

February 11, 2014

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on February 11, 2014.

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 Cegelka, Councilwoman Cheatham, Councilman Glass, Councilwoman Hedgepath, Councilman Lorenzo and Councilwoman Garcia Montes.

ABSENT: Attorney Feintuch

Motion to accept the minutes of January 28, 2014 as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE:

Valerie Williams - I received calls from Valerie about the garbage not being picked up this past Friday on Adams Avenue. Several persons called Waste Management and received different answers. She wanted to know when they were coming to pick up. They did come back through and picked up on Tuesday what was missed.

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

VOUCHERS:

The Mayor asked if there were any questions on the vouchers? Councilwoman Cegelka said there are a few vouchers for the Planning Board which we should not approve. They should approve them next week when they have their meeting. 2017 and 2018 are the vouchers. That should also be listed under Planning Board O & E and not under Adm & Exec. Also vouchers 2024 and 2025 for Tax Collector. It should not be listed as taxes it should be listed as Tax Collector O & E. Vouchers # 2 004 and 2 006 should come out of Group Insurance and not Adm & Exec. There were no other questions on the vouchers.

Motion was made to pay the bills with the exception of 2017 and 2018. That should be paid at the Planning Board.

Motion made by Councilwoman Cegelka, seconded by Councilwoman Montes and approved on roll call:

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

(See Vouchers Next Page)

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VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
2 000	PHILIP FEINTUCH	LEGAL SERVICES		\$1,833.33
2 001	HERBERT EVANS	BLDG & GRDS		300.00
2 002	DOVER MUN COURT	COURT		1,385.58
2 003	DOVER BD OF EDUC	B.O.E.		75,265.56
2 004	AMERIHEALTH	Group Insurance		6,216.66
2 005	WASTE MANAGEMENT	SANITATION		7,968.91
2 006	SILVERSCRIPT INS.	Group Insurance		33.80
2 007	CABLEVISION	BLDG & GRDS		4.40
2 008	R.V.R.S.A.	FEBRUARY SERV.		\$8,001.00
2 009	H.O.BAKER INS.	INSURANCE		6,135.00
2 010	MGL	DOG WARDEN		488.00
2 011	GOLUB ANIMAL	DOG WARDEN		356.00
2 012	N.J.N.G.	BLDG & GRDS (FIREHOUSE)		640.17
2 013	H.O.BAKER	INSURANCE		1,200.00
2 014	CTY OF MORRIS	TAXES (COUNTY)		47,688.12
2 015	CTY OF MORRIS	TAXES (OPEN SPACE)		2,246.53
2 016	NISIVOCCIA LLP	ADM & EXEC		15,385.00
2 017	DAILY RECORD	Planning Board O & E		49.56
2 018	DAILY RECORD	Planning Board O & E		43.32
2 019	RKY TWSP DIV. HEALTH	HEALTH SERVICES		5,610.00
2 020	STATE OF NJ	PENSIONS & BENEFITS		22,690.00
2 021	CARGILL DEICING	STREET & ROADS		1,938.16
2 022	HANDYMAN	STREET & ROADS		20.00
2 023	SHELL FLEET PLUS	STREETS & ROADS		668.72
2 024	MCTCTA TREAS.	Tax Collector O & E		40.00
2 025	TCTA MEMB. SERVICES	Tax Collector O & E		100.00
2 026	AUTO PARTS PEOPLE	STREETS & ROADS		97.52
2 027	HECTOR LORENZO	STREETS & ROADS		1,888.60
2 028	EDUARDO MARTINEZ	STREETS & ROADS		3,236.10
				<u>\$211,530.04</u>

NEW BUSINESS:

RESOLUTION CONCURRING WITH THE PROSECUTORS FOR THE JOINT COURT OF DOVER -

(See Resolution Next Page)

RESOLUTION CONCURRING WITH THE APPOINTMENT OF PROSECUTORS
OF THE JOINT COURT OF DOVER

WHEREAS, the Borough of Victory Gardens in the County of Morris, State of New Jersey has entered into a Shared Service Agreement with the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and the Borough of Wharton which established the Joint Municipal Court of Dover, with the Town of Dover as lead agency; and

WHEREAS, the Town of Dover has recommended the appointment of Lisa Thompson, Esq. as Chief Prosecutor and Douglas Cabana, Esq. as Prosecutor of the Joint Municipal Court of Dover.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Victory Gardens, County of Morris, State of New Jersey, concur with the recommendation of the Town of Dover to appoint Lisa Thompson, Esq. Chief Prosecutor and Douglas Cabana, Esq. as Prosecutor of the Joint Municipal Court of Dover.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and the Borough of Wharton which are hereby being requested to consider adoption of a similar Resolution.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Honorable Thomas L. Weisenbeck, Assignment Judge Superior Court, and to the Honorable Michael Luther, Judge of the Joint Court of Dover.

Adopted: February 11, 2014

BOROUGH OF VICTORY GARDENS
David Holeman
David Holeman, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby attest that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Victory Gardens at a meeting held on 2-11-14.

Deborah Evans
Deborah Evans, Borough Clerk

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

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

RESOLUTION CONCURRING WITH THE PUBLIC DEFENDERS FOR THE JOINT COURT -

(See Next Page)

RESOLUTION CONCURRING WITH THE APPOINTMENT OF PUBLIC DEFENDERS OF THE JOINT COURT OF DOVER

WHEREAS, The Borough of Victory Gardens of the County of Morris, State of New Jersey has entered into a Shared Services Agreement with the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway, and Borough of Wharton which established the Joint Municipal Court of Dover, as lead agency; and

WHEREAS, the Town of Dover has recommended the appoint of Gerald Kelly, Esq. as Chief Public Defender and Robert Cascone, Esq. as Public Defender of the Joint Municipal Court of Dover.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Victory Gardens, County of Morris, State of New Jersey, concur with the recommendation of the Town of Dover to appint Gerald Kelly, Esq. as Chief Public Defender and Robert Cascone, Esq. as Public Defender of the Joint Municipal Court of Dover.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Town of Dover, Township of Mine Hill, Borough of Mr. Arlington, Borough of Rockaway and the Borough of Wharton which are hereby being requested to consider adoption of a similar Resolution.

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Adopted: February 11, 2014

BOROUGH OF VICTORY GARDENS

David Holeman
David Holeman, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby attest that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Victory Gardens at a meeting held on 2-11-14.

Deborah Evans
Deborah Evans, Borough Clerk

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

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

VICTORY GARDENS PLANNING BOARD RESOLUTION #2014-03

RESOLUTION OF THE PLANNING BOARD ACTING AS THE BOARD OF ADJUSTMENT PURSUANT TO N.J.S.A. 40:55D-70.1

WHEREAS, the Victory Gardens Borough Planning Board pursuant to local ordinance and the Municipal Land Use Law is a combined Board carrying out the functions of both a Planning Board and a Board of Adjustment; and

WHEREAS, the Victory Gardens Planning Board in carrying out its Board of Adjustment functions considered application and granted certain applications for variances from the strict application of the zoning law during the year 2013; and

WHEREAS, N.J.S.A. 40:55D-70.1 requires that the Board of Adjustment, at least once a year, shall review its decisions and report its findings on zoning ordinance provision which were the subject of variance request and provides recommendations for zoning ordinance amendment or revision, if any; and

WHEREAS, the attached report of variances granted by the Planning Board has been prepared and submitted by the Planning Board Secretary outlining various grants of variance applications in 2013; and

WHEREAS, the Planning Board has reviewed the matters contained in said report and is cognizant of its obligations to make recommendations regarding zoning ordinance provision changes based on variance applications; and

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Victory Gardens as follows:

1. No variances were granted by the Planning Board in 2013
2. The Board Secretary shall forthwith provide a certified true copy of this Resolution to the Borough Mayor and Council.

I certify that the within Resolution is a true copy of the Resolution adopted by the Victory Gardens Borough Planning Board on January 15, 2014.

Barrie Palumbo, Clerk/Secretary

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

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

Councilwoman Cegelka said she gave everyone a copy of paperwork for Amy to go to a class for Quick Books I which is the system she uses. Both classes are \$50.00 each. They are being held in Sussex County which is where she lives. She said she would like to go to both classes. The classes are Quick Books I and II.

Motion was made to pay the \$100.00 for Amy to go to the classes. Motion was made by Councilwoman Cegelka, seconded by Councilwoman Montes and approved on roll call:

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

OLD BUSINESS:

CAP ORDINANCE SECOND READING/PUBLIC HEARING/ADOPTION -

**CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Borough of Victory Gardens in the County of Morris finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

WHEREAS, the Governing Body hereby determines that a 3.0 percent increase in the budget for said year, amounting to \$28,790.88 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Victory Gardens, County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Victory Gardens shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$33,589.36, and that the CY 2014 municipal budget for the Borough of Victory Gardens be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote thereon, be filed with said Director within 5 days after such adoption.

Motion to open the meeting to the public on the Ordinance only. Motion made by Councilwoman Montes, seconded by Councilwoman Cegelka and approved on verbal vote.

No comment from the public on the Ordinance.

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

OLD BUSINESS CONTINUED:

CAP ORDINANCE CONTINUED - Motion to adopt the Ordinance by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on roll call:

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

APPOINTMENT OF BOROUGH ENGINEER FOR 2014 -

A motion was made by Councilman Lorenzo to choose Hatch/Mott/McDonald as our Engineers for 2014. Motion seconded by Councilwoman Montes. Roll call:

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

The Clerk said there is a tie vote and the Mayor needs to break the tie. Mayor Holeman voted no on the appointment.

A motion was made by Councilwoman Cegelka to choose Guerin & Vreeland as our Engineer for 2014. Motion seconded by Councilman Lorenzo. Roll call:

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

The Clerk said there is a tie vote and the Mayor needs to break the tie. Mayor Holeman voted no on the appointment.

Councilwoman Hedgepath made a motion to appoint Leon Hall as the Borough Engineer for 2014. Motion seconded by Councilwoman Cheatham. Roll call:

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

The Clerk said there is a tie and the Mayor needs to break the tie. Mayor Holeman voted yes on the appointment.

NEW HIREE FOR CLERKS OFFICE - Motion was made to hire Deborah Devery for the Clerks office. Motion made by Councilwoman Hedgepath, seconded by Councilwoman Cheatham.

Councilwoman Hedgepath gave a background on the person they want to hire. We had three top people and they were Deborah Devery, Amanda Geary and Mary Cilurso. Deborah has the most experience. She has a BA - she is a teacher. She has the most computer classes. All of her references checked out as did her jobs that were called. She was very professional.

Amanda Geary had some college and some computer - she hasn't completed alot of courses. I had difficulty reaching her personal references. For her jobs that she worked at - they didn't give a good computer background or a good mark for dealing with people. The computer course did make her the number two person.

The third person Mary, she is from Rockaway Township. She is retired. They were kind of hesitant as to her ability. I looked more at her computer skills than references because they weren't too helpful.

There was a discussion on this matter. There is a 90 day probationary time frame to see how this person works out. There will be a background check and fingerprinting done. Why wasn't it listed on the flier about computer skills? You may have gotten other people to apply. It wasn't just computer skills. It was someone that was friendly, that could work in an office, computer skills are a plus. Deborah's price at \$12 an hour was good. All the other ones wanted more money. Is this person working full time? Not at this time. They are part time. If in the future we need it then yes - but not for now. We will be using the new person to help the property maintenance. Councilwoman Cegelka said the one meeting we had in closed session was illegal. The Mayor said we were given the advice of our attorney and he said we did not take any action at that meeting.

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OLD BUSINESS CONTINUED:

NEW HIREE FOR CLERKS OFFICE - Councilwoman Cheatham said we talked about all of this at a public meeting that was an open meeting.

The Mayor said we still have an open motion on the floor. The Clerk said there was a motion to hire Deborah Devery. The motion was made by Councilwoman Hedgepath and seconded by Councilwoman Cheatham. The Mayor asked for a roll call vote on the motion.

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

The Clerk said that there was a tie vote and the Mayor has to break the tie. Mayor Holeman voted yes to hire.

DISCUSSION ON WEBSITE - Councilwoman Hedgepath said she has answers from the questions that Council asked her at the last meeting. The song that is on our website was a song that came out in 1951 which is when we were incorporated. He thought that was something that would go with the opening of the website. The vegetables that are there are because of the Victory Gardens that were planted during the war. Any of these things can change if anyone on Council gives input. Council has been asked many time to give input and no one has given any. We own the design and the url. It is cheaper for us this way that we don't own the website. Song and graphics can be changed. I was asked what other towns he did. He has worked for Washington Township, Plainfield, Berlin Township and Fairview Borough. All this was done without input from the Council. Council was asked for input from Sonia and no one ever gave her any. This was done and we just finished up what Sonia couldn't finish. Councilwoman Montes said Sonia asked for Council to submit ideas, or whatever to her. Did anyone submit to her? No. That was more than one time Councilwoman Montes said. What is a url? Councilman Lorenzo said it inscripts the website. Councilwoman Cegelka said she called the League of Municipalities about the website. The proposal is not an invoice. You can only expect the vendor to do updates. Borough will have to do posting to site. The person you are talking about this is just his opinion regarding our website. The person I spoke to is the web master for the League. Our site is incomplete. It is an embarrassment. Maybe to you it is but not to everyone. No one has given suggestions.

Councilwoman Hedgepath said to write up changes or corrections or pictures that you want or music. Bring it to the next meeting and we will go over this. When we took over there was no web site.

The Mayor said for everyone to give a list as to what they want on the website and she will give it to Scott. The Mayor said that we will table this and have it again at the next meeting.

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

Jim Janone - Rockaway Borough and Rockaway Township own their website domain name. There is no additional costs. It costs them about \$6.00. Url is who is hosting you can not own that. The person you hired for the Clerks office, your flier said one thing and you say something different. How many Victory Gardens residents applied? 8. Was a physical, drug test done? Not yet. We didn't know who was going to be hired. Background check and fingerprinting will be done now that we know who the new hiree is. I have a company that will do a web design for \$500 and one for \$800. You don't pay until you approve their design. I asked for a copy of the questions that the Administration Committee used for the interviews. Councilwoman Hedgepath said she had a letter from Attorney Feintuch saying she did not have to give out that information. Councilwoman Hedgepath said she would give Mr. Janone the questions that she asked. She would have it here tomorrow.

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

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

Submitted By:

Deborah Evans
Deborah Evans
Borough Clerk