

March 26, 2013

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on March 26, 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, Councilwoman Hedgepath, Councilwoman Garcia Montes and Councilman Glass.

ABSENT: Councilman Lorenzo.

Motion to accept the minutes of March 12, 2013 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

CORRESPONDENCE:

FOGARTY & HARA - Everyone was given a copy of this letter. It states that with regret, a copy of the March 8, 2013 Supreme Court Order denying the Borough's Petition for Certification is attached.

I spoke with Mr. Fogarty and he said we are done. We have fallen victim and no one wants to hear this type of case. There is nothing else that we can do.

Councilwoman Montes asked how much money we spent on this case? Councilwoman Hedgepath said we have to look at how much we would have gained had we won. Yes, Councilwoman Montes said but we already lost twice.

We had to give it a shot the Mayor said. Councilwoman Hall said that obviously there was wrong doing for us to lose this money. Is there anyone or anything else that can be held accountable for the money? Can we ask Attorney Feintuch about this? I will ask him the Clerk said. Councilwoman Hall said that she believes we lost the money because the numbers were over inflated by the Board of Education at the time. We have lost out over time over a million dollars due to someones negligence. Councilwoman Montes said to remind the Attorney that the whole Board of Education voted on it at the time.

J C P & L - They are looking for a rate increase. They are holding public hearings on: April 8 in Toms River, April 16 in Morristown and April 24 in Freehold.

ANDERSON & DENZLER - Everyone has a copy of this letter. The Borough received a complaint from the owner of 36 Adams Avenue regarding runoff coming down her driveway. One solution to reduce or eliminate this from happening is to have a paved asphalt berm installed along the driveway opening. Please discuss and get back to me as to how the Council would like to handle this.

Councilwoman Hall asked if this is the property owners responsibility. It always has been. The house sits on the lower side of Adams. Councilwoman Montes said she gets water but they always take care of it.

GREG STAFFORD - Greg gave me a letter. He states that he read in the newsletter that went to the residents that tickets would be issued to property owners who fail to clean up their property especially fallen trees from Hurricane Sandy. I have submitted several reports to you regarding property in the Borough that is need of maintenance. I have no knowledge of what happens after I give you my report. The Clerk said she told Mr. Stafford that he has to send notices and follow up with tickets if they don't comply. It would then be up to him to get them to court.

KURTS LOCKSMITH - As everyone knows we have had a few problems with the door as you come in the building. I had Kurts out here twice already and they tried to fix it but it isn't working. So I have an estimate from him for the panic bar, the lock, the bolt, the rod that goes up through the door and the labor and it is going to cost approximately \$2,000. He has to order the parts but I told him I had to bring it to the Council tonight before he does anything. So I need you to tell me what to do.

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

VOUCHERS:

Are there any questions on the vouchers? Hearing none, we need a motion to pay the bills. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

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

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
3 031	AUTO PARTS STORE	STREETS & ROADS OE	008C	\$186.53
3 032	PROFESSIONAL PRINT	INSPECTIONS OE	007	460.75
3 033	DAILY RECORD	LEGAL SERVICES	016	10.92
3 034	WILLIAM LANKENAU	DOG WARDEN	012	11.00
3 035	VERIZON	BLDG & GRDS OE	006B	60.45
3 036	HOME DEPOT	BLDG & GRDS OE	006B	82.53
3 037	CABLEVISION	BLDG & GRDS OE	006B	8.80
3 038	N.J.N.G.	BLDG & GRDS OE	006B	807.00
3 039	SACKS PAINT & WALL	STREETS & ROADS OE	008C	513.56
3 040	US BANK CUST.PRO CAP	TAXES	003	71.27
3 041	LEO GREB ESP.	TAXES	003	500.00
3 042	HOME DEPOT	STREETS & ROADS OE	008C	76.74
3 043	DAILY RECORD	ADM & EXEC ADVERT	001D	44.72
3 044	J.C.P.& L.	STREETS LIGHTING	023	662.03
3 045	VERIZON	BLDG & GRDS OE	006B	171.93
3 046	HECTOR LORENZO	STREETS & ROADS S&W	008	1,173.60
3 047	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,463.72
3 048	A T & T	BLDG & GRDS OE	006B	37.87
3 049	TREASURER, STATE OF NJ	REGIATRAR	010	125.00
3 050	TREASRERE, STATE OF NJ	BLDG INSPECTOR	007	10.00
				\$7,478.42
3 051	VERIZON	AID TO FIRE DEPT.	033	\$81.65
3 052	REINER AIR COND.			130.00
				\$211.65

DEPARTMENT REPORTS:

BUILDING INSPECTOR - 2 permits issued for a total value of construction \$6,300.

CLERKS RECEIPTS - Taxes	\$32,923.48
Dog Licenses	153.80
Sewer	190.00
TOTAL	\$33,267.28

PROPERTY MAINTENANCE - Property at 132-138 Monroe needs immediate maintenance. Pictures attached. What action was taken from previous report in January.

MUNICIPAL COURT - Paid to the Borough \$508.12 .

TAX COLLECTOR - Total Tax Receipts Month to Date:	\$307,766.38
Year to Date:	\$382,236.54

REGISTRAR REPORT - 1 marriage license issued for February 2013. Total collected: \$28.00

COMMITTEE REPORTS:

Councilwoman Cheatham - No Report.  
 Councilwoman Hall - No Report.

DEPARTMENT REPORTS CONTINUED:

Councilwoman Hedgepath - We went to a Community Development meeting for housing and grants. There will be another meeting for who gets what monies.

Councilwoman Garcia Montes - Saturday March 30 will be the Easter Party at the firehouse from 2-4 p.m.. A flier was sent to the residents. There will be an Easter Egg Hunt, races and refreshments. Council is welcome to attend.

Councilman Glass - No report.

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:

AUDIT REPORT/COMMENTS & RECOMMENDATIONS - The Clerk said everyone received a copy of the Audit. Everyone was suppose to read the comments & recommendations. Are there any questions?

Councilwoman Hall said that it is stated that the corrections will be done. Yes. There is that one we have every year that will never be corrected unless you want to hire extra people. Other than that they will be completed.

Councilwoman Montes asked about the dog licenses? The Clerk said normally what we do every year is order 100 tags because in 25 years we never had more than that issued. The other year when they did the census everyone came in for 2012 and bought a license. I think we issued 140. We had to use tags and licenses from previous years because we ran out. This year we ordered 200 tags and so far only 80 people came in.

The Clerk said that at the end of this year we will send a flier around reminding people they have to get their licenses by January 31.

RESOLUTION ON THE AUDIT 2012 - Everyone has a copy of the Resolution. Also, we have the sign off sheets that everyone has to sign saying that you read the comments and recommendation section of the Audit. I need everyone to sign three sheets. We can not copy the signatures that go to the State.

GOVERNING BODY CERTIFICATION OF THE ANNUAL  
AUDIT FORM OF RESOLUTION

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

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

(See Resolution Next Page)

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
FORM OF RESOLUTION**

WHEREAS, N.J.S.A.40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant wit the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C.5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

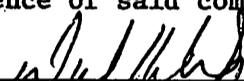
WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty five days after the receipt of the Annual Audit, pursuant to N.J.A.C.5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

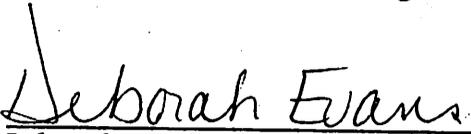
WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S.52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (DLGS) under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Victory Gardens, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

  
\_\_\_\_\_  
Mayor David L. Holeman, Jr.

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 held on 3-26-2013.

  
\_\_\_\_\_  
Deborah Evans, Borough Clerk

NEW BUSINESS CONTINUED:

TONNAGE GRANT RESOLUTION -

Motion to approve the Resolution for the tonnage grant by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

(Resolution in full below)

Your recycling coordinator is Sue Ruiz and she files all the paperwork to the State, attends the classes to be certified as the Recycling Coordinator and she sends out paperwork to the companies in town so they send her reports with their tonnage information.

TONNAGE GRANT APPLICATION 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 Borough to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this Borough to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the Borough 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 Susan Ruiz 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  
Deborah Evans, Municipal Clerk

David L. Holeman, Jr.  
Mayor David L. Holeman, Jr.

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby attest that this is a true and exact copy of a Resolution adopted by the Mayor and Council of the Borough of Victory Gardens at a meeting held on March 26, 2013.

Deborah Evans  
Deborah Evans, Municipal Clerk

Mayor Holeman said that before we open the meeting to the public we have two items that we have to address that came up at tonights meeting. One is the drainage issue at 36 Adams Avenue and the other one is the replacement locks for the entrance door.

Councilwoman Hall said she knows the address can you give me the owner so I can place which house it is? Theresa Mendoza. After some discussion, the Council said that it is the responsibility of the homeowner to correct the issue. There are other people with the same issue and they take care of it themselves.

The other items is Kurts Locksmith and replacing the door mechanics that we have at a cost of approximately \$2,000. When did he give you the quote? Yesterday. He does have to order the parts so it will be a few weeks before he gets them in. We will have the same key. After discussion the Council agreed to get the work done as long as there is a warranty.

Motion was made to approve the work by Kurts Locksmith by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

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

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

Joan Cegelka - You all worked on the budget for 2013? Yes. Why were funds put in three different line items for the trees? We did it so we wouldn't have to make that many transfers. We could only do transfers at the end of the year. How much money was put in for cutting down trees? I don't think there was a specific amount. How did you calculate for the budget? I based it on what we have spent in previous years. How much did you put in the budget? I figured on about \$10,000. Do you know how many trees you have to cut down? I don't. I will have to send Leon Hall around to look at the trees and see what is in our right of way. We took trees down because of the storm also. We had about 6 of those. What are Leons credentials? He doesn't have any. I had an arborist come in and he told me a tree was in great shape and then it started dropping big limbs in the road.

Jim Janone - Voucher 3039 from Sacks Paint. What did we buy? Paint. For the roads so they can paint lines by the Stop signs. The thing about Adams and the drainage, why don't you put curbing in on some of the roads when you do work on them? It may control some of the storm water runoff. I know we asked Leon about this at one time and some of these roads have the entrances to the parking areas and you may have two blocks up for curbing and the rest is flat. We can always ask Leon again when we do a project. I have copies of sewer reports. Does anyone see them? We get billed every month from Leon for this report. I don't think anyone can just do this report. I think you have to know what you are talking about with the sewer lines. We will find out about the reports. Councilwoman Hall you said you wanted to put money away for a website. How did you come up with your figure for the budget for the website. There is no certain amount set aside. We put money aside but we aren't sure how much it will cost.

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

Councilwoman Hall said before we adjourn she would like to say something. I wasn't at the last meeting but I know that Councilwoman Montes brought up something about paying Leon Hall. This is for everyone on Council. If we are doing something wrong up here there is nothing wrong with correcting it. If someone thinks we are doing something wrong then we need to communicate with each other. Give everyone the information and the law if you find something saying that we are doing something wrong. Once we have the information then we can all look at it. If anyone has evidence of something being done wrong then give it to everyone so we have the information and can correct it. We need to call each other and talk to each other. Council agreed.

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

Submitted By:

*Deborah Evans*

Deborah Evans  
Borough Clerk