

January 8, 2013

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on January 8, 2013.

Mayor 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 Lorenzo, and Councilwoman Garcia Montes.

ABSENT: Councilwoman Hedgepath.

Motion to accept the minutes of 12/11/12 by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Lorenzo	Abstain - missed that meeting
Councilwoman Garcia Montes	Yes

Motion to accept the minutes of 1/2/13 by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

CORRESPONDENCE:

COURTER, ROBERT & COHEN - Letter sent to Clerk of Dover Regarding Joint Court - We are special Counsel to Mine Hill in regards to the Interlocal Services Agreement for the Joint Municipal Court. Mine Hill recently received proposals for police services from the Borough of Wharton and Township of Roxbury. If Mine Hill were to enter into an agreement with Roxbury it would be required to leave the Joint Court. This is your notice that Mine Hill could potentially withdraw as of 12/31/13. While it is not Mine Hills intention to do so at this time, it must preserve its rights going forward.

STEVE FOGARTY - Following the submissions of the briefs and supporting documents by all parties, the Supreme Court will review the submissions and determine whether or not to grant certification. While the Supreme Court does not grant certification on a routine basis, we are hopeful that our briefs will bring to light the fact that the interest of justice demands review of this matter. If certification is denied the case is concluded. However, if certification is granted, the Court may either dispose of the matter summarily based on the briefs submitted or may instead choose to schedule oral argument. We will certainly keep you appraised of any developments.

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

VOUCHERS:

Councilman Lorenzo asked if for voucher # 1001 we could have a bill attached. Yes we will do that for the next time.

Phone Data what is this for? Phone system that we have and the cameras. Also the bills for AT & T and Verizon we don't pay tax. No, we don't pay sales tax. Any other tax is not sales tax and we have to pay it. These are questions from Councilwoman Hall. When we sign vouchers if we see tax can we deduct it? Yes, if it is sales tax. We are only exempt from sales tax.

(See Vouchers Next Page)

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VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
1 000	PHILIP FEINTUCH	LEGAL SERVICES	016	\$1,833.33
1 001	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
1 002	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
1 003	LORENZA BLY	ADM & EXEC OE	001C	25.67
1 004	PHONE DATA	BLDG & GRDS OE	001C	\$1,040.04
1 005	SUSAN RUIZ	RECYCLING	(R)	500.00
1 006	TREAS. ST. OF NJ	BUILDING INSP.	007	110.00
1 007	TREAS. ST. OF NJ	REGISTRAR	010A	25.00
1 008	DOVER MUN. COURT	COURT	005	1,385.58
1 009	DOVER BD OF EDUCATION	TUITION	BOE	69,351.94
1 010	RUBINETTI DISPOSAL	SANITATION	024	7,529.00
1 011	A T & T	BLDG & GRDS OE	006B	44.66
1 012	J.C.P.& L.	BLDG & GRDS OE	006B	664.18
1 013	GOLUB ANIMAL HOSP.	DOG WARDEN OE	012	320.00
1 014	DAILY RECORD	ADM & EXEC ADVERT.	001D	49.92
1 015	VERIZON	BLDG & GRDS OE	006B	95.04
1 016	OFFICE CONCEPTS	ADM & EXEC OE	001C	320.17
1 017	VERIZON	BLDG & GRDS OE	006B	173.75
1 018	NJ CONF OF MAYORS	ADM & EXEC OE	001C	295.00
1 019	RR DONNELLEY	ADM & EXEC OE	001C	125.00
1 020	MT FREEDOM PRINTING	ADM & EXEC OE	001C	179.00
1 021	JULIAN RUSSELL	TAXES	003	1,081.69
1 022	FIRST BYTE CORP.	ADM & EXEC OE	001C	750.00
1 023	SHELL FLEET PLUS	STREETS & ROADS OE	008C	621.88
1 024	PROTECTIVE MEASURES	BLDG & GRDS OE	006B	348.00
1 025	NAPA AUTO PARTS	STREETS & ROADS OE	008C	341.05
1 026	EDUARDO MARTINEZ	STREETS & ROADS S & W	008	\$3,192.78
1 027	HECTOR LORENZO	STREETS & ROADS S & W	008	\$1,862.96
1 028	J.C.P.& L.	BLDG & GRDS OE	006B	392.45
1 029	SHAFFER SUPPLY	STREETS & ROADS OE	008C	95.42
				\$93,078.51
				AMOUNT
1 030	PROTECTIVE MEASURES	AID TO FIRE DEPT.	033	\$348.00
1 031	N.J.N.G.			488.30
1 032	VERIZON			81.81
1 033	J.C.P.& L.			134.28
				\$1,052.39

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 Lorenzo Yes
- Councilwoman Garcia Montes Yes

NEW BUSINESS:

GOLUB ANIMAL CONTRACT FOR CATS AND DOGS - Everyone has a copy of the contract for 2013. Everything on both went up \$1.00 except the quarantine and euthanasia fees they stayed the same.

Motion to approved the contract with Golub for 2013 by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

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

NEW BUSINESS CONTINUED:

MAILBOX REPLACEMENT FOR JIM JANONE - Mr. Janone gave us a picture of his mailbox that was knocked over and broken by our road department during snow plowing. He would like to be reimbursed for his mailbox. We did replace a mailbox before for Kris Odomirok in the amount of approximately \$25. Wouldn't that be covered under home owners insurance Councilwoman Hall asked? There would be a deductible the Attorney said. Councilwoman Montes asked if we received an estimate? No. Councilwoman Hall said if we do this we will be doing it for everyone. People lose front yards - they are ripped up by the plows. Our men should be more careful when they plow. Also, there is a right of way on the roads Councilwoman Hall said. Council talked about having Mr. Janone get an estimate.

Motion was made to have Mr. Janone replace his mailbox at a cost of no more than \$30.00 for replacement. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo. Councilwoman Hall asked if they are homeowners or renters because if they are renters shouldn't the homeowner take care of replacement? Roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall No
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Yes

OLD BUSINESS:

2ND READING AND ADOPTION FOR PLANNING BOARD ORDINANCE FOR ALTERNATES - The Clerk said this gets read by title only because we had it advertised in full in the paper.

ORDINANCE ALLOWING FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING BOARD OF THE BOROUGH OF VICTORY GARDENS

Motion to adopt the Ordinance by Councilwoman Hall, seconded by Councilwoman Cheatham.

At this time we will open to the public on this ordinance only. Motion to open to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Valerie Williams - The ordinance is by title only? Yes, we read it before and published it in full in the paper. What are the responsibilities of the alternate? They fill in when someone is absent. Do they have voting priviledges regardless? They only have voting rights if someone is absent and they are sitting in for them. Otherwise they are here for a meeting but listen only.

Jim Janone - Can you read the ordinance in full for us? I can if the Council say to do it. How many members is the ordinance permitting? Not more than 4. Council did not make a motion to have it read. Having heard no other questions from the public we need a motion to close to the public.

Motion 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 has been done. We need a roll call:

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

APPOINTMENT OF ALTERNATE TO PLANNING BOARD - Since we adopted the ordinance Mayor Holeman asked for a motion to approve Diane Feola as the alternate for the planning board.

Motion to appoint Diane Feola to the Planning Board by Councilwoman hall, seconded by Councilwoman Cheatham and approved on roll call:

- Councilwoman Cheatham Yes
- Councilwoman Hall Yes
- Councilman Lorenzo Yes
- Councilwoman Garcia Montes Abstain

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OLD BUSINESS CONTINUED:

BARRIE KRAUSE APPOINTMENT TO THE PLANNING BOARD AS CLERK - I spoke with the past Mayor Betty Simmons and she said when Barrie was hired she was hired as Zoning Officer/Board Clerk for the Planning Board. So we need to appoint her.

Motion was made to appoint Barrie Krause as the Planning Board Clerk. Motion made by Councilwoman Cheatham, seconded by Councilwoman Hall. Roll call:

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

GARBAGE BIDS - This is not on the agenda but the Attorney has reviewed all the documents and is ready to present to the Council so the bid can be awarded. Both bids meet the requirements of the specs. Attorney Feintuch is recommending that Waste Management be awarded the bid in the amount of \$289,521.00 for a 3 year period.

Just to refresh everyones memory the bid results were:

Waste Management	\$289,521.00
Private Disposal/Rubineti	\$349,200.00

Motion was made to approve the contract for Waste Management in the amount of \$289,521.00 for a three year term. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

Motion was made to have the Attorney draw up a formal contract for Waste Management for the contract to begin on April 1, 2013 and be for three years. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

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

Mayor Holeman said that the Democratic Committee gave him a letter tonight with three names for the Council position that is open. The three names are:

Jodie Costanza Rivers
James R. Glass
Joan E. Cegelka

These are the names for the Council to choose from. You have 30 days to make your decision. Are these the only names we have? This is what the Committee gave us. Mayor Holeman said for the Council to decide what they want to do so a selection can be made at the next meeting.

Mayor Holeman said that he received a letter from Councilwoman Montes stating that she can not do the Planning Board because of personal matters. I will need someone to fill this position from the Council. I would like someone to volunteer otherwise I will have to select a Council member to fill the seat.

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

Valerie Williams - There are errors in filling the vacancy. No one was given an opportunity to fill the vacancy. Attorney Feintuch said we have nothing to do with the way the Democratic Committee picks the names. Is Barrie Krause going to be the Zoning Officer/Clerk/Secretary? She is the Zoning Officer/Clerk. If the Planning Board members choose her to be the Secretary then she will be. How much does she get paid a month? \$516.31 per month. Does the Secretary get paid? No. Do you have established a committee for OEM for the Borough? You have to submit a report to the State. A committee to do what? If we are talking about the same committee we have one but I will look and see who the people are the Mayor said. Do we have a local emergency management council? I don't think we do? Are you going to establish one? I will have to talk to Chris Barrella as my deputy.

Public Meeting Continued -

Jim Janone - I need to correct the Attorney on the candidates for the Democratic Committee that they gave us. You made it seem like you have to pick one of the three. You don't. The Council can reject the names. I know that. I think they understood what I said. Do you have an ordinance for Planning Board Clerk? I don't think we do. It is an appointment that the Mayor makes. When Barrie was hired she was hired as P.B. Clerk and Zoning Officer. By law they have to have one. That is the person that keeps the records. The Attorney said he will check this out for you to find out what we have to have. What side is the curbing going in for Monroe Avenue. I think it is going on both sides. I will check with Leon. I would also like to clarify about my mailbox. Two winters ago they hit my mailbox and at that time I put a concrete pole in. This time they broke off the mailbox. It is on private property outside the right of way. In my lease I am responsible for all damages and I am responsible for making all repairs. I watched the truck ride by and they were exceeding the speed limit for plowing.

Jim Glass - When I saw that Dave was now the Mayor I knew there would be a empty seat on the Council. I called and asked Debbe what to do and she told me to contact Lill Frazier. That is what I did and that is how my name is on the list.

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

Deborah Evans
Borough Clerk