

February 25, 2014

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on February 25, 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 and Councilman Lorenzo. Attorney Feintuch was also present at the meeting.

ABSENT: Councilwoman Garcia Montes.

Motion to accept the minutes of 2/11/14 as received by Councilwoman Hedgepath, seconded by Councilman Lorenzo. Councilwoman Cegelka thanked the Clerk for changing the vouchers from the last meeting. Also, did we pay the vouchers for the Planning Board for legal advertising? They were told to hold them. I will ask Amy. I think she removed the publication fee. Roll call:

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

Motion to accept the minutes of 2/18/14 which were budget workshop minutes. Motion made by Councilwoman Hedgepath, 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 Cegelka asked when closed session minutes are approved? When they are resolved. Should we accept the closed session minutes from 11/12/13 regarding the hiring of someone for the Clerks office? Yes.

Motion was made to accept the minutes from 11/12/13 the closed session. Motion made by Councilwoman Cegelka, seconded by Councilwoman Cheatham and approved on roll call: (This is for the personnel part of the minutes only)

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

CORRESPONDENCE:

Valerie Williams - She wanted a copy of the Planning Board book and Barrie gave her a copy of it. Valerie said it wasn't the right book and it didn't have updates. Barrie said that is the book everyone has and the updates are in it. She gave the book back to Barrie. I told her she was discussing Planning Board matters and she would have to take all that up with Barrie.

Motion to accept the correspondence by Councilwoman Cheatham, seconded by Councilwoman Cegelka and approved on roll call:

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

VOUCHERS:

Are there any questions on the vouchers? Councilwoman Cegelka said that 2033 should be Aid to Fire Department. 2038 and 2048 should be under Group Insurance. Anderson & Denzler when I looked at the vouchers said that they prepared a proposal for the Planning Board. That was 2036. I don't remember a proposal for the planning board. Also, 2039 for David Holeman. What type of breakers were purchased? For the garage. How long did you know they were defective? About 10

VOUCHERS CONTINUED -

or 15 minutes before I went to work that morning. I was asked to pick them up because the guys were busy with all the snow. So I did. I think this might be a conflict of interest. The Mayor said he was trying to help the DPW out. If anyone thinks this is a conflict then take a vote and I won't do it anymore. Councilwoman Cegelka said that having the Mayor purchase something from his job for the DPW can be construed as a conflict of interest. I was doing a favor. 2044 is that certification or a meeting? A meeting and a class.

Councilwoman Cheatham asked about 2042 County Concrete. I would like to get this paid but I have a question about a trucking scale price they are charging. We are trying to find out what that is for. Once we find out we can pay the bill as long as it is a legitimate cost.

Councilwoman Cegelka made a motion that we hold vouchers #2037 and 2042. After discussion on voucher #2037 it was determined that the Borough pays the fees for the Engineer and we will not hold that voucher up. Motion was not seconded.

Motion was made to pay the bills except to hold #2042 for County Concrete until we find out what the trucking scale charge is for. Motion made by Councilwoman Cheatham, seconded by Councilwoman Hedgepath and approved on roll call:

- Councilwoman Cegelka No
- Councilwoman Cheatham Yes
- Councilman Glass Yes
- Councilwoman Hedgepath Yes
- Councilman Lorenzo Yes

VOUCHER #	PAYABLE TO:	TYPE OF SERVICE	ACCT.#	AMOUNT
2 029	DAVID HOLEMAN	STREETS & ROADS		\$95.72
2 030	AUTO PARTS PEOPLE	STREETS & ROADS		31.85
2 031	DAILY RECORD	ADM & EXEC		17.16
2 032	GOLUB ANIMAL	DOG WARDEN		160.00
2 033	J.C.P.& L.	AID TO FIRE DEPARTMENT		325.29
2 034	J.C.P.& L.	BLDG & GRDS		337.78
2 035	J.C.P.& L.	STREET LIGHTING		690.78
2 036	ANDERSON & DENZLER	ENGINEERING		632.00
2 037	ANDERSON & DENZLER	ENGINEERING		306.00
2 038	HORIZON BS BC	GROUP INSURANCE		704.67
2 039	QUALITY DISCOUNT	STREETS & ROADS		35.00
2 040	VERIZON	ADM & EXEC		64.55
2 041	MORRIS CTY MUA	RECYCLING		192.00
2 042	COUNTY CONCRETE	STREETS & ROADS		605.28
2 043	N.J.N.G.	BLDG & GRDS		930.00
2 044	MCAMC	ADM & EXEC EDUC.		25.00
2 045	HECTOR LORENZO	STREETS & ROADS S W		\$1,707.32
2 046	EDUARDO MARTINEZ	STREETS & ROADS S W		\$2,925.46
2 047	N.J.PLANNING OFFICIALS	PLANNING BOARD		170.00
2 048	AMERIHEALTH	GROUP INSURANCE		9,264.75
2 049	VERIZON	ADM & EXEC		197.13
				\$19,417.74

DEPARTMENT REPORTS:

BUILDING INSPECTOR - No permits issued for January 2014.

CLERKS RECEIPTS	Taxes	\$6,458.45
	Food Licenses	275.00
	Dog Licenses	572.80
	Cat Licenses	161.40
	Total	\$7,467.65

PROPERTY MAINTENANCE - No Report

MUNICIPAL COURT - We received \$390.76

DEPARTMENT REPORTS CONTINUED:

TAX COLLECTOR - Total Tax Receipts Month To Date: \$84,709.80
Year To Date: \$84,709.80

REGISTRAR - 2 marriage licenses issued for a total collected: \$56.00

FINANCE OFFICER - No report from Amy at this time. We are working on the budget.

COMMITTEE REPORTS -

Councilwoman Cegelka - Fire Department exhaust hose has been fixed by Dover Fire Department. No cost to Borough. We talked about getting the bathrooms done at the firehouse. Right now the Mayor said, they are busy with snow. Once that is done they will work on the bathrooms. They have a list what needs to be done. There are some sidewalks in town that need to be cleaned. Councilman Glass said that the guys plowed the snow at the curb and it is rock solid and the people can't shovel through it. The pot hole on the corner of Franklin and South Salem Streets has been repaired. I was going to ask about the concrete barriers in the parking lot getting fixed but I came over today and they were already done. Also, is there any way we can get a handicapped door for town hall? we can get price quotes. The paperwork for Community Development has already been received for this year. If you want to apply it would have to be next year. There are things on the phone that need to be changed with whom the calls go to and court. It still says we have court here. Charlies name is still on for finance. Do we have enough salt and sand? No. We have enough sand. We are waiting for a delivery. We should get something by Friday of this week but I have to check with them on Wednesday to see where we are on the list.

Councilwoman Cheatham - Nothing at this time.

Councilman Glass - Did Greg give out any tickets for sidewalks not be clean? No. I don't think he should.

Councilwoman Hedgepath - we had the luncheon for Community Development on February 20th. Vera and I received our packets and we are on the housing part. All the grant applications are in and the meeting schedule has been announced. We will keep you posted as the meetings progress. What did we put in for this year? A generator.

Councilman Lorenzo - We have a little salt and they are mixing it with sand. There is an issue with the new salt spreader. They have to get it fixed. The Clerk said she thought it was fixed. They took it to Rahway and the man told them he couldn't fix it when they were there. Then they took it back to the dealer. We are hearing complaints from the residents about the snow plowing and the plow being turned to the side. This is how they have to plow. People are putting their cars in the streets so the men can't come in and plow. The Clerk said she is calling around to some towing companies so next year we don't have this problem. Do we still have signs up that say no parking during snow removal. Yes. Councilwoman Cegelka asked when the Governor declares an emergency because of snow is there money we can get back? Only if they have it to give it. Usually you have to fill out with FEMA. That is a big process the Mayor said. It is many meetings and much paper and more paperwork. You get a small percentage of what you actually spent out.

Councilman Lorenzo said he took a trip with Mr. Janone to a place where they are demolishing a building. They have the bathroom dividers that we could use for the repairs at the fire house. Let me know if you are interested in getting them. There are some that are usable and it won't cost us any money except going there and picking the stuff up.

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

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NEW BUSINESS:

TONNAGE GRANT APPLICATION RESOLUTION - This is something we do every year the Clerk said. Everyone has a copy.

TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this Borough to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this Borough to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the Borough and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens hereby endorses the submission of the recycling tonnage grant application to the NJDEP and designates William J. Isselin to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

Deborah Evans
Deborah Evans, Municipal Clerk

Paul Kelsje
Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby attest that this is a true and exact copy of a Resolution adopted by the Mayor and Council of the Borough of Victory Gardens at a meeting held on 2-25-14.

Deborah Evans
Deborah Evans, Municipal Clerk

Motion to approve the application by Councilman Glass, seconded by Councilwoman Hedgepath and approved on roll call:

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

*** Mayor Holeman said we will be going into closed session tonight for litigation regarding RVRSA.

OLD BUSINESS:

ADOPT PROPERTY MAINTENANCE REVISION AND PUBLIC HEARING -

AN ORDINANCE SUBSTITUTING CHAPTER XII
PROPERTY MAINTENANCE OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF VICTORY GARDENS, MORRIS COUNTY

Revision: In all cases where a notice of violation is issued, the property owner shall have 30 days to correct the violation. In instances where the correction may take more than 30 days, the property owner may advise the Inspector of such a situation and in that event the inspector may allow an additional 30 days to correct the violation.

Motion to open the meeting to the public on the ordinance only. Motion made by Councilman Glass, seconded by Councilwoman Hedgepath and approved on verbal vote.

Jim Janone - Does snow removal fall under the code? No. There is already something in the code book about violations and notice to correct. The Attorney said this will cancel that out. This is an amendment to that ordinance. It was 10 days why was it changed to 30? Sometimes 10 days isn't enough. This will be the new law.

No other comments from the public.

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

Motion to adopt the revision to 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

NEW HIREE START DATE - The Clerk said it was voted on to hire the new person for the Clerks office but we didn't say when she would be starting. I called and asked her when she could start and she said March 10th. She wanted to be able to give her current employeer 2 full weeks notice that she is leaving.

Motion was made to approve the start date for the new hiree as March 10, 2014. Motion made by Councilman Glass, seconded by Councilwoman Hedgepath. Roll call:

Councilwoman Cegelka	No
Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Lorenzo	Abstain

WEBSITE DISCUSSION - Councilwoman Hedgepath said she asked at the last meeting if anyone had any questions or comments that they would like her to forward to Scott Alexander regarding the website and I haven't received anything from anyone. He did send me some information. The annual cost of the service per year is \$360.00 . Are there any other questions? The Attorney said that Councilwoman Cegelka sent him the contract for the website. I did not have the time to review yet. Victory Gardens does own the website. The person I spoke to at the League of Municipalities said this just looks like a proposal. You still need an annual agreement that would be approved by the governing body. Did we get any pay to play forms from the vendor? No. I asked the man from the League if he would give us a proposal. Councilwoman Cegelka said she would like to make a motion to have the man from the League come here to speak to us about the website and set up a few dates for that to be done.

Councilwoman Hedgepath said she has been working with Scott Alexander all this time. We have Mark working on networking our computers and now you just want us to stop everything? We are just about complete. Our intention is to follow through with what we have. We have done a lot of work on this and I don't think that \$360 a year is a bad price.

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OLD BUSINESS CONTINUED:

WEBSITE DISCUSSION CONTINUED - I think the \$360 per year is the hosting amount Councilwoman Cegelka said. I think to put stuff on the website it is going to cost more. Our staff will be doing any changes or additions. How much will he charge if we ask him to add something? There is no hourly rate. Councilwoman Cheatham said she remembers him saying that if we gave him the information he would upload it. Does he know what the State requires to be on the computer? Yes. He gave me a copy of it. Can you get that to me? I will see if I can find it. Mrs. Bly gave me a picture of the old Borough Hall and that should go on the website.

Mayor Holeman asked if there was anyone else with suggestions for the website? Councilman Lorenzo said he has looked at the site. Councilwoman Cheatham said in order to do things on line like paying bills directly to the town there is something that has to be set up and charges that have to be paid. Councilman Lorenzo said he pays his bills to the Borough online. It doesn't come to us online the Clerk said. You may do it with your bank but your bank sends us a check. At this time we can't accept anyones payment on line. There is a language translator on our website Councilman Lorenzo said. The media window when you hit that it kicks you out of our website so that needs to be fixed. The calendar has too much stuff. It should only list events.

Councilpersons Cegelka and Lorenzo said they will have a list for Councilwoman Hedgepath.

HIRING PROPERTY MAINTENANCE PERSON - Everyone has had a copy of Mr. Youngs resume for about 2 months. Councilwoman Cheatham said that they interviewed him. He is very experienced. He lives in Towaco. We did look to Dover and they wanted \$140,000. We also went to Rockaway Township but they are having some issues and can't get involved in anything at this time. He is retired and this is the type of work he has done. He works hand in hand with the health department and the building official. We have not had a professional property maintenance person since we had Jim Benton. We have had after that people that live in town who were willing to try to do the job. We started paying for the services so they could be covered under our insurance. We are looking to pay no more than \$15,000 a year. What about mileage? We got him to drop that request. Do we pay him if he goes to court? It is all inclusive. Does he have his certifications? Yes. Hours are flexible. He will do what he has to do and he knows no more than \$15,000. He knows in the beginning he will be putting in a lot of time. He said it will get less as he goes. Notices will go out to residents. Is this a one year contract? He will be an employee. We are trying for \$13,000.

Motion was made to hire Mr. Young as the property maintenance person and not paying any more than \$15,000 a year. He would start work on April 1, 2014. Motion made by Councilwoman Hedgepath, seconded by Councilwoman Cheatham. Roll call:

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

Councilwoman Cegelka said that at the BOH meeting they discussed about the Emergency Preparedness Meeting for our residents and I was wondering when we can set this up. The Clerk said Joan is the Secretary and she can set the meeting up. Joan will set up the meeting and let everyone know.

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

Jim Janone - Mr. Young is retired from the PERS. Yes. He can only make \$14,999. Yes. Do you have a contract with him? No. I don't think we need a contract. His job is through the property maintenance code. Many people cleaned their sidewalks. The condos, Barb Nietz, the town cleaned their sidewalk by the bus stop but Diane Feola didn't clean hers. Why not ticket these people? Councilman Glass said because the town piled the snow there and no one can get through it. The also dumped snow on private property, The Clerk said they got permission from the owners to do that. They dumped on bank owned property. You said you own the URL. Yes. The Borough doesn't own it because I have the current registration in my hand. It is Marketing Enablement. Who copywrited the website? It is Market Enablement. It is listed on two sites. One with Go Daddy and the other with Google Drive. If one of these sites get hacked where is your data? It is gone until the site comes back up. Mayor you said you bought breakers. Who is installing them. Eddie isn't an electrician. You shouldn't have picked up the breakers for the DPW.

No other comments 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.

Councilwoman Cegelka asked about having Gramco come in to give us a presentation for a new recording system for the court room. Councilman Glass said the minutes would still have to be typed up. If you have to type anyway, why get another system Councilwoman Hedgepath asked. Well if it breaks they won't be able to fix it because they can't get parts. That may be true the Clerk said. Councilwoman Cheatham said she doesn't mind them having a presentation but it shouldn't be mandatory. It should be a volunteer basis. Councilman Lorenzo said he would like to be present. Councilman Glass said you still have to type the minutes.

Attorney Feintuch said he would like to say something about the minutes.

I have said this before. Minutes are action taken by the governing body. Not everything said by the Governing Body or the public needs to go into the minutes. Those minutes can be misinterpreted. You can say Mr. Janone addressed the council without telling us what was said. If there is no action taken there is no reason for it to be in the minutes. The minutes are a memorialization of action taken so that we can show at an appropriate time - if needed - that something was authorized by the Mayor and Council to be done. The minutes are time consuming and it is a waste of time for the Clerk to have to type them this way.

The Clerk said that she would like to get an okay at this meeting for the Council to say it is alright to do the minutes as the Attorney said.

Councilwoman Cegelka said if the machine breaks down Debbe won't have anything to do the minutes by. The Attorney said Debbe or someone else can take shorthand notes. The Clerk said she doesn't do shorthand. Councilman Glass said that you are taking notes all the time and the meetings. Yes, that is because if anything goes wrong with the tape then I have something to go by in order to do the minutes. Councilman Glass said that the Planning Board Attorney said the same thing as our Attorney just stated.

The Clerk said she agrees with the Attorney that she shouldn't be putting so much into the minutes. Does everyone agree with what he said? Are you comfortable with that where I don't have to type in what the public says - just to type in that so and so came before the Board. Is that okay with everyone? Councilman Glass said that we have an opinion from two attorneys and both opinions were the same.

Also the Clerk said, then when we have a discussion on anything all I will put into the minutes is that we discussed the website and nothing further. Is that okay with everyone? If everyone is okay with this then let me know now so I can start right away.

Motion was made to do the minutes like the Attorney said. Minutes should reflect action taken by the Board and list the persons that spoke before the Board. Motion was made by Councilwoman Hedgepath, seconded by Councilman Glass.

Councilwoman Cegelka said then if someone wants to know what happened at a meeting they would have to come in here and listen to the tape. Yes, the Attorney said. The Clerk said to let everyone know I destroy tapes according to the law. How long do you have before you destroy? It is 80 days after the approval of the minutes. However, I only do it once a year. Roll call:

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

Motion to go into closed session by Councilman Glass, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

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

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk