

June 25, 2013

The regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on June 25, 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, Councilman Glass.

ABSENT: Councilwoman Hall.

Motion to accept the minutes of June 11, 2013 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

At this time the Mayor asked for a motion to go out of the regular order of business so that Mike Obremski from JCP & L can introduce himself to the Council and if anyone has any questions they can ask him directly. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Mike said that he is the new area manager for JCP&L. I am a Randolph resident so my office is right here in Dover and Morristown. I have been a life long Morris County resident. I met with the Mayor before the meeting and he gave me some homework to do. I will give everyone my card so that if you need me for anything you can contact me. All my contact information is on the card.

Councilwoman Montes said is this all the contact information? The last person that was here from JCP&L said that we would be able to reach out to him and we could never get in touch with him. This is all the information. We have gone back to the Incident Command System. We all have defined roles. No longer dual roles. That should no longer be a problem. I did speak to the Mayor about that tonight.

Councilwoman Cheatham said during the last storm there was a problem with the grids and not knowing which grid served our community. Some of us were on a grid that came back quicker than others. Is that the same as it was or has there been changes? I also talked to the Mayor about this tonight and I was given a map of the town where the problems seem to hit all the time. Everything of course, depends on the type of storm. It depends on how many customers are affected and what the damage is. Every utility in the Country works from the hardest hit to the least hit. If we have to spend 4 hours working it makes more sense to bring 1,000 customers back on instead of 3. We try to get the areas with the most outages done first and then move down the line. There are two circuits that affect Victory Gardens. If both go out then that is a higher number to bring back.

Councilwoman Montes said with the last storm there was a lot of repair work done to restore the power to the homes in here. There was a lot of patch work done just to get us up and running. Will someone go around and make sure the lines are secure. Yes. We kept additional crews/contractors in here through the end of last year going around looking for these areas. They had to go back where we made these patch work repairs and put things back to normal. We still are finding pockets of those. We repair them as we find them. If you know of any place let me know and we will send someone out. I did get an assignment from Debbe tonight to go out and look at the section of town where it seems the power always goes out even in a wind storm. She gave me a map and we will look into that.

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

CORRESPONDENCE:

LETTER FROM RESIDENT - I have a letter from the owner of 72 Monroe that is asking the town to take a look at a tree in front of his house. He is afraid that if another severe storm comes through it may bring the tree down and states that it has the potential to take down 2 poles if it should fall.

The Clerk said that she asked Leon Hall to go look at it. I looked at it and it is right on the road.

CORRESPONDENCE CONTINUED:

PETITION FROM RESIDENT - We received a petition from a resident that lives at 79 Franklin Road. Everyone was given a copy. He is asking us to reduce the speed limit on Franklin Road from 35 to 25.

The Clerk said when she received the petition she did call the State Police and spoke with the Lt. that is in charge. He said that he had nothing staying there were traffic accidents over there. I asked the Lt. if he could patrol over in that section and he said he would have patrols down there. He said he would get back to me if they found anything.

The petition was given to Randolph also. I did speak to Leon Hall about this and he said he would look into it also.

If you make the left off of Salem Street onto Franklin going towards the residents home, there is a sign posted before you get to the curve, stating that the speed limit is 20. If you are coming the other way on Franklin Road before you get to the residents home there is a speed limit posted of 15.

Councilwoman Montes asked if he wants us to raise it to 25? No. He says it is currently 35 and he wants us to drop it to 25. But in the area there is already a sign that says 15 and 20 depending on which way you are heading.

The Clerk said in todays mail we did receive a letter from Randolph regarding this matter. I don't know if our resident received this same letter.

Randolph said they are requesting their Police Chief to undertake traffic calming measures in the area with hopes of reducing excessive speed. The petition asks Randolph to lower the speed limit. Unfortunately, local governments have limited say in the setting of speed limits. The DOT requires that a traffic survey be undertaken. The State agency determines the 85th percentile of speed for travelers included in the survey and bases the speed limit on that finding. It is highly likely that a traffic survey could have the unintended consequence of actually increasing the speed limit on the road in question. My desire is to have the Randolph Police Department focus their attention on Franklin Road and hopefully have the desired effect of slowing travelers down.

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

VOUCHERS:

Are there any questions on the vouchers? Councilwoman Montes asked about voucher #040 to Bank of America for a safety deposit box. What is that for? The Clerk said that Amy received a letter from the Bank saying they were in possession of a safety deposit box that has been taken over by the bank because there was no activity and it has been sitting there for several years. In order for us to get the contents, if there are any, we have to pay this amount of money. Amy called and asked who opened it and she was told the Fire Department. In order to go through the process we have to pay the fee and they will open the box once we pay the fee.

#039 for Home Depot what is this for? That is the microwave. They also bought something else up there and that is why the bill was over \$100.

#026 for Mark Paving. That is the work on Coolidge? Yes. Did Leon look at it? Yes.

#024 for Gray Supply what is that for? The roller that the DPW needed when they did the patch work on the roads in here. They needed a roller for the blacktop.

Motion was made to pay the bills by Councilwoman Montes, seconded by Councilman Glass and approved on roll call:

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

VOUCHERS CONTINUED:

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
6 022	J.C.P. & L.	STREET LIGHTING		\$ 652.16
6 023	GOLUB ANIMAL	DOG WARDEN		\$1,230.00
6 024	GRAY SUPPLY	STREETS & ROADS OE		185.00
6 025	RKQY TWSP.	HEALTH SERVICES		11,000.00
6 026	MARK PAVING	ENGINEERING		39,421.51
6 027	CABLEVISION	BLDG & GRDS OE		4.40
6 028	NISIVOCIA	ADM & EXEC OE		50.00
6 029	VERIZON	BLDG & GRDS OE		62.42
6 030	MORRIS CTY MUA	RECYCLING		852.00
6 031	NJ MAYORS ASSOC	ADM & EXEC OE		100.00
6 032	HOME DEPOT	BLDG & GRDS OE		253.56
6 033	ANDERSON & DENZLER	ENGINEERING		2,603.13
6 034	TOWN OF DOVER FIN	ADM & EXEC OE		1,000.00
6 035	N.J.N.G.	BLDG & GRDS OE		807.00
6 036	RUBINETTI DISPOSAL	SANITATION		7,529.00
6 037	THE HARTFORD	INSURANCE		2,241.66
6 038	LORRAINE BENDEROTH	TAXES Meeting		20.00
6 039	HOME DEPOT	BLDG & GRDS OE		122.72
6 040	BANK OF AMERICA	ADM & EXEC OE		73.60
6 041	DOVER WATER COMM.	BLDG & GRDS OE		157.15
6 042	HECTOR LORENZO	STREETS & ROADS S&W		1,208.80
6 043	EDUARDO MARTINEZ	STREETS & ROADS S&W		2,071.20
				\$71,645.31

DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 2 permits issued. Total value of construction \$2,900.00

CLERKS RECEIPTS - Taxes \$35,892.04
 Dog Licenses 92.80
 Food Licenses 100.00
 Sewer Payments 73.29
 Total \$36,158.13

PROPERTY MAINTENANCE - No Report

MUNICIPAL COURT - We received \$825.92

TAX COLLECTOR - Total Tax Receipts Month to Date: 303,799.14
 Year to Date: 788,943.94

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

CHIEF FINANCIAL OFFICER - Everyone has a copy of Amys report.

COMMITTEE REPORTS:

Councilwoman Cheatham - No Report

Councilman Glass - No Report

Councilwoman Hedgepath - There is nothing going on with Community Development at this time. The groups that received grants are just waiting on the money coming to them.

Councilman Lorenzo - The blacktop at the firehouse in front of the bays have been fixed by DPW. Councilwoman Hedgepath asked if that is behind the firehouse? No, the bays in front where the trucks come out. Can I bring up something about the back of the fire department? You have to do something about the kids up there. There is no supervision up there. The kids are back there all hours of the night. They are getting hurt. Maybe we need to think about fencing up there.

Councilwoman Garcia Montes - No Report

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

The Clerk said she has one more report from John Cegelka who is our representative to the RVRSA. John is here tonight so you may want him to come up and give his report.

John Cegelka - About a year ago I spoke with Debbe regarding the assessment with RVRSA for sewer services. Jersey City is not paying us for the operation of the facility. I just want to alert you that the fees for RVRSA are going to go up a large amount. We are good for this year. RVRSA is vigorously and aggressively defending the litigation and asserts that the amended stipulation is valid and enforceable according to its terms. RVRSA has filed a motion of summary judgement with the Court arguing that the case should be dismissed. You should pass this information onto your CFO so she will be aware of a possible increase that will impact your future budgets.

Attorney Feintuch said that we have been in this litigation for some time. Jersey City is suing RVRSA and the towns that belong to it. They are alleging that a good portion of the budget that RVRSA has established and by which they have gotten money from Jersey City - Jersey City feels they are not responsible for. Essentially, there are a series of agreements going back as far as 1974 where these matters have been settled. Jersey City is willing to pay for the maintenance of the facility but not for any improvements.

Federal legislation dealing with waterways is so tight now a days, Jersey City feels that RVRSA does not need to expand. Of course, RVRSA is saying that there was an agreement all these years ago and it stated that Jersey City would never sue again on those grounds and I think that was back in 1983. So here they are back again suing again. This has been going on for several years.

The Attorney said he just got notice today that there will be oral arguments in late August. Basically summary judgement arguments. All of us, including Jersey City are saying that there are no facts at issue. It is just a legal interpretation that the court needs to make. There is a procedure within the practice of law that you stipulate to the facts and don't go through a legal trial. You stick to the facts and the Judge makes a legal determination. I would expect that no matter how the Judge decides there will probably be appeals.

In the event the decision is adverse to us, we need to know what our fees may be in the future. Council thanked John for coming in with the report.

NEW BUSINESS:

JCP & L - We did this earlier in the meeting.

PROPERTY MAINTENANCE CODE - Everyone has a copy of this. We will put this on the agenda for the end of July meeting. Please look this over and bring back any comments, questions, deletions, additions, anything bring back to that meeting so we can get it adopted.

QUOTE FOR TRUCK FOR DPW - We have been talking about getting a truck for many years and we haven't done anything with it. So, I contacted the company that holds the State Contract and this is what they gave me based on what Eddie and Hector said they needed or wanted on the truck. This is a starting point. It is up to the Council as to what they want to do. Eddie should come into the meeting when we discuss this truck. We will table this for now to give Council the opportunity to see what they can find. We will put this back on the agenda for the first meeting in August.

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.

Joan Cegelka - Property maintenance which one are you using? May 5, 2013. Is that the same as the one from March 11, 2011? There were some changes that I asked the Attorney to look at. They all come from the original. September 2007 is the first one. Do you have a copy of the revisions? They are in this one that the Council is going to look at now. For the truck why don't you send specs out? That is what I said earlier. State contract is not always better. We know that - we found that out with the trees.

Public Portion Continued:

James Janone - Town could do spec for truck. DPW will have some say so in this. They are the one that is going to use it. It is good to update the property maintenance code but what are you going to do to make sure enforcement is done? Coolidge/Washington Avenue did the Engineer oversee it? Yes. On Sonia Halls property there is three feet of asphalt that was done in two of her driveways. I will ask Leon about it and have him respond. You talked about tree at 17-19 Taft Avenue. The tree that got on the list to be taken down who looked at it? Leon Hall. I looked at the tree and it is fine. Councilwoman Hedgepath said the tree is dead. We have not adopted the Faulkner Act of government is that right? Yes. The Attorney said he would look into it. The BOH can not be the governing body. That has been resolved the Attorney said. The State researched it and gave us permission. It has been resolved the Attorney said.

Raul Lasluisa - The Clerk mentioned that there is a sign on Franklin Road that says 15 mph and on the other side it says 20 mph. That is right. The people are still coming fast. I submitted this to Victory Gardens and Randolph. You don't live here. We do. I am telling you there is a problem and if you don't do anything about it it is your fault. We are looking into it. We contacted the State Police and they said they would monitor the area. We talked to our Engineer and he said he would look into it.

Attorney Feintuch said the Clerk addressed your issues. She read the letter that Randolph sent you and in it it stated that the DOT comes in and they set the speed limits. It is predicated on what the average driver drives on that road. It is also stated in that letter that it could have an adverse affect and make the speed limit greater than what it is now. That is beyond our control. It is not in this bodies control it is with the DOT. The State Police said they would patrol and Randolph said they would patrol. The speed limit is less than 25 mph in the curve. It is posted on one side as being 20mph and the other side is 15mph. It is less than 25mph which is what you are asking for. Councilwoman Hedgepath said the presence of the State Police is on Franklin Road because she sees them. When people see them they slow down.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Lorenzo 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