

April 9, 2013

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on April 9, 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 Councilman Glass.

ABSENT: Councilwoman Hedgepath and Councilwoman Garcia Montes.

Motion was made to go out of the regular order of business so that Bill Schroeder from Nisivoccia can discuss the budget for adoption. Motion made by Councilwoman Hall, seconded by Councilman Glass and approved on verbal vote. None opposed.

Bill Schroeder said the State approved our budget - there were no problems with it. They gave us their approval to adopt tonight. We are in good shape with this budget. We have a healthy fund balance and a healthy capital. We are very good.

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

Jim Janone - What are the total votes needed to pass the budget? It is a simple majority of the full sitting Board. So we need four votes tonight to pass. Yes. What is the 2013 tax rate? It is projected at .827. Is that local? Yes. What was the 2012 tax rate? .80. Will there be a tax increase and if so how much per household? There will be a \$54.00 increase for the year on the local part of the budget. This is based on an average house assessed at \$200,000. It would come out to \$4.50 per month. What is the difference in the budget this year compared to last year? Last years total budget was \$1,307,285.00 and this years budget is \$1,332,336.00. Was is the current fund balance and would that be as of today or when? It would be as of 12/31. The fund balance for 2012 was \$691,532.00. The year before it was \$645,042.00. Do you have the numbers for the school budget? No. Do you have them for the County? No. They do not certify those numbers until all the local budgets are in.

Councilman Lorenzo asked if the \$54.00 increase is the same as last year? No because last year we stayed flat. Yes, that is right. Your overall rate last year and 2012 it went down. There were no other questions from the public.

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

Mayor Holeman asked Mr. Schroeder if there was anything that can be done regarding the loss we took on our lawsuit regarding the Board of Education? Is that affecting us in the future? Debbe and I were just talking about this before the meeting started. You have already taken the hit for everything in the past. Where this could hurt you, how ever it is that they determine the calculation going forward every year that is how much of your residents tax bill will go how they calculate that number. If they calculate that number that much higher then you have to raise that much more to pay. That is not your budget that is the tax bill for the school taxes. Although I don't know the full answer to your question, Victory Gardens falls into a different spot. It is either a sending district or receiving district or you are your own district. They closed Victory Gardens down through the State and made you a part of Dover. They did this because you were a non operating district. I don't know how they are calculating this and I think that was the basis for the lawsuit. If it was me, I would explore that and find out how that calculation is done every year. I thought that is what Steve Fogarty was doing. He is a very good attorney. I thought he was up on that. You are in a weird spot.

Mayor Holeman said we were denied again in the lawsuit. Yes, Mr. Schroeder said. i don't know if you were denied going backwards. I can understand that although I don't agree with it. I am more concerned with going forward and how they are going to calculate it. I think this should be attacked. We should understand

how that calculation is being done. I thought Mr. Fogarty was an expert in that. If not, I am not an expert it this but I can ask some questions if you want me to. Councilwoman Hall asked if it is calculated on the actual students we are sending? The sending receiving rules are usually a combination of the equalized value of your town compared to their town. There are about 3 or 4 calculations that go into that number. I don't know what rules they use for Victory Gardens. Council asked Mr. Schroeder to see what he can find out. Then we will decide what to do next.

BE IT RESOLVED by the Governing Body of the Borough of Victory Gardens, County of Morris, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization in the amount of \$614,205.00 for municipal purposes.

Motion was made to adopt the Resolution/Budget. Motion made by Councilwoman Hall, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Lorenzo	Yes
Councilman Glass	Yes

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

Motion to accept the minutes of March 26, 2013 as received by Councilwoman Hall, seconded by Councilman Glass and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Lorenzo	Abstain
Councilman Glass	Yes

CORRESPONDENCE:

At the last meeting someone asked if there was anything else we could do regarding the loss of the Board of Education lawsuit by Steve Fogarty? I asked Attorney Feintuch and he said no, he didn't think so but that he would look into it and get back to us.

Also at the last meeting when I spoke about the front door lock Council wanted to know if there was a warranty that came with it. I asked and there is a 3 year warranty on the parts by the manufacturer. I had Kurts place the order.

Councilwoman Montes wanted to know how much money was spent on the Board of Education lawsuit that was paid out to Steve Fogarty. Everyone was given a copy of that information.

Letter to Greg Stafford - Regarding what he has to do to follow up with letter being sent to homeowners about their property.

Anderson & Denzler - At the last meeting a resident asked about the reports that go to RVRSA from Anderson & Denzler. I asked Leon about those reports and asked him to send me something in writing. He states: Bill Ryden prepares the monthly reports in accordance with DEP requirements. These reports must be completed by a person with a DEP C4 collection license. Mr. Ryden has this license. He monitors the operation and maintenance of the collection system and oversees any new industrial and commercial discharges and then prepares and submits the monthly reports to the RVRSA.

At our last meeting we had a resident that made a complaint regarding runoff on her property and I asked Leon to go up and take a look at it. He did and I reported that to the Council at the last meeting. After that meeting when Council said it was a problem that the resident would have to take care of I asked Leon to send a letter to her. He did that. The owner came in and said all she wants the town to do since the town put the berm there is to turn the end the other way out towards the road so the water goes into the drain and not on her property. I told her I would ask the Mayor to go look at it. He hasn't done that yet but will get out there to take a look. The Mayor said he will report back to Council.

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

VOUCHERS:

There are no questions on the vouchers. Motion was made to pay the bills by Councilwoman Cheatham, seconded by Councilman Glass and approved on roll call:

Councilwoman Cheatham	Yes
Councilwoman Hall	Yes
Councilman Lorenzo	Yes
Councilman Glass	Yes

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
4 000	PHILIP FEINTUCH	LEGAL SERVICES	016	\$1,833.33
4 001	UBITED HEALTH CARE	ADM & EXEC MED APR	001C	342.75
4 002	HERBERT EVANS	BLDG & GRDS OE	006B	300.00
4 003	GREG STAFFORD	BLDG & GRDS OE	006B	25.00
4 004	RUBINETTI DISPOSAL	SANITATION	024A	7,529.00
4 005	AMERIHEALTH	ADM & EXEC MEDIC	001C	7,192.53
4 006	DOVER BD OF EDUC.	APRIL TUITION	BOE	69,351.96
4 007	DOVER MUNICIPAL	COURT	005	1,385.58
4 008	SHELL FLEET PLUS	STREETS & ROADS OE	008C	515.94
4 009	DAILY RECORD	ENGINEERING	017	98.96
4 010	NISIVOCIA LLP	AUDIT	015	14,525.00
4 011	PROF GOV. EDUCATORS	FINANCIAL OFFICER	002B	90.00
4 012	DAILY RECORD	ADM & EXEC ADVERT	001D	11.44
4 013	R.V.R.S.A.	APRIL SERV.	026	\$7,818.00
4 014	MORRIS CTY M.U.A.	RECYCLING	(R)	192.00
4 015	J.C.P.& L.	BLDG & GRDS OE	006B	343.69
4 016	COUNTY OF MORRIS	SPACE & PARK TAX	003	2,946.09
4 017	COUNTY OF MORRIS	COUNTY TAX	003	44,897.15
4 018	HECTOR LORENZO	STREETS & ROADS S&W	008	1,290.96
4 019	EDUARDO MARTINEZ	STREETS & ROADS S&W	008	2,212.32
4 020	LORRAINE BENDEROTH	TAXES	003B	327.75
4 021	LORRAINE BENDEROTH	TAXES	003B	330.00
				\$163,559.45
4 022	N.J.N.G.	AID TO FIRE DEPT.	033	\$598.64
4 023	J.C.P.& L.			63.69
				\$662.33

NEW BUSINESS: NONE

OLD BUSINESS:

PUBLIC HEARING/ADOPTION OF 2013 MUNICIPAL BUDGET - This was done earlier in the meeting.

Councilwoman Cheatham said around the playground, one of the poles are out of the socket and protruding. Someone can get hurt there. The Clerk said she will have Hector take a look at it. The asphalt in the parking bay is starting to crumble. We may have to have someone fix that for us.

Councilwoman Hall said she knows we have talked about these homes in here that are bank owned and them taking care of the properties. They are a mess. The Clerk said she gave Greg Stafford a list of the bank owned properties and told him to follow through with letters and court if necessary. The Attorney told me to give him a copy of that listing and he will send letters.

Councilman Glass asked if we had the machine for the lines? Yes, we do. When Eddie comes back from vacation he will start painting the lines. He is doing by the stop signs. I can ask him to do the stripes by the parking on the side streets if he has something to go by. If not, we may have to have Leon come out and measure again.

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

Jim Janone - 4001 on the voucher list what is that for? Health insurance for Debbies husband. 4009 what is that for? That is for the ad in the paper for the bid opening. For which project? Coolidge Avenue. Leons office puts that in. You were talking about Steve Fogarty and his billing. You didn't mention the amount. What was it? \$19,237.41 . Is that final? This calculation was done the end of March by the Finance Officer. I don't think there are any more bills. Is Mr. Fogarty looking into anything else for us the Mayor asked? Not at this time. Unless Bill Schroeder can't find out information that we discussed earlier. Then at that time if the Council wants Mr. Fogarty to look into it then it will be more money. It will not be related to this BOE case though.

Mr. Glass you voted on the budget. If anyone asks you about it will you be able to answer them? To the best of my ability I will.

I have one more question but I don't want the Clerk answering it. The Attorney said anyone who has the answer can answer you. You can't say who you want to answer. We have a reserve for uncollected taxes that is about 20% of your budget. Why is that for? No one can answer that Mr. Janone asked.

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

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk