be about \$61.54 and we are getting these high quotes, how come? What Leon gave us was an estimate. When he looked into the figures that is probably what he was told. We are now several months later and the price of concrete is always going up. In regards to the condo Attorney Feintuch you have said that you can't restrict the natural flow of water. Correct. That is not a natural flow of water. It is not a stream, river or underground spring. The natural flow of water is downhill. I went to a NJDEP class on Monday and some of the things they talked about gave possible solutions that the town can look at for grant money. Part of that drain flows through public property at the end of every street. Rules for surface drainage back in the 80's were much different than they are today the Attorney said. The town could build a retention pond. If they choose the Attorney said. We can do anything they want to do and maintain it if they want. We don't have anything to do with the culvert. We do have a section in our Land use Law for maintenance and repair. You should look at 21-20.10 .

No other comment from the public.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Councilwoman Cheatham asked Council to start thinking about next years budget. If there are any projects that need to be done start writing down what we need so we will have them for budget discussions..

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:



Deborah Evans
Borough Clerk

October 9, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on October 9, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion to accept the minutes of September 25, 2012 as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. Councilpersons Lorenzo and Hall abstained as they were both absent for the meeting.

CORRESPONDENCE:

Amys Report - Everyone has a copy.

Letter to Resident - A letter was sent to the owner of 125-129 Monroe letting them know there is a huge hole all the way through the tree. It is rotting and needs to come down. Leon said when he was inspecting trees he saw that and asked me to send a letter.

Letter to Resident - A letter went to the owners of 26-28 Monroe letting them know about complaints we received about junk, trucks and sheds on their property. They said they would take care of it this weekend.

Letter to Condo Association - At our last meeting the Attorney needed addresses and names to send a letter and I gave that to him. He sent a letter to the Condo Association President regarding the drainage culvert and a copy of the letter went to Mr. DiSpoto.

Motion to accept correspondence as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

VOUCHERS:

There were no questions on the vouchers. Councilwoman Montes asked if we have received reports from him. The Clerk said we did not get one for September but we have received them in the past. I don't know how many. Council was going to hold the check off but said they would pay it. They asked the Clerk to send another letter to Greg and ask him if he wants this job and if he does he needs to get reports in for the second meeting of the month otherwise his paycheck would be held.

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(See Voucher Listing Next Page)

Corrected Total on Voucher Listing: \$99,211.02
78.41
\$99,289.43

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
10 000	PHILIP FEINTUCH	LEGAL SERVICES	016	\$1,833.33
10 001	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
10 002	ALCOA INFOLINE CTR	ADM & EXEC MEDIC	001C	164.08
10 003	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
10 004	NJ DEPT COMM AFFAIRS	ADM & EXEC OE	001C	56.00
10 005	TREASURER, ST OF NJ	ADM & EXEC OE	001C	100.00
10 006	BD OF EDUCATION	OCTOBER/TUITION	BOE	69,351.94
10 007	DOVER MUNICIPAL CT	OCTOBER	005	1,385.58
10 008	SUSAN RUIZ	RECYCLING	(R)	500.00
10 009	A.T.& T.	BLDG & GRDS OE	006B	39.91
10 010	CARQUEST AUTO PARTS	STREETS & ROADS OE	008B	107.30
10 011	R.V.R.S.A.	OCTOBER 2012	026	8,110.00
10 012	RUBINETTI DISPOSAL	SANITATION	024A	7,529.00
10 013	J.C.P.&L.	BLDG & GRDS OE	006B	302.92
10 014	THE HARTFORD	INSURANCE	018	2,892.01
10 015	PROTECTIVE MEASURES	BLDG & GRDS OE	006B	168.00
10 016	DAILY RECORD	ADM & EXEC ADV.	001D	58.40
10 017	OFFICE CONCEPTS	ADM & EXEC OE	001C	600.27
10 018	HECTOR LORENZO	STREETS & ROADS S&W	008	1,290.96
10 019	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,212.32
10 020	MORRIS CTY MUA	RECYCLING	(R)	684.00
				<hr/>
				\$96,919.72
10 021	N.J.N.G.	AID TO FIRE DEPT.	033	\$78.41

NEW BUSINESS:

MEETING DATES FOR 2013 - January 1 is a holiday and it is a Tuesday. We need to schedule the Reorganization meeting and the regular meetings for the new year. Council decided to have the meeting January 2, 2012 at 6 p.m. for the Reorganization Meeting.

Also, Council agreed to keep the regular meeting dates on the 2nd & 4th Tuesday of the month at 6 p.m..

Motion was made to keep the dates as Council agreed. Motion made by Councilwoman Cheatham, seconded by Councilman Holeman and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

CODED SYSTEMS CODE BOOK ON LINE - Coded Systems is the company that does our codification. They asked if we want them to put the code book on line through their website. This way if anyone wants any of ordinances they can go to the coded systems website and get our ordinances from them. The cost would be \$300 a year. After discussion the Council decided not to go with Coded Systems. Councilwoman Hall said she is talking to a few different people and the Attorney suggested she try to go to the high school and have one of the high school kids do a web page for us and input the information and do updates.

OLD BUSINESS:

MASTER TREE - At the last meeting you made a decision to hold \$1,500 from Master Tree for damage that may have been done by them when they removed the tree by the church. The Mayor said she doesn't believe we can hold this money from him. If there was something wrong the church would have to file a claim with their insurance company and then the church's insurance company would then go to Master Trees insurance company. The Attorney said that is correct.

OLD BUSINESS CONTINUED:

MASTER TREE CONTINUED - Attorney Feintuch said that when we get insurance that is a protection for the Borough. We hired them and technically we would be responsible for what they do. That insurance money protects the Borough from any claims against the person doing work for us.

Motion was made to release the money to Master Tree in the amount of \$1,500. Seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Abstain

This amount of money for Master Tree will be added onto tonights voucher listing so that Amy can pay the money and get it out to him.

Motion was made to add it to tonights list of vouchers so it can be paid right away. Motion made by Councilwoman Cheatham, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Motion to open the meeting to the public by Councilman Holeman, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Joan Cegelka - You have a 9 member planning board and you appointed an alternate at the last meeting. What authority do you have to do that? The Mayor said the resident wanted to do something for the town and asked to be on planning board and it was open. We never had an alternate. That doesn't mean anything. Gail Fraser said we needed one. It is not listed in our ordinances to have an alternate on the planning board. I am just wondering why after all these years you are appointing an alternate when we never had one before. We never had enough people to fill the board before the Mayor said. Now we have enough and an extra. This is the 4th time that Council made an appointment and didn't have an ordinance to do so. They are book keeper, planning board clerk, property maintenance person and now the planning board alternate.

I am going off what the Attorney said at the meeting where we should have an alternate. So I appointed her.

If the Zoning Officer gets a complaint from a citizen does she have to get approval from the Council to answer the complaint? It was stated at previous meetings that when Barrie got a complaint she had to come to the Council before she answered it. She did bring this before Council. Does she have to get Councils permission on all complaints? She knows her job and what she has to do. There was a complaint that was brought up in 2010 and she sent a letter to the person and never followed up on it.

Do we have a records custodian? Yes. Who is that person? The Clerk. Is it possible for me to view the planning board records in front of the clerk without Barrie Krause being present for this? Barrie comes in one hour a week and she was not here yesterday because of the holiday. An hour is not enough time to go through the records.

The Attorney said they are public records and she can view them. The Clerk said she doesn't have time to sit for as long as it will take Joan to look through the records. I can't watch her. She will be in the front area and there is a wall that will divide us.

The Clerk said if Joan is asking for certain things, I don't know where they are. I just want the planning board box that is for the Victory Highlands.

If there are other things that you need after looking through that box, if you don't find what you are looking for you will have to schedule with Barrie. That is okay Joan said. I will make a list of what I need for someone to make copies for me. Okay.

Jim Janone - When is the Halloween Party? It is on Halloween. It has been that way all the time. Budget workshops when will they be started? Don't know yet. Road improvements what will that cover? I don't know everything. Leon Hall has that. Have property owners been notified? No. I don't think we ever notify property owners. If they do get notified it will be done by the company doing the work. Jim said he will submit an OPRA request. The Clerk said she will send it to Leon. Jim said regarding the alternate there is something that you can have them but the town has to do an ordinance in order to have them. If we need an ordinance we will do one. The Attorney said there should be an ordinance. The Mayor asked if she should take the person off the planning board until an ordinance is done? I would suggest you do that the Attorney said. The point is for compliance Jim said.

When will we have more information on the web site? If they want one it will be considered at the workshop meetings.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Hall, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

October 23, 2012

The regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on October 23, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion to accept the minutes of 10/9/12 as received. There was no motion on accepting the minutes as all of Council said they did not receive the minutes. The Clerk said they were put in everyones folder. The Mayor said she had her copy on her desk.

Council said to move their mailboxes into the Clerks office. This way no one take anything out of the boxes in the conference room.

From now on, the Clerk will send whatever is in the boxes out to the Council the Friday before the meeting. This way everyone will have everything they are suppose to have.

We will approve the minutes at the next meeting. Everyone agreed to have the mailboxes moved into the Clerks office. Eddie will deliver everyones mail the Friday before our Council meetings this way everyone will have everything on time.

Councilwoman Hall brought up that Joan Cegelka was back in the Clerks office. We have to stop anyone from being back in that office unless they work here. Councilwoman Hall said that is why she is making this statement because no one is suppose to be there. Lorenza left this person in - Deb was not there. Council agreed that no one - unless they work for the Borough - should be in the office where Deb works.

CORRESPONDENCE:

TREE AT 129 MONROE AVENUE - At one of the last meetings I made a comment about a tree at 129 Monroe Avenue and how bad it was and that it had a big hole in it. Council asked me to send a letter to the owner and let him know about it and also to have Leon look at it. Leon said the tree is half on the Boroughs property and half on the owners property. Leon suggested that we both pay to take it down. The owner of the house said he agreed and he would look for a few quotes. O told him we would like to get this down before winter. Leon sent out for quotes. We are waiting to get those back. This is just an update to let the Council know that we are working on it.

LETTER TO SENT TO OWNER OF 24 GARFIELD - I sent a letter to the owner of this property. His tenants cut a tree down and they dragged it over to the woods where the culvert it is. I asked the owner to have his tenants remove it and get rid of the tree in the right way. I have not heard anything back from him so I will call him.

LETTER TO GREG STAFFORD - I sent a letter to Greg regarding his reports for the Council. I do have a report from him for tonight.

MAYOR AND COUNCIL MEETING DATES FOR THE NEW YEAR - Everyone has a copy. Some Council said they did not have it. The Clerk will make them again and put in the boxes.

ATTORNEY FEINTUCH - At the last meeting we had a problem with the storm water coming from the condos and we asked the Attorney to send the condos a letter regarding the maintenance of their storm water. He did that and he received a letter back from their Attorney Jeffrey Sirot. He said he will review the Developers Agreement and the governing documents and he will get back to our Attorney.

Motion to accept the correspondence as received by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
10 023	N.J.N.G.	BLDG & GRDS OE	006B	\$620.65
10 024	STAR LEDGER	ADM & EXEC ADV.	001D	170.04
10 025	DOVER POST MASTER	ADM & EXEC OE	001C	450.00
10 026	CODED SYSTEMS	ADM & EXEC OE	001D	6,600.00
10 027	TOWN OF DOVER	BLDG & GRDS OE	006B	16,500.00
10 028	GOLUB ANIMAL SEPT.	DOG WARDEN	012	279.00
10 029	ANDERSON & DENZLER	ENGINEERING	017	2,979.00
10 030	LORENZA BLY	ADM & EXEC OE	001C	25.67
10 031	VERIZON	BLDG & GRDS OE	006B	90.44
10 032	KONICA MINOLTA BUIS	ADM & EXEC OE	001C	63.76
10 033	N.J.PRESS MEDIA	ADM & EXEC ADV.	001D	17.16
10 034	HECTOR LORENZO	STS & RDS S&W	008	1,408.32
10 035	EDUARDO MARTINEZ	STS & RDS S&W	008	2,413.44
10 036	ADAMS FIRE PROT.	BLDG & GRDS OE	006B	87.00
10 037	PROFESSIONAL GOV.	FINANCE	002B	90.00
10 038	MADISON BD OF HEALTH	HEALTH SERVICES	010B	8,716.00
10 039	DAILY RECORD	ADM & EXEC ADV.	001D	48.00
10 040	AMERIHEALTH	ADM & EXEC OE	001C	7,192.53
10 041	COUNTY OF MORRIS	TAXES OPEN SP & PARK	004	1,932.17
10 042	COUNTY OF MORRIS	TAXES ASSESSMENT 4TH QTR	004	41,777.10
10 043	PARSIPPANY TRANSFER	RECYCLES	(R)	62.00
				<hr/>
				\$91,522.28

10 044	VERIZON	AID TO FIRE DEPT.	033	\$54.16
10 045	ADAMS FIRE PROTECTION			87.00
				<hr/>
				\$141.16

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

DEPARTMENT REPORTS:

- Building Department - 3 permits issued for a total value of construction \$7,200.
- Clerks Receipts - Taxes \$2,534.90
Sewer 542.36
Dog Licenses 51.60
TOTAL \$3,128.86
- Municipal Court - Total collected \$786.84
- Tax Collector - Total Tax Receipts Month to Date: \$ 37,796.57
Year to Date: 1,305,080.88
- Registrar Report - No marriage licenses issued for the month of October.
- CFO Report - Everyone was copied on Amys report.

Property Maintenance - September & October report - The property located at 24 Jefferson still needs to be cleaned up. The lawn has not been maintained and debris throughout the property needs to be removed. There are paint cans and magazines on the porch. The property located at 54 Polk has been partially cleaned up. The tree which had fallen on the house has finally been removed. The property in the front of the house has been cleaned up, however, the lower back yard remains a mess. Additional trees damaged by the one that fell on the house need to be taken care of. The house has a number of broken windows making it accessible to animals and a hazard for children. Photos are enclosed of both properties.

COMMITTEE REPORTS:

Councilwoman Cheatham - Nothing.

Councilwoman Hall - Halloween party is coming up. It will be held on October 31, 2012 from 4-7 p.m. at the firehouse. Fliers have been made and are ready to be sent out.

Councilwoman Hedgepath - Nothing going on right now with Community Development except discussing what people are doing that received money from the grants.

Councilman Holeman - Nothing at this time.

Councilman Lorenzo - Nothing.

Councilwoman Gracia Montes - Nothing at this time.

Motion to accept and put on file all reports. Motion by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

NEW BUSINESS:

RESOLUTION FOR TAX SALE -

**RESOLUTION OF THE BOROUGH OF VICTORY GARDENS,
COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING A
TAX SALE PURSUANT TO N.J.S.A. 54:5-19**

WHEREAS, the Borough of Victory Gardens will hold a Tax Sale on November 13, 2012; and

WHEREAS, in accordance with N.J.S.A. 54:5 et seq., the Borough of Victory Gardens is entitled to recover costs in connection with the Tax Sale including, but not limited to, advertising costs which may be estimated; and

WHEREAS, the Borough of Victory Gardens wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

WHEREAS, this Sale will be advertised twice, in the Daily Record and two notices will be mailed, once each within the four consecutive weeks prior to the date of Sale.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Borough of Victory Gardens that Lorraine E. Benderoth, Tax Collector, be and is hereby authorized and directed to charge and collect an advertising fee of 2% per line item of the amount to be sold at Tax Sale, minimum of \$15.00, maximum of \$100.00.

I HEREBY CERTIFY the above to be a true copy of a Resolution Adopted by the Township Council of the Borough of Victory Gardens at a duly convened Meeting held on Oct. 23, 2012.

NEW BUSINESS:

RESOLUTION FOR TAX SALE CONTINUED -

Motion to approve the Resolution for the tax sale made by Councilwoman Montes, seconded by Councilman Holeman and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

Council asked for a copy of the tax sale list. The Clerk said she would put it in their boxes.

IDEAL AIR PROPOSAL - This is the new proposal for 2013. Everyone has a copy. The amount of the contract is \$1,400 for the year. This is the same cost as they did the maintenance for last year.

Motion was made to approve the proposal from Ideal Air for \$1,400 for the year 2013. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

OLD BUSINESS: NONE

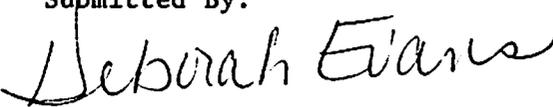
Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Jim Janone - When you were talking about people in the office is that something that will be all the time whether Debbe is here or not? No one should be there the Mayor said. Well if it is going to be for everyone, Debbe has her husband back here when he comes to pick her up. He also works for the Borough as a subcontractor. So he is a worker here. This does not apply to employees.

What is the update on the website estimates? Councilwoman Hall said there is no updates. The letter that the Attorney sent to the condos, I am surprised that you didn't mention that as the town you have the right to review maintenance records. I got the response I wanted the Attorney said. They are looking into and they will get back to me. I don't know if anyone is aware of this but a few days ago there was some open burning being done. Who is handling that? Councilwoman Hall said it was her property and the State Police were there and there was no credible documentation that any open burning happened there. Is there any update on the DPW and getting things they needed for storms? Councilman Holeman said he thought that they were asked last year and they said they didn't need anything else - but I will ask them again. The ordinances for the positions that Joan Cegelka asked about at the last meeting is anything being done about that? The Attorney said he received a letter from the Clerk and he is working on the items needed. I looked at the paperwork from Leon Hall on the work to be done on Coolidge Avenue and Washington. It looks like it may be expanded an additional 3 feet. Does anyone know on what side or if there will be more widening? We don't know but Leon would.

Motion to close the meeting to the public by Councilwoman Hall, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

 Deborah Evans
 Borough Clerk

November 13, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on November 13, 2012.

Council President David Holeman called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilman Holeman, Councilman Lorenzo and Councilwoman Garcia Montes.

LATE: Councilwoman Hedgepath (5 Minutes Late)
ABSENT: Mayor Simmons.

Motion to accept the minutes of 10/9/12 & 10/23/12 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:
Councilwoman Cheatham Yes
Councilwoman Hall Yes
Councilman Holeman Yes
Councilman Lorenzo Yes
Councilwoman Garcia Montes Yes

CORRESPONDENCE:

Anderson & Denzler - The improvements on Roosevelt Avenue have been inspected. The one year maintenance guarantee is up and we recommend the release of the one year maintenance bond to Mark Paving.

Tax Sale - We had our tax sale today and everything was sold. There were 13 properties.

Letter to Resident at 25 Monroe - I sent a letter to the homeowner letting them know that there is a lot going on at the house and that the landscapers that live there are bringing debris from their jobs to Victory Gardens expecting us to get rid of it.

Motion to accept and put on file the correspondence by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

VOUCHERS:

Motion to approve the vouchers for payment by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham Yes
Councilwoman Hall Yes
Councilwoman Hedgepath Yes
Councilman Holeman Yes
Councilman Lorenzo Yes
Councilwoman Garcia Montes Yes

(Vouchers On Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
11 000	DEBORAH EVANS	ADM & EXEC OE	001C	\$108.00
11 001	PHILIP FEINTUCH	LEGAL SERVICES	016	1,833.33
11 002	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
11 003	ALCOA INFOLINE	ADM & EXEC MEDICAL	001C	164.08
11 004	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
11 005	DOVER BD OF EDUC.	NOVEMBER TUITION	BOE	69,351.94
11 006	DOVER MUNICIPAL CT	NOVEMBER COURT	005	1,385.58
11 007	RUBINETTI DISPOSAL	SANITATION	024A	7,529.00
11 008	SEARS COMMERICAL	BLDG & GRDS OE	006B	13.96
11 009	TOWN OF DOVER	BLDG & GRDS OE	006B	16,500.00
11 010	SHELL FLEET PLUS	STS & RDS OE	008C	567.90
11 011	ONE STAR LEDGER	ADM & EXEC ADV.	001D	128.28
11 012	N.J.N.G.	BLDG & GRDS OE	006B	624.00
11 013	J.C.P.& L.	BLDG & GRDS OE	006B	339.68
11 014	VERIZON	BLDG & GRDS OE	006B	171.61
11 015	J.C.P.& L.	BLDG & GRDS OE	006B	659.13
11 016	A.T.& T.	BLDG & GRDS OE	006B	80.77
11 017	VINCE DISPOTO	ADM & EXEC	001C	200.00
11 018	VAN GENDEREN AUTO	STS & RDS OE	008C	347.30
11 019	HECTOR LORENZO	STREETS & ROADS S&W	008	\$1,290.96
11 020	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	\$2,212.32
				\$103,832.84
11 021	VERIZON	AID TO FIRE DEPT.	033	\$81.79
11 022	J.C.P.& L.			162.96
11 023	N.J.N.G.			86.56
				\$331.31

NEW BUSINESS:

GENERATOR FOR BOROUGH HALL AND GARAGE - Everyone saw with this storm that we were without power for the Borough Hall for 5 days. We need to look into one that will do both the garage and the town hall or we can split it. Council President Holeman said that he will ask Leon Hall for what is best. Are we looking at natural gas or gasoline? I would think natural gas. We need something for the garage because the men had to disengage the doors during the storm in order to open them. They had to get on a ladder that was about 18 feet high. Are we looking at a commercial generator? Yes. Council agreed to have Leon look and see what we need and to let us know the cost.

TREES THAT CAME DOWN IN STORM - The Clerk said she is combining this and what we have in Old Business about the tree on Monroe Avenue. At one of our other meetings we asked Leon to go out and check out the tree on Monroe Avenue. He told us that part of the tree was ours and part belonged to the homeowner. The homeowner is willing to pay for half the cost of removing that one tree. However, in the storm we had other trees that came down that belong to the Borough. So now there are 9 trees that we have to get estimates on. I asked Leon to get estimates for us so I have them back by the next Council meeting.

Councilwoman Hall asked if we are giving time frames for people to remove trees and debris that came down in the storm? We know that it takes the insurance some time to do what they have to do. There is a big problem with the house on Monroe that now has a tree laying on it plus trees that fell in the back yard. Attorney Feintuch will send the bank a letter to have them come in and clean up.

Motion to open the meeting to the public by Councilwoman Hall, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Joan Cegelka - Who is our OEM person for Victory Gardens? Councilman Holeman. Did you attend the briefing before the storm? Yes. What did you bring back to the town from that meeting? There wasn't much to report except that the storm was coming and that power would be out and that anyone that needed any support systems such as oxygen should leave town and go to stay with someone. Can you get grants for your generators? I have been getting calls from Mayor Dodd in Dover during the storm. I don't live in Dover and I was hoping that we would have gotten something from our own town. I got minutes today and my name was mentioned about being in Borough Hall and being in Debbes office. When did this happen? Councilwoman Hall said she doesn't remember what day it was but that she came down to Borough Hall and pulled into the parking lot she saw Joan behind the counter. As a resident you should not be behind the counter. Are you denying that you were behind the counter? No.

Public Portion Continued:

Valerie Williams - When was the Boroughs Emergency Operations Plan updated last? When the County updated. It is usually once a year. Our plan for VG is the same as the Countys. County Plan and Borough Plan are two different documents. Did you declare a local disaster for Victory Gardens? No, the County declared the whole state a disaster. We didn't have to declare for each town. Where is the Boroughs emergency communication center set up? We would use Borough Hall. Why wasn't it reported to JCP & L when the power went out so they could get us back up and running? They were notified. Valerie said she notified them. So did I Dave said and so did the Clerk. Why didn't you declare the town a local disaster so we could apply to FEMA and FEMA could come and give us an emergency generator. Victory Gardens had no power. As fas as a generator goes you have to have someone come in and install all the wiring and you have to know what size generator you need. FEMA will let you borrow the generators not give them to you. There will be a whole lot of lessons learned from this storm. We also brought up last year about buying a generator for town hall and it was voted down. FEMA just doesn't hand out money. We have applied to FEMA last year when we had the storm and still haven't gotten any money.

Jim Janone - Did we get anything from the County regarding supplies? I picked up a skid of water. We have some water left. We will keep it. I think it is stupid to have a generator for the garage. Who sent the letter to 25 Monroe? I did. Why didn't Barrie do it? She wasn't here someone called about it to complain and since Barrie wasn't here I sent it. I asked Councilman Holeman at the last meeting if DPW was prepared for the storm and you said yes. Apparently they weren't. On Roosevelt there were power lines down and we have kids in here that were playing. There were no cones up. We were prepared and there were cones up blocking the street. JCP & L were guarding those wires because there was a truck up there. Do we have a chain saw to cut trees down? Smaller ones yes big ones no. I have a copy of the Certificate of Insurance regarding the cleaning company that cleans this building and they do not have Workers Comp. There was a question about whether Doug was an employee of the town or the company? There was no question. He works for the cleaning company. He isn't covered if he falls. My question for the Attorney is if there is anything preventing him from an employee of the cleaning company from suing the Borough if he falls and gets hurt? Theoretically he could sue the Borough. He has to show fault. Is there a liability to the Borough? No. In order to sue the Borough you have to show it is the Boroughs fault.

Motion to close the meeting to the public by Councilwoman Hedgepath, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Hedgepath, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

November 27, 2012

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on November 27, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.

Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hall, Councilwoman Hedgepath, Councilman Holeman, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

Motion to accept the minutes of November 13, 2012 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

Letter to State Police - I sent a letter to the State Police thanking them for their time and efforts in Victory Gardens while we were without power. They were very good and were on patrol in here 24/7 everyday for two weeks. I wanted them to know that we appreciated all they did for us.

JCP&L - I spoke with John Anderson from Jersey Central and he said they will begin removing pole/wires/ and any equipment debris starting the week of November 26, 2012 and they will be in for several weeks until all their debris is removed from the streets and curbs.

Fogarty & Hara - Attorney Feintuch received this and he will explain what it is. The costs of running our school system was inflated to the extent of approximately \$100,000.00 per year. Mr. Fogarty filed an appeal with the Appellate Division. The case went on and one and ultimately the Appellate Division accepted the Commissioners decision. We feel Victory Gardens was taken advantage of. Mr. Fogarty then filed a motion for reconsideration for the Appellate Division to reconsider and he sent out a rather lengthy and well thought out brief pointing out why the Appellate Division made mistakes. Under court rules the next step would be to the New Jersey Supreme Court. But you only have a right to do that if one of the three Judges dissented. If it is a unanimous decision which this was, you must ask the Supreme Court to hear your case.

We have to make a decision tonight, according to Mr. Fogartys letter as to whether or not you want him to do that. I don't know if that would require an additional fee or not. That is something that we have to discuss with him. I believe we have 45 days to get an answer back to him. The Clerk said we have to have an answer back to him by December 5th so we have to talk about it tonight.

Councilwoman Montes asked how much we have paid Mr. Fogarty so far? he asked for \$10,000 and that is what we paid him.

Attorney Feintuch said that his recommendation is that we should authorize him to file an appeal on our behalf. I still think we are being taken advantage of. I think he makes some very good points here and I think it is something that the Supreme Court might very well be interested in hearing. Even if it costs more money I think we should move forward because it would be worth it in the long run. Councilwoman Montes asked what we would gain? We would gain not having to pay Dover an extra \$100,000 a year.

After much discussion Council voted to have Mr. Fogarty move forward. Roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo No
- Councilwoman Garcia Montes No

The Clerk was asked to contact Mr. Fogarty and let him know to proceed with the process and to also get a cost from him as to what he is going to charge us for moving forward with the case.

Motion to accept correspondence as received by Councilwoman Cheatham, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

VOUCHERS:

Councilwoman Montes questioned #11027 for two different engineers. They are two different people. #11042 remove from listing as this is a credit not a bill.

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
11 024	MORRIS CTY MUA	RECYCLES	(R)	\$564.00
11 025	DAILY RECOED	ADM & EXEC ADVT.	001D	238.84
11 026	VERIZON	BLDG & GRDS OE	006B	94.54
11 027	ANDERSON & DENZLER	ENGINEERING OE	017	3,765.00
11 028	CARGILL INC.	STREETS & ROADS OE	008C	2,168.93
11 029	A.K.ELECTRIC	BLDG & GRDS OE	006B	272.00
11 030	CROSSROAD CONSTRUC	CAPITAL IMPROV.	CI	17,636.40
11 031	GOLUB ANIMAL HOSP.	DOG WARDEN	012	293.00
11 032	J.C.P.& L.	STREET LIGHTING	023A	659.01
11 033	VERIZON	BLDG & GRDS OE	006B	173.85
11 034	AMERIHEALTH	ADM & EXEC MEDICAL	001C	7,192.53
11 035	VERA CHEATHAM	RECREATION	029	1,700.00
11 036	LORRAINE BENDEROTH	TAXES (CERTIF)	003	50.00
11 037	HECTOR LORENZO	STREETS & ROADS S&W	008	1,378.96
11 038	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,363.16
11 039	HORIZON BLUE CROSS	ADM & EXEC MEDICAL	001C	673.68
11 040	US BANK PRO CAP 1	TAXES	003	510.95
				\$39,734.85
11 041	VERIZON	AID TO FIRE DEPT,	033	\$82.96
11 042	VERIZON			54.16
				\$137.12

Motion to approve the vouchers for payment by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

DEPARTMENT REPORTS:

Building Inspector - 6 permits issued for a total value of construction \$34,916.

Clerks Receipts - Taxes	5,976.68
Sewer Accts.	298.25
Dog Licenses	12.20
Bid Spec Pickup	25.00
Total	\$6,312.13

Municipal Court - Total collected \$1,543.48

Tax Collector - Total Tax Receipts Month To Date: 72,220.25
 " " " Year To Date: 1,377,301.13

DEPARTMENT REPORTS:

Registrar Report - 1 marriage license issued. Total collected \$28.00

CFO Report - Everyone has a copy of Amys report.

Property Maintenance - Due to the ongoing efforts to clean up from Hurrigan Sandy, there is no property maintenance report this month.

COMMITTEE REPORTS:

Councilwoman Cheatham - Nothing.

Councilwoman Hall - Recreation Christmas Party will be Saturday December 22 from 1-4 p.m. at the firehouse. A flier will go out. Councilwoman Cheatham is assisting me.

Councilwoman Hedgepath - Leon was at the meeting for Community Development. We are looking to apply for a grant for road work. We will be discussing his application at the next meeting. We aren't sure if we will get it, but we are going to try again.

Councilman Holeman - I just wanted to make it clear from our last meeting when we were discussing OEM and generators. They lend out the generators. They don't give anything to the towns to keep. It goes by priority. OEM decides who gets it and who goes without.

Councilman Lorenzo - Hector said that he is having a problem with the plow on the truck. We have had this problem last year. He can't plow if the plow won't work. We need to get this fixed. Do we know of a garage that can fix it? We can find someone. He says that Eddie fixes it by hammering it. It is old and we need to fix it. It is a problem with the hydraulics. After much discussion Council said that Eddie should take it and get it fixed but not to spend more than \$1,000.

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

There was also discussion on purchasing a new truck. We will have Eddie look into what he needs and see who holds the State Contract for the trucks. We will have information for the next meeting.

Councilwoman Garcia Montes - Nothing at this time.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Attorney Feintuch said he was reading over the paperwork from Steve Fogarty. I had forgotten that this was heard by the Supreme Court earlier and it was returned back down to the Appellate Division because the Supreme Court was not satisfied within the manner in which the Appellate Division reached its earlier decision. They sent it back to the Appellate Division saying we want a more defined series of reasons why you decided as to why you decided. There is a very good chance that they will hear it again.

NEW BUSINESS:

BOARD OF HEALTH REORGANIZATION MEETING AND REGULAR MEETINGS FOR 2013 - We do have to get this advertised so everyone is aware of meeting dates for the Board of Health. The Clerk set the following schedule if the Council agrees to the dates:

- January 15, 2013 will be the Reorganization & Regular meeting
- April 16, 2013
- July 16, 2013
- October 15, 2013

All meetings will be held at 6:00 p.m.. Council agreed to dates and times. The Clerk will advertise.

NEW BUSINESS CONTINUED:

NEW INSURANCE QUOTE FOR DOUGLAS BEST - Dougs current insurance with Alcoa is going up. The price has more than doubled. I have looked at another few companies and found one called Federer Insurance. The cost is \$371.85 per month. The amount for him to come on AmeriHealth with me is \$1,200 per month. The town covers this. It is open enrollment through Medicare until 12/7/12. Council said the new insurance pays a better benefit and we have paid for this insurance. We should go with the new rate.

Motion was made to go with Federer Insurance Company for Douglas Best insurance as of December 1, 2012 in the amount of \$371.85 per month.

Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

OLD BUSINESS:

TREE QUOTES - We have discussed at the last meeting about trees that fell during the hurricane. We had Leon Hall do quotes up and send them out to tree services. Leon sent out to Master Tree, Richs Tree, Affordable Tree Care and Avila Landscaping. The only quote we got back was from Master Tree in the amount of \$11,800.00 . This company has done work for us before and did a good job.

Councilwoman Cheatham made a motion that we move forward and hire Master Tree in the amount of \$11,800 to do the work for us. Seconded by Councilman Holeman. Roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilman Lorenzo	No
Councilwoman Garcia Montes	Abstain

GENERATOR - We have discussed about getting a generator for this building and the garage. This building was without power for 8 days. Everyone has a copy of the paperwork from Leon Hall. It is a 50 KW, 200 Amp natural gas emergency generator. We would have to go out to bid on this.

Did we do a quote for a generator for the firehouse? No. We don't have to do the firehouse. You can open town hall as a warming center and for people to charge cell phones. Councilman Lorenzo said it is a big chunk of money and a waste. We may use it once a year. I think we should look at something that we can use it from place to place. Councilman Holeman said it has to be hooked up to our panel box. There was discussion on this. Council decided to look into it a little more and bring it back to the next meeting. Check out prices and see what you can find. Where would the money come from? The Clerk said she spoke with Amy and she said we have the money for the generator from when we put this building back together we had kept some of the money from the contractor. We can take the money from that. Councilwoman Hedgepath said if we have the money we should use it and get this generator for the next time to make sure we don't have a problem like this again. You need to think about this and ask what is best for the community. We will talk about this again at the next meeting. Check out prices and sizes Councilman Lorenzo and give it to the Council before the next meeting.

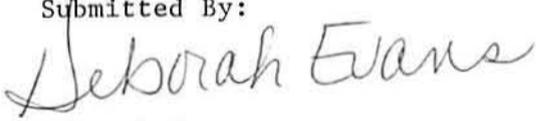
Motion was made to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Joan Cegelka - When is the garbage contract due to be renewed? It is up for renewal in March of 2013 but we have gone out to bid. I hope you get someone that doesn't throw the cans. Mr. Feintuch you said something about the BOE and the court. The Appellate Court made a decision and then Mr. Fogarty asked for certification from the Supreme Court. They heard argument and said they didn't have enough information to make a decision and sent it back to the Appellate Division for more findings on their part. That is the decision that we have now. The Appellate Court heard the arguments and they made findings that were greater than what the original findings were. In other words, the Appellate Court did what the Supreme Court asked them to do. They reasoned out those decisions. Did you get a copy of them? Yes. Did you get a quote from the State Health Benefits Plan? No, we don't belong to that plan. It is more expensive than ours. Attorney Feintuch said they have alternate plans now and you can choose. How does your Engineer pick who he sends quotes out to? You would have to ask him. I know he didn't ask Johnnys Tree this time because they didn't have enough insurance. I think he told me that some of the ones we used before he called to see if they were interested but they were busy and couldn't help us at this time. Councilman Holeman if you were going to purchase a generator for your home how would you do that? I would call an electrician and ask him what I needed. When we were looking at a generator we called companies why don't you do that? We are doing that - we just said we would do that. The money that you said we have for the generator how long have we had that money? We have money left over from the reconstruction of this building. Where is that in the audit? I would have to ask Amy. The money from the BOE do you still have that? I don't know the amount the Mayor said but yes we still have it.

Jim Janone - In regards to the generator you don't need to power this whole building. You should think about that a little more. You talked about trucks. You don't need to look at a new truck you can look at leftovers. You can get them with no miles. You were talking about insurance for Debs husband. On her retirement are her benefits for life? Yes. For both of them? Yes. Councilman Holeman since you are going to be Mayor next year do you a plan yet on what you are going to do? One of the first things I will be doing is sitting down with JCP&L. Has a damage assessment been done? We didn't have that much damage done. I have talked to FEMA already. They have been here. We had no overtime with our DPW for the storm. When was the last time a RFP was done in the Borough? We need to review for Professionals and contracts for the new year. We have done them in the past for health insurance and for cleaning. We also heard Councilwoman Montes said she wanted to look at Engineering. At the last meeting the issue came up about Debs husband being an employee and I called the Division of Banking & Insurance and they said employers have to provide workers comp insurance. Thank you for the information the Mayor said.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

Submitted By:

 Deborah Evans
 Borough Clerk

December 11, 2012

The regular meeting of the Mayor and Council of the Borough of Victory Gardens held on December 11, 2012.

Mayor Simmons called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilwoman Hedgepath, Councilman Holeman, Councilwoman Garcia Montes.

ABSENT: Councilwoman Hall and Councilman Lorenzo.

Motion to accept the minutes of November 27, 2012 as received by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

CORRESPONDENCE:

FOAGRTY & HARA - Everyone has a copy of the letter I received from Steve Fogarty and what the new fees will be for proceeding with the courts. He is expecting to do 25 hours worth of work for us on the appeal at a cost of \$4,125.

ADVERTISEMENT - I advertised the legal notice for the BOH meetings for next year. I gave everyone a copy.

LETTER FROM RANDOLPH - During the year the County said they wanted to do work at the intersection of South Salem Street and Franklin Road. They were willing to put in \$90,000 towards the project but wanted Victory Gardens and Randolph to each come up with \$45,000 to help defray the costs.

We now have received another letter from Randolph asking us to apply to Community Development for 2013 for the \$45,000 to do our part of this intersection. Randolph is going to submit an application to Community Development to see if they can get the \$45,000 for their part.

It will be up to the Council what they want to do. Leon has done our application to Community Development and I have it tonight to discuss at our meeting. If you want Leon to change the application he will.

My thoughts on this is that I would rather go with the application Leon has done. None of us are guaranteed a grant from Community Development. What if we both apply and neither gets it or what happens is only one of us get it? If the other one can't come up with money then the project is at a standstill and the money has to go back to Community Development.

Council will have to decide what they want to do when we get ready to discuss our Community Development application later in the meeting.

Motion to accept and put on file the correspondence by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote. None opposed.

VOUCHERS:

Are there any questions on the vouchers? No questions on the vouchers.

Motion was made to approve the vouchers for payment by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

(See Voucher Listing Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
12 000	PHILIP FEINTUCH	LEGAL SERVICES	016	\$1,833.33
12 001	ALCOA INFOLINE	ADM & EXEC MEDIC	001C	164.08
12 002	UNITED HEALTH	ADM & EXEC MEDIC	001C	342.75
12 003	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
12 004	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
12 005	STEVEN HODES	DOG WARDEN	012B	100.00
12 006	J.C.P.& L.	BLDG & GRDS OE	006B	226.69
12 007	ADVANCE LEARNING	ADM & EXEC OE	001E	99.00
12 008	DOVER WATER COMM.	BLDG & GRDS OE	006B	35.07
12 009	HENRY O. BAKER	INSURANCE	018	478.00
12 010	HOME DEPOT	BLDG & GRDS OE	006B	653.68
12 011	DOVER MUNICIPAL CT	DECEMBER CT	005	1,385.58
12 012	MADISON BD OF HEALTH	HEALTH SERVICES	010B	7,562.50
12 013	AMERIHEALTH	ADM & EXEC MEDIC	001C	7,192.50
12 014	RUBINETTI DISP.	SANITATION	024A	7,529.00
12 015	MORRIS CTY TAX ASSOC.	TAX DEPT	003	20.00
12 016	THE HARTFORD	INSURANCE	018	8,676.00
12 017	DOVER BD OF EDUCATION	TUITION TO DOVER	BOE	69,351.94
12 018	GRAMCO BUSINESS	ADM & EXEC OE	001C	1,095.00
12 019	NAPA OF STANHOPE	STREETS & ROADS OE	008C	116.66
12 020	SHELL FLEET PLUS	STREETS & ROADS OE	008C	795.41
12 021	A.T.& T.	BLDG & GRDS OE	006B	44.73
12 022	R.V.R.S.A.	NOVEMBER SERVICE	026	8,110.00
12 023	R.V.R.S.A.	DECEMBER SERVICE	026	8,108.00
12 024	CASPER'S SUPPLY	STREETS & ROADS OE	008C	840.00
12 025	GERALD FLATT	DOG WARDEN OE	012	180.00
12 026	MUNIDEX INC.	TAX ASSESSOR	003	215.00
12 027	MARK BUREK	TAX ASSESSOR	003	139.09
12 028	DAILY RECORD	BOARD OF HEALTH ADV.	010B	\$48.26
12 029	HOME DEPOT	BLDG & GRDS OE	006B	19.91
12 030	HECTOR LORENZO	STS & RDS S & W	008	1,173.60
12 031	EDUARDO MARTINEZ	STS & RDS S & W	008	2,011.20
12 032	HECTOR LORENZO	STS & RDS S & W	008	1,290.96
12 033	EDUARDO MARTINEZ	STS & RDS S & W	008	2,212.32
12 034	BARCO PRODUCTS	CLEAN COMMUNITIES	CC	415.90
12 035	ANDERSON & DENZLER	ENGINEERING	017	3,347.50
12 036	MORRIS COUNTY MUA	RECYCLES	(R)	816.00
12 037	N.J.N.G.	BLDG & GRDS OE	006B	624.00
12 038	FEINTUCH, PHIL	LEGAL SERVICES	016	2,800.00
				\$140,378.69
12 039	J.C.P.& L.	AID TO FIRE DEPT.	033	\$118.90
12 040	DOVER WATER COMM.			143.81
12 041	N.J.N.G.			86.56
				\$349.27

NEW BUSINESS:

GARBAGE BIDS - Attorney Feintuch is not here yet but we will wait for the Attorney to get here. If he doesn't show up we will open the bids and read the prices.

GRAMCO CONTRACT - Everyone has a copy of the bill from Gramco. This is for the recording system. It went up \$100 from last year. This is because the system is getting older and it costs a little more if we need replacement parts. Does anyone have any questions? None heard.

Motion was made to approve the contract for Gramco in the amount of \$1,095 for the year 2013. Motion made by Councilman Holeman, seconded by Councilwoman Montes and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hedgepath Yes
- Councilman Holeman Yes
- Councilwoman Garcia Montes Yes

NEW BUSINESS CONTINUED -

COMMUNITY DEVELOPMENT APPLICATION FOR 2013 - The grant application that Leon has done for us is for the 3rd section of Monroe Avenue. This is the section after you cross over Roosevelt Avenue. The request is for \$60,000 and it is for improvements to Monroe Avenue. It is for a tiny bit of widening, milling, paving, inlet replacemnet and 245 feet of concrete curbing. There is currently no curbing at all on this street.

This is our application as done by Leon Hall. This is what I was talking about earlier and what Randolph wants us to put in for with the South Salem Street intersection. Now Council has to make the decision as to what they want to do.

Council said to put the application in as the way Leon Hall submitted it to us for Monroe Avenue.

Motion was made to approve the Community Development application that Leon Hall did for Monroe Avenue. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

RESOLUTION FOR MUNICIPAL ALLIANCE -

WHEREAS, the Borough Council of the Borough of Victory Gardens, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governors Council on alcoholism and drug abuse through the County of Morris;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of Victory Gardens, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Dover/Victory Gardens Municipal Alliance grant for the calendar year 2013 in the amount of \$43,516.00 .
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Motion to approve the resolution by Councilman Holeman, seconded by Councilwoman Hedgepath and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

ORDINANCE FOR ALTERNATE MEMBERS TO PLANNING BOARD - This is for an introduction only.

ORDINANCE ALLOWING FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING BOARD OF THE BOROUGH

Motion was made on the introduction of the ordinance by Councilman Holeman, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Holeman	Yes
Councilwoman Garcia Montes	Yes

RESOLUTION FOR PROPERTY MAINTENANCE INSPECTOR - Mayor Simmons said we are not moving on this tonight. We already have a Resolution. We never created the position so we need an Ordinance to create the position. Attorney Feintuch will have to get that to us.

GARBAGE BID OPENINGS - We have two bids. One from Private Disposal/Rubinetti and the other from Waste Management. We will open the bids but they will not be awarded tonight as the Attorney has to look them over for completeness.

NEW BUSINESS CONTINUED:

GARBAGE BID OPENING CONTINUED -

Private Disposal LLC/Rubinetti	3 year period	\$349,200.00
Breakdown: Year 1	\$116,280.00	
Year 2	\$116,400.00	
Year 3	\$116,520.00	

Waste Management	3 year period	\$289,521.00
Breakdown: Year 1	\$ 88,000.00	
Year 2	\$ 88,000.00	
Year 3	\$ 90,000.00	

There is a separate quote for recycling but the total of the contract is the \$289,521.00 .

The Attorney will look over all the attached paperwork and if everything is in order we should be able to award at the next meeting.

OLD BUSINESS:

GENERATOR COSTS - We are putting this on hold. Councilman Holeman is still waiting on estimates. So you will discuss this when those estimates come in.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Holeman and approved on verbal vote.

Jim Janone - Jim said the Mayor did a good job as Mayor. We had our ups and downs but I will sincerely miss you. What is voucher #024 for? The mens clothing. It includes boots, sweatshirts, shirts, etc. It is for both men. #035 is for the Engineer. General Engineering, Sewer Engineering and DOT grant. #038 for the attorney is for litigation with the RVRSA. Is Rubinetti still giving us his paperwork? Yes, Councilwoman Montes said it is attached to his billing. Voucher # 040 for Dover Water. It is a special pipe or something because it is the firehouse. We went through this before. This is a quarterly bill not a monthly bill. You might want to look into getting a new recording system for here and go with the electronic equipment like Dover has. Jim read something about resolutions from the State. Attorney Feintuch said he will do an Ordinance to create the position for the book keeper and the property maintenance.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Mayor Simmons said she would like to say something before we adjourn the meeting. I want to thank the Council for all their hard work over all these years. She wishes everyone well. Please continue to work for the whole community and not just a chosen few. Keep your sights on what is best for everyone. It has been my pleasure to work with all of you.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk