

July 9, 2013

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

ABSENT: Councilwoman Cheatham.

Motion to accept the minutes of June 25, 2013 as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE:

ANDERSON & DENZLER - We inspected the double tree at 72-74 Monroe Avenue and find it to be in the Borough right of way. Leon told me that the tree is in bad shape and it should come down the next time we do trees.

ANDERSON & DENZLER - At the last meeting we had a resident ask about this work and this is Leons response:

Washington Avenue was recently widened to a new total width of 18 feet. On the south side of Washington Avenue, it was widened up to 2 feet in front of house #1. On the north side of Washington Avenue, it was widened up to 2.8 feet along the frontage of #42 Coolidge. It was widened slightly wider along the north side since that was the side where the tire ruts were present off the existing edge of pavement. If you have any questions please feel free to call me.

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

VOUCHERS:

Are there any questions or comments on the vouchers? Hearing none the Mayor asked for a motion to pay the bills.

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

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

(See Vouchers Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
7 000	PHILIP FEINTUCH	ATTORNEY		\$1,833.33
7 001	UNITED HEALTH CARE	ADM & EXEC MEDIC		342.75
7 002	HERBERT EVANS	BLDG & GRDS OE		300.00
7 003	GREG STAFFORD	BLDG & GRDS OE		25.00
7 004	WASTE MANAGEMENT	SANITATION		7,968.91
7 005	AMERIHEALTH	ADM & EXEC MEDIC		7,192.53
7 006	DOVER MUN COURT	COURT		1,385.58
7 007	R.V.R.S.A.	JULY SERVICE		7,818.00
7 008	MGL PRINTING	TAXES		344.00
7 009	HOME DEPOT	BLDG & GRDS OE		68.84
7 010	DOVER POST OFFICE	ADM & EXEC OE		460.00
7 011	A T & T	BLDG & GRDS OE		40.78
7 012	SUSAN RUIZ	RECYCLING		833.32
7 013	TREAS. ST.OF NJ	ADM & EXEC OE		49.00
7 014	TREAS. ST.OF NJ	ADM & EXEC OE		100.00
7 015	HECTOR LORENZO	STREETS & ROADS S&W		1,329.68
7 016	EDUARDO MARTINEZ	STREETS & ROADS S&W		2,278.32
7 017	VERIZON	BLDG & GRDS OE		186.26
7 018	DAILY RECORD	ADM & EXEC OE		9.36
7 019	DOVER WATER COMM	BLDG & GRDS OE		3,588.00
7 020	OFFICE CONCEPT	ADM & EXEC OE		503.96
7 021	J.C.P.& L.	BLDG & GRDS OE		385.43
				<hr/>
				\$37,043.05
7 022	J.C.P.& L.	AID TO FIRE DEPT.		\$94.85
7 023	VERIZON			81.62
7 024	N.J.N.G.			33.18
				<hr/>
				\$209.65

NEW BUSINESS: NONE

OLD BUSINESS: NONE

Attorney Feintuch said he received an OPRA request from Debbe regarding the Board of Health. Mrs. Cegelka asked for a true and exact copy of the letter/correspondence from the State Board of Health to the Victory Gardens Governing Body granting permission to eliminate the Victory Gardens Autonomous BOH and allow the Victory Gardens Governing Body to function as the VGBOH.

Attorney Feintuch said we addressed this issue a while ago but I would like to put it on the record at this time.

Attorney Feintuch read in full a letter dated 9/11/08 from the State of New Jersey Department of Health and Senior Services. The contents of the letter state the responsibility of the Office of Public Health Infrastructure. It states that the Department of Health and Senior Services is not granted authority to provide guidance for NJSA 40 & 40A. That has been assigned to the Department of Community Affairs. You should direct your inquiries to Borough Attorney Feintuch. Mayor Betty Simmons is the ultimate arbiter in settling this dilemma. If you have questions regarding ordinance enforcement you should or public health issues you should contact John Theese at Madison Board of Health who does our interlocal service agreement. Letter signed by: JoBea Sciarrotta, Esq. BS., MBA, JD, LL.M, S.J.D. Licensing Enforcement and Compliance Program, Office of Public Health Infrastructure

There is also a letter dated 11/30/09 from the Morris County Prosecutors Office to the Mayor Simmons - As you may already know, this office received a number of complaints alleging that the May 2009 decision to disband the then current BOH and to designate the Mayor and Council as the BOH was unlawful. Please be advised that our review has now concluded and we determined that the decision was one permitted by law. We will close our file on this matter. Signed - Robert A Weber, Esq. Supervising Assistant Prosecutor

There is also a memo June 9, 2009 from NJ DCA from a Lisa Ryan. It states - Local Government Services staff communicated with the Mayor of Victory Gardens and based on the information they conveyed, it appears that the Councils actions were within statutory parameters.

Attorney Feintuch said that he has attached statutes regarding BOH for a township of less than 20,000. It says it may be composed of the members of the governing body. It also goes on to say that the term municipality shall mean any township or incorporated municipality in New Jersey.

Lastly, there is a letter from the State of New Jersey, Department of Community Affairs from Susan Jacobucci, Director. Thank you for contacting the DCA concerning the recent decision by the Mayor and Council to dissolve the BOH and establish themselves as the BOH. My staff investigated the circumstances and it appears that the Mayor and Council acted fully within their legal authority. There is no reason for the DCA to dispute their actions.

*** The Clerk will make copies of all these letters again for the Mayor and Council for their files.

Attorney Feintuch said this issue was fully looked at and investigated before action was taken by the then governing body. we had every right to do what we did. I will make these available for Mrs. Cegelka. This is old news from 2008/09 and it is disposed of.

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

Joan Cegelka - What correspondence did the Borough send to the State regarding the BOH? What information was given to them that they based their decision on? we asked if we had the authority to do what we did? That was the question. Did the town have to vote to absolve the Board? The Attorney said no.

Jim Janone - I will put in an OPRA request for the your letters that you read tonight. You also called us a township. I was reading from the paperwork. There are different regulations. The Attorney said it states all incorporated municipalities. The water bill what was that for? Flushing the fire hydrants. Wasn't it once \$1,000? I don't know but this is what we are paying. We paid \$1,000 many years ago. Is the pay for Sue Ruiz for the whole year? No, it is for January through May 31st. Is the new person more expensive? No.

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 Councilwoman Hedgepath and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk