

December 10, 2013

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on December 10, 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, Councilman Glass, Councilwoman Hedgepath, Councilman Lorenzo and Councilwoman Garcia Montes.

ABSENT: Attorney Feintuch.

Motion to accept the minutes of November 26, 2013 as received by Councilwoman Montes, seconded by Councilman Glass and approved on verbal vote. None opposed.

CORRESPONDENCE:

Letter from Valerie Williams - She sent me a note telling me there is a fox in the town. I told her we knew and that we told the police and the Animal Control Officer. He has been trying to catch it but hasn't been able to do so at this time. I put a copy of the information on the Mayors desk.

At our last meeting a resident asked if we had an ordinance stating that we had the position of secretary and we do. I looked it up and back in 2002 we adopted a salary ordinance and had the title of administrative secretary in that ordinance.

Council asked me to look into the two bills that we received from Ideal Air. I called the company and spoke with them and basically this is what they said - which is what was said at the last meeting. They were here on 10/16 which was the special election day. The courtroom was cold and the poll workers were complaining that it was freezing in there. We called Ideal Air to come in and fix the problem. The boiler was off and it was blowing cold air and they fixed it. The second time they came out was on 10/28 and because the whole building was cold, they had to reset all the thermostats and they changed the setting on the lockout thermostat from 55 degrees to 70 degrees.

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

VOUCHERS:

The Clerk said she added another voucher. It is #12 024 for Eduardo Martinez for \$85.00 . This was for the registration for the new truck. I didn't have \$85 in petty cash to pay for it so Eddie paid for it and we need to pay him back. There were no other questions on the vouchers.

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

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

(See Voucher Listing on Next Page)

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT. #	AMOUNT
12 000	PHILIP FEINTUCH, ESQ.	LEGAL SERVICES		\$1,833.33
12 001	UNITED HEALTH CARE	ADM & EXEC MEDICAL		342.75
12 002	HERBERT EVANS	BLDG & GRDS		300.00
12 003	GREG STAFFORD	BLDG & GRDS		25.00
12 004	WASTE MANAGEMENT	SANITATION		7,968.91
12 005	DOVER MUNICIPAL CT	COURT		1,385.58
12 006	DOVER BD OF EDUCATION	B.O.E.		75,265.56
12 007	R.V.R.S.A.	DECEMBER SERVICE		7,814.00
12 008	DOVER WATER COMM.	BLDG & GRDS		201.36
12 009	DAILY RECORD	ADM & EXEC		17.68
12 010	DAILY RECORD	ADM & EXEC		11.70
12 011	DAILY RECORD	ADM & EXEC		21.06
12 012	DAILY RECORD	ADM & EXEC		13.26
12 013	DAILY RECORD	ADM & EXEC		5.72
12 014	BUNKY'S TOWING	STREETS & ROADS		85.00
12 015	J.D.AUTOMOTIVE	STREETS & ROADS		871.99
12 016	N.J.N.G.	AID TO FIRE DEPT.		457.07
12 017	SHELL FLEET PLUS	STREETS & ROADS		521.36
12 018	DR. HODES	DOG WARDEN- ANIMAL CLINIC		100.00
12 019	HECTOR LORENZO	STREETS & ROADS S & W		1,208.80
12 020	HECTOR LORENZO	STREETS & ROADS S & W		1,450.56
12 021	EDUARDO MARTINEZ	STREETS & ROADS S & W		2,071.20
12 022	EDUARDO MARTINEZ	STREETS & ROADS S & W		2,485.44
12 023	PHILIP FEINTUCH	LEGAL SERVICES		6,755.00
				\$111,212.33

NEW BUSINESS:

TRANSFER RESOLUTION - Everyone has a copy of the transfer resolution that Amy did up. We are doing this because of the extra trees that are coming down this year. There wasn't enough money in Buildings & Grounds to cover it.

WHEREAS there appears to be a surplus in the following account over and above the amount deemed necessary to fulfill the purpose of the appropriation for the balance of the year 2013:

From: *Clerk OE* \$6,400.00

WHEREAS there appears to be insufficient funds in the following account to meet the demands thereon for the balance of the year 2013:

To: *Buildings & Grounds OE* \$6,400.00

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-59 the surplus in the accounts heretofore mentioned by and same is hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient to meet the current demands and therefore this resolution shall take effect.

BE IT FURTHER RESOLVED, that the Treasurer be and he is hereby authorized and directed to make the above transfers.

NEW BUSINESS CONTINUED:

TRANSFER RESOLUTION CONTINUED:

Motion to adopt the transfer resolution by Councilman Glass, seconded by Councilwoman Cheatham and approved on roll call:

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

COUNCIL SEAT VACANCY - The Clerk said she received a letter from the Local Democratic Committee regarding the open seat on Council. It says: Listed below are three individuals interested in filling the vacancy on the Borough Council.

1. James Glass
2. Jim Janone
3. Valerie Williams

Councilwoman Hedgepath said that she nominates James Glass to the position. Motion seconded by Councilwoman Cheatham. Councilman Lorenzo asked since he is a Councilman already can he take the position. The Clerk said she was told it was to take effect January 1 when the elected position would have started. This is our last meeting for the year.

Mayor Holeman asked for a roll call vote. Roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Abstain
Councilwoman Hedgepath	Yes
Councilman Lorenzo	No
Councilwoman Garcia Montes	Yes

CONTRACT FOR IDEAL AIR FOR 2014 - We received the new contract for Ideal Air. It is the same amount as last year. \$1,400. We can wait and do it in January or you can do it now. Council said they would do it now.

Motion to renew the contract for HVAC with Ideal Air for the year 2014 in the amount of \$1,400.00 . Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham. We will put an addition on the vouchers which will be # 12 025.

Roll call:

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

OLD BUSINESS:

ENCROACHMENT ORDINANCE - The Clerk said she spoke with the Attorney about this and I believe he addressed it at a meeting where Valerie Williams was present. He wanted to clear this off the table but since he is not here tonight we can wait until the next meeting to discuss. This matter is being held over until January.

AMENDMENT FOR PROPERTY MAINTENANCE CODE/PUBLIC HEARING & ADOPTION - We had a change at one other meeting. The change was: In the event there is a conflict between the international property maintenance code (2012) and the language set forth below, the language set forth below shall prevail.

This is the adoption and you have to have a public hearing so you have to open to the public.

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

Jim Janone - I have questions on the code but need to ask the Attorney about those items. Since the Attorney is not present tonight, we will hold this off until he is at our meeting.

Motion to close the meeting to the public on the adoption of the property maintenance code. Motion made by Councilman Glass, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

MORRIS COUNTY PROBATION - Council wanted to see if I could find out more information on the insurance through the Community Service Program with the County. I asked about it and received the following information. The policy holder is the State of New Jersey Superior Court. That is with the CHUBB Group. The following are insured persons under this policy. All participants in the Adult and Juvenile Community Service Program, sponsored and supervised by the policyholder.

Did you ask the Attorney. I mentioned it to him and he said okay. If Council is okay with this then I need a motion to continue the program.

Motion was made to continue the probation program by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

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

Joan Cegelka - Joan read from election law and said that Jim Glass is now holding two council seats and can't do that. She asked if the Clerk was the election clerk. What are you asking? I am here to open the doors in the morning and to be here for the day in case they need anything. If there is a problem they call the election board. Do you have any involvement with either political party in the Borough? No. The local democratic could have made an appointment to the Council and it didn't have to come before Council. You would have to take that up with them. You as the Clerk are in violation of that. I am not in violation of anything. The Chairperson for the local Democratic Committee gave us the names for the meeting tonight and I read them like I would do at any other time. Not you, the Council is in violation.

Councilwoman Montes said she was told by Board of Elections that they gave Lill and Greg the information and that is what they are suppose to do. If anyone is in violation it is the Board of Elections. Why didn't they go to Lou Candura. She did. Joan said she is sending something to the State Board of Election. If you don't help with anything why did you send the flier out? You also put your number here to be called. We were told by the democratic committee to send the flier out. Why wasn't either Lills or Gregs name on this with their numbers or emails? Lill didn't want that information out. That is why we put her address there.

Jim Janone - I agree that what was done with the appointment was wrong. When did the Borough receive the contract for the website? I think it was last Tuesdays meeting night. we went over the contract prior to Sonias death. When did Council vote on the contract? The Council voted on getting the website and to pay the cost for doing it. Who is registered owner of website? Council was told of the content as we were discussing all this past times Councilwoman Cheatham said.

Valerie Williams - Mayor did you receive my picture? Yes. How did the vote go for the vacant seat? Councilwoman Hedgepath made a motion to appoint Jim Glass and it was seconded by Councilwoman Cheatham. Everyone voted yes on the appointment except Councilman Lorenzo voted no and Councilman Glass abstained. What names were given for the position? Jim Glass, Jim Janone and Valerie Williams. What about the encroachment ordinance? We will discuss at our meeting in January so the Attorney can go over it with you. Did you tell Council that you talked to the bank? I didn't. I wanted to make sure they took care of it first. Valerie gave me a name for someone at the bank for 13-19 Adams Avenue. I sent her a letter with what the problems were on the property. I asked Valerie what the problems were as she lives next door. I gave them a two week time frame to take care of the problems. She said she would have someone out there and the work would start getting done and that she would put it in as an emergency.

Motion to close the meeting to the public by Councilman Glass, seconded by Councilwoman Hedgepath 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