

March 12, 2013

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on March 12, 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 Hedgepath, Councilman Lorenzo, Councilwoman Garcia Montes and Councilman Glass.

ABSENT: Councilwoman Hall.

Motion was made to go out of the regular order of business so that Bill Schroeder can discuss the introduction of the municipal budget. Motion made by Councilwoman Cheatham, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

Bill said that we are projecting a \$54.00 increase for the local rate for the year. This comes out to \$4.50 per household per month based on a home assessed at \$200,000. This is within the 2% tax levy cap that the State allows. You are actually \$12,753.00 below the maximum that you are allowed to raise by that cap. You are \$39,000 below the expenditure cap - that includes cap banks from prior years. Just as a point of reference, there was a Star Ledger report that came out that shows every tax rate for the average home - every town in the State of New Jersey and the overall statewide average - and Victory Gardens your amount of average tax almost \$4,031.00 and the statewide was almost \$7,870. So you are way below the statewide average.

You should be commended for the effort of getting this budget together. This is a plus for you. Last years rate ended up being 7¢ lower than the prior years rate. Mainly because we stayed flat, the school board dropped 6¢ and the County dropped 1¢. You were lower than the 2012 rate and lower than the 2010 rate. We were 2.19 overall and 2010 was 2.23. I would go back further but you had a reval before that and that makes the rates not apples to apples.

You are well within all the caps as set forth by the State with a small minimal tax rate. If it is your wish we can introduce the budget tonight and then we will have a hearing and then adopt. We are subject to State review because we do not have an encumbrance accounting system here so we don't get a self review. You have a very solid budget here.

The Mayor asked if anyone on Council had any questions for Mr. Schroeder? There were none. The Mayor said that normally we do not open the meeting to the public on the introduction but I do know there are some that may have some questions. We will open the meeting to the public but please limit your questions to three as Mr. Schroeder has somewhere else he has to be for another budget.

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 - Did you say we do not have an encumbrance system? That is correct. If we had one wouldn't that help with the purchases? Yes and no. The towns always have bills that come in from the prior year within the first three months of the new year. What is the cost of living increase for this year? The CPI that the State has is 2% . Statewide for the whole State of New Jersey is 2% Why aren't the account numbers from the budget used on the voucher listing? State documents say you don't have to use them. Internally you can use what you want. The State may try to amalgamate so everyone uses the same numbers but internally you can do what you want. Will it make it easier for the auditors when they come in? Not really. All towns that I do, all do it the same way as Victory Gardens.

Jim Janone - Balance from 2012 it was \$166,000 unused. This year it is 193,500. This is alot of money. You said that the taxes were going to go up. Yes. The Mayor and Council introduced this budget with a 3% increase. I know by law we can go up to 2% . Yes, but with the COLA Ordinance you can go up to 3.5% . I have all my towns adopt the CAP ordinance. This towns CAP BANK is below 2% . I do the COLA ordinance to protect the CAP BANK. If you don't pass the ordinance the cap bank goes away. I want to keep my options open. That is why I ask that all towns

Jim Janone Continued - I work with to pass the Ordinance. Do they have to go up? No. All this money that is left at the end of the year will keep adding up. Yes, but we are putting it back in when we use it as a revenue fund balance. We went from \$370,000 as a revenue last year and we went up \$10,000 so it went up to \$380,000 which is offset in taxes. A large way that we replenish the \$380,000 that we have used is the amount of money in the budget we get back. We had a fund balance of \$640,000 that went up to \$693,000. Could the Council have passed this budget without giving a 3% in raises? Yes. Did you get this report from the CFO? Yes, that is how the budget was put together. Usually if you are putting something in the budget say example for tree removal they have it in Building & Grounds and in Clerks O & E. Why is it spread out? It could be related to several different things. I don't comment on individual line items. I look at the overall budget.

Valerie Williams - How much money in the budget is allotted to Emergency Management? \$510.00 . How much for Board of Health? \$510.00 . Planning Board? \$3,060.00 . DPW? S & W was \$95,481.00 and O & E was \$51,000. Is there anything in the budget for emergency management if a resident needs water, shelter? No. An emergency authorization would have to be done. If they have this money or did emergencies they would have to account for it in the next years budget.

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

Motion was made to introduce the 2013 municipal budget. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

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

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

Motion to accept the minutes of February 26, 2013 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

CORRESPONDENCE:

AUDIT - Everyone was given a copy of the Audit. We will do this at the next meeting. You have to read the Comments & Recommendations.

BOARD OF HEALTH - Everyone was given a copy of the Calendar of Events that Rockaway Township is doing for the year which our residents can participate in. This went out to the residents also.

MASTER TREE - We finally sent his check out. There was one stump we were waiting to get ground up on Roosevelt. That work was finally done so we mailed the check to him.

MORRIS COUNTY GUN BUY BACK PROGRAM - Everyone was given a copy of this. This is being put on by the Morris County Prosecutors Office. Dates are:  
Friday March 15, 2013 9:00 a.m. until 7:00 p.m.  
Saint Paul Inside the Walls 205 Madison Avenue, Madison New Jersey.  
Saturday March 16, 2013 9:00 a.m. until 7:00 p.m.  
Saint Peters Episcopal Church, 70 Maple Avenue, Morristown, N.J.

Will there be a flier sent to the residents on this? No. We just got this. It is advertised in the papers and on television.

DOT APPLICATION - Leon presented to the Council the work with DOT. There was a section of the work where DOT said they would do the right of way but not private parking areas. I spoke with the Attorney and he said we can't pave private driveways. I relayed that information to Leon who changed the application with DOT. We are still a go on the project and should be going out to bid in April.

CORRESPONDENCE CONTINUED:

PLANNING BOARD - We had discussion or comments at meeting regarding the Planning Board and the line item in the budget and what that covers. I spoke with Amy and she said it covers ads in the paper, classes for the members, books, paying Dave Zimmerman and Gail Fraser. Leons bills do not come out of the Planning Board.

ATTORNEY FEINTUCH - Re: Jersey City MUA - Letter to Judge Weisenbeck - Please be advised that we are the Attorney for the Borough of Victory Gardens. As such and on behalf of the Borough we join in the motion for partial summary judgement brought by the RVRSA.

Attorney Feintuch asked if he could say something regarding this. This case has been going on for some time. It is starting to wind down. There have been files and briefs that have been filed and we still have more to go. The RVRSA and the member municipalities are alleging that there are no material facts at issue. we are looking for the Judge to render a decision but if he can't do that then this will go to trial.

DEPARTMENT OF COMMUNITY AFFAIRS - I have a letter that was held off on from the DCA. This was held off because the Attorney was sending a letter in response to their inquiry. Now that the Attorney is back from vacation I will read this into the minutes.

The Local Government Ethics Law provides the Local Finance Board with the power to initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the ethics law. Recently the Board reviewed an inquiry regarding a Joint Services Agreement between the Borough and the Town of Dover for fire and emergency services. The Board is also aware that the Borough has its vehicles serviced by JD Automotive which is owned by the Mayor of Dover. Please tell the Board in writing the nature of the relationship between JD Automotive and the Borough and how the Borough procured the services of JD Automotive in lieu of services that could be provided by another company.

Attorney Feintuch responded to this letter. Attached hereto are several invoices and bills for JD Automotive for work done for the Borough on 1/2010, 2/2010 and again in 1/2010, in 3/2010 and 10/2010. The Borough has been engaging JD Automotive for a number of years. We find their work to be satisfactory and in close proximity to the Borough. All this work predates the Joint Services Agreement. Please call my office if you need further information. Attorney Feintuch says he has not heard anything back from the State at this time.

PACKET OF INFORMATION TO MAYOR AND COUNCIL - I gave a packet to everyone regarding the acroterian that Valerie Williams asked about. So now everyone knows what it is.

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

VOUCHERS:

There are no questions on the vouchers from the Council. Motion to pay the vouchers by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

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

(See Vouchers Next Page)

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VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
3 000	PHILIP FEINTUCH	LEGAL SERVICES	016	\$1,833.33
3 001	UNITED HEALTH CARE	ADM & EXEC MED	001C	342.75
3 002	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
3 003	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
3 004	PETER RUBINETTI	SANITATION	024A	7,529.00
3 005	AMERIHEALTH	ADM & EXEC MED.	001C	7,192.53
3 006	DOVER BD OF EDUC.	TUITION MARCH	BOE	69,351.96
3 007	DOVER MUN. COURT	COURT	005	1,385.58
3 008	PROF. GOVERN EDUC.	ADM & EXEC OE	001E	90.00
3 009	FOGARTY & HARA,ESQ	BD OF EDUCATION	BOE	2,503.45
3 010	GOLUB ANIMAL HOSP.	DOG WARDEN	012	160.00
3 011	DOVER WATER COMM.	BLDG & GRDS OE	006	160.58
3 012	TWSP OF RANDOLPH	TRAFFIC LIGHT	022	1,449.90
3 013	ONDRIA GARCIA MONTES	RECREATION	029	600.00
3 014	TOWN OF DOVER	BLDG & GRDS OE	006B	\$16,500.00
3 015	J.C.P.& L.	BLDG & GRDS OE	006B	350.09
3 016	CARGILL INC.	STREETS & ROADS OE	008	1,989.41
3 017	MCT CTA ARLENE E.	TAXES	003	20.00
3 018	R.V.R.S.A.	MARCH AGREEMENT	026	7,818.00
3 019	GAIL FRASER, LLC	PL BD ATTORNEY	016	306.00
3 020	N.J. PLANNING OFF	PLANNING BD	009	120.00
3 021	ENRIGUE'S PRINTING	DOG WARDEN	012B	25.00
3 022	N.J. DAILY RECORD	ADM & EXEC	001D	48.88
3 023	PROTECTIVE SYSTEMS	ADM & EXEC OE	001C	260.00
3 024	N.J. DAILY RECORD	ADM & EXEC ADV.	001D	10.40
3 025	TJS SPORTWIDE TROPHY	PLANNING BD.	009	112.00
3 026	ANDERSON & DENZLER	ENGINEERING	017	2,422.25
3 027	HECTOR LORENZO	STREETS & ROADS S&W	008	1,378.96
3 028	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,363.16
				\$126,648.27

3 029	REINER AIR COND	AID TO FIRE DEPT.	033	\$305.00
3 030	N.J.N.G.			582.20

\$887.20

NEW BUSINESS:

INTRODUCTION OF THE 2013 MUNICIPAL BUDGET - This was done earlier in the meeting.

OLD BUSINESS:

2ND READING/PUBLIC HEARING/ADOPTION OF CAP BANK ORDINANCE - We introduced this at one of our other meetings. Bill Schroeder talked about this tonight and what it was. It has to be read by title only.

CALENDAR YEAR 2013  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK

Motion to open the meeting to the public on the ordinance only by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

Valerie Williams - What is this ordinance? It is an ordinance which will allow us to exceed the cap of 2% . Mr. Schroeder explained this earlier. We do the ordinance so if we have to go above the 2% we can.

Jim Janone - How come the Council did not know what this was and the Attorney had to explain it? I know that Debbe and Phil no the answer. Could you explain the ordinance Councilwoman Cheatham? Yes, not the way the Attorney did but I could. The Mayor and Council did not speak up when this question was asked? We didn't have to as Bill Schroeder explained it the Mayor said. Councilwoman Montes said just because we didn't answer doesn't mean we didn't know the answer. We thought maybe you wanted to hear it from the Attorney or the Clerk.

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

OLD BUSINESS CONTINUED:

2ND READING/PUBLIC HEARING/ADOPTION OF CAP BANK ORDINANCE -

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

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

The Clerk said at one of our meetings we introduced and adopted an ordinance regarding the appointing of a Borough Attorney, Borough Planner and Borough Engineer. We had someone in the audience ask about this because the body of the ordinance stated that we were creating the positions of these three persons.

I said at that time I did ask the Attorney about it and he said that is how the ordinance reads and it is the correct way in which it should read.

Attorney Feintuch said it was brought to our attention that we didn't have an ordinance to cover these positions and so we made one. We have established those positions. Since the people holding those positions may change from time to time we did it like this. We did have an ordinance that is in our book but all it says is that it establishes the office of the Borough Attorney. We couldn't find the ordinance that matched with this. When we had the fire we lost 2 minute books and 1 ordinance book. So we incorporated all the positions into this one ordinance. Now it will be again in the ordinance book.

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

Valerie Williams - Debbe said she gave everyone a copy of the acroterian. Did you read it? Yes. Do you understand where I am going with this and the whole land use? Who has the contract for emergency tree cutting for the Borough? No one. For example if a tree falls on someones house someone has to come and cut the tree off the house. Who would do it? It would be up to the homeowner to get it done. Attorney Feintuch asked Valerie what authority she has to say what she did. The tree fell on my house and I needed a service to have the trees cut off the house. Why is that the Boroughs problem? Valerie said she isn't going to waste her minutes answering that she can talk to the Attorney afterwards. An ordinance prohibiting property encroachment. I would like the Borough to create an ordinance for this. No the Attorney said. That is a private civil matter that has nothing to do with the Borough. Council are you going to listen to the Attorney or are you going to do this? We listen to him. Encroachment is a civil matter. The Borough doesn't get involved with whom is encroaching on whom. This is a civil function between two neighbors. You can't legislate the relationship of neighbors. It isn't up to us as to whom is encroaching on whom. You would have to take your neighbor to court. So you aren't going to do an ordinance? We can't.

Joan Cegelka - After you reviewed the revised budget that Amy gave you did you have any questions on it? No. Councilwoman Cheatham at the budget meeting you said that Amy made a revision and you were satisfied with it. What was that? I don't have my paperwork in front of me. Did Amy give a revised year end report? I have the balance at the end of the year as being \$185,272. Bill Schroeder is saying it is 195,300. When you adopt the budget will you be taking questions again? Bill will be here and he can answer questions. When will that be? April 9. Can I still ask questions at a regular meeting? Yes.

Jim Janone - Your timer is about 30 seconds off. Did Greg Stafford submit reports? Once a month. He gave us one for January. I don't know what other months I have. Voucher #3029 - Reiner - We had a problem with the heat at the firehouse. We called the repairman and the first one we called couldn't do it. we called the company that installed it and they came out and made the repair. Voucher # 3026 for Leon Hall how many bills is that for? Attorney Feintuch said there is nothing in the statute that says the Planning Board has to approve bills if the Borough pays the bills. We asked if the work was done and Barrie said it was. Leons bill was for 4 different matters.

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

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

Submitted By:

*Deborah Evans*

Deborah Evans  
Borough Clerk