

July 22, 2014

The regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on July 22, 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, Councilwoman Garcia Montes.

Attorney Feintuch was present at this meeting along with Engineer, Leon Hall.

At this time a motion was made to go out of the regular order of business so that Leon can speak to the Council about the Monroe Avenue project. Motion was made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Leon said there were two bids received for the project.

Mark Paving Co, Inc.	\$68,765.71
Haskell Paving, Inc.	\$77,660.12

Mark Paving has the necessary experience and equipment for this type of project. It is our recommendation that the contract be awarded to Mark Paving in the amount of \$68,765.71. The Attorney approved the bid package on each bidder.

There was discussion regarding paving on private property and the Council voted to not pave on private property. Leon said the reason he wanted to do that was because otherwise there would be a seam in the work and it could get compromised if the seam wasn't fit correctly. This would cause water damage and the seam would eventually open. He could not give a time when that might happen.

Motion was made to have no paving on private property. Motion made by Councilwoman Montes, seconded by Councilwoman Cegelka and approved on roll call:

(If you vote yes, that means that you are saying you do not want paving on private property)

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

There is an issue with the handicapped ramps at the one end of Monroe Avenue. It has to do with the grade of the road. Leon said he would have to survey the area to see how steep the grade is. The ADA ramp, if feasible, would be funded by Victory Gardens not the grant money.

Leon stated that the grant amount is \$45,000. Mark Paving as the low bidder came in at \$68,765.71 . The difference in that amount is \$23,765.71 . That is a cost that the Borough has to fund. My fees are not included and that is usually 20% on top of that. So you are looking at approximately \$37,500.18 that the Borough would be paying.

Curbing is on the high side of the road only. The curb is coming up 6 inches so that will help to keep the bank stable and increases the longevity of the paving. I am not aware of any drainage issues on the right side of Monroe. We have had no complaints about that. There are two inlets on the left side of the road. The drainage belongs on the high side of the road.

Leon Hall Continued - Are we doing anything with the inlets on Monroe Avneue? Yes. Both inlets have to be brought up to the DEP standards in terms of your stormwater permit. If the grates are not bicycle safe they need to be. If the headpiece has openings greater than 2 inches vertically they have to have a new headpiece. The DEP permit requires us to do that. Openings in headpiece can be no bigger than 2 inches.

Motion was made to hire Mark Paving for the project at a cost of \$68,765.71 without paving on private property. Motion by Councilwoman Montes, seconded by Councilwoman Cegelka and approved on roll call:

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

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

Jim Janone - I understand that you are not paving private property but what will happen to those lines? They will not be there. Is there any stripes? No. How will people know where to park? There are signs and there are already cut outs for parking. Why was the figure for the grant so high? I was at several bid opening throughout the year and I better knowledge of the costs associated with this type of project. Will the crown of the road remain the same? Yes, it will be in its existing condition. If there is ponding after the work is complete, will it be addressed? No. This is the project as we are doing it. If there is a puddle there now, it will be there when we are done.

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

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

Motion to accept the minutes of July 8, 2014 as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE:

LEON HALL - Everyone received a copy of the letter from Leon Hall regarding 79 Franklin Road. He looked at the homeowners survey from 2008. The guiderail to the east of the driveway is located on the subject lot. The other guiderail he can not determine. There are a few comments from the 2008 survey that Leon has.
1. I believe the guiderail existed in 2008 but it is not shown on the survey.
2. A fence, not guiderail is noted on the survey along the frontage.
3. The existing conditions on the lot today are much different than the 2008 survey.

The Clerk said she will send a copy of this letter to the homeowner at 79 Franklin Road.

COUNTY OF MORRIS - Through the Town of Dover for the Municipal Alliance they are receiving \$23,361 for the program.

FEINTUCH, PORWICH & FEINTUCH - Everyone received a copy of the Attorneys letter regarding doing business in Victory Gardens.

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

VOUCHERS:

Councilwoman Cegelka asked about # 7054 for stamps. Do we have any left from the last purchase? Yes, two rolls. We are sending out tax bills that is why we need more. Vouchers #7042 and 7047 should be Bldg & Grds O & E. Vouchers # 7051 and 7052 should be Sts & Rds S & W. What was done with color copying? Fliers that Debbie did for Memorial Day. I don't know what the other ones were. I will ask her.
Councilwoman Montes wants to be made aware when someone goes on vacation.

VOUCHER REPORTS

Month of

JULY

Date	Voucher #	Payable to:	Type of Service	Acct. #	Amount	Ck. #	Date
7/22/14	7-029	United HealthCare	Group Insurance		\$ 352.87		
7/22/14	7-030	Dover Bd. Of Ed.	School Taxes		\$68,424.25		
7/22/14	7-031	Anderson & Denzler	Engineering OE		\$ 3,020.20		
7/22/14	7-032	JCPL	Utilities		\$ 421.31		
7/22/14	7-033	NJNG	Utilities		\$ 930.00		
7/22/14	7-034	Morris Cty MUA	Road OE		\$ 660.00		
7/22/14	7-035	NJ League of Muni.	Mayor Council Admin OE		\$ 19.00		
7/22/14	7-036	JCPL	Fire OE		\$ 47.89		
7/22/14	7-037	Verizon	Utilities		\$ 74.96		
7/22/14	7-038	Morris Cty Overhead	Door Fire OE		\$ 288.80		
7/22/14	7-039	Auto Parts People	Road OE		\$ 79.83		
7/22/14	7-040	Waste Mngment	Garbage Trash Removal		\$ 8,188.91		
7/22/14	7-041	Konica Minolta	Clerk OE		\$ 254.45		
7/22/14	7-042	Ideal Air Inc.	Bldgs & Grnds O+E		\$ 350.00		
7/22/14	7-043	Inkwell Global Mkt.	Clean Communities		\$ 206.92		
7/22/14	7-044	MicroSystems	Tax Collector OE		\$ 120.00		
7/22/14	7-045	Inkwell Global Mkt.	Clean Communities		\$ 1,514.37		
7/22/14	7-046	Mount Freedom Prnt.	Clerk OE		\$ 332.00		
7/22/14	7-047	Home Depot	Bldgs & Grnds O+E		\$ 143.47		
7/22/14	7-048	Cty of Morris Treas.	County Open Space		\$ 1,685.21		
7/22/14	7-049	Cty of Morris Treas.	County taxes		\$ 47,688.12		
7/22/14	7-050	Deborah Devery	Clerk SW		\$ 816.00		
7/22/14	7-051	Hector Lorenzo	Streets & Roads S+W		\$ 1,493.76		
7/22/14	7-052	Edwardo Martinez	Streets & Roads S+W		\$ 2,560.32		
7/22/14	7-053	Royal Tax Lien Serv.	Redemption Taxes		\$ 42,127.71		
7/22/14	7-054	Postmaster Dover	Clerk OE		\$ 196.00		
7/22/14	7-055	Deborah Evans	Clerk OE		\$ 60.04		
TOTAL					\$182,056.39		

VOUCHERS CONTINUED:

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

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

DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 3 permits issued for a total value of construction of \$25,200.

PROPERTY MAINTENANCE - Everyone has a copy of Debbies report.

MUNICIPAL COURT - We received a check in the amount of \$750.74 .

DEPARTMENT REPORTS CONTINUED:

TAX COLLECTOR - Total Tax Receipts Month To Date: 44,017.08
Total Tax Receipts Year To Date: 844,674.42

REGISTRAR - There were no marriage licenses issued for the month of July 2014.

FINANCE OFFICER - Everyone has a copy of Amys report.

COMMITTEE REPORTS:

Councilwoman Cegelka - Two companies came for the front doors for automatic openers. I am waiting for one more that should be here next week. We had a problem with businesses in town and I think the Planning Board needs to get together and revise our ordinances. To update what needs to be updated. This can't be done because they never get together for a meeting. The professionals don't have to be there until they are needed. Mr. Hall said he doesn't use our books because they are so vague. Did we ever find the water bottles at the firehouse? No. They were probably thrown away.

Councilwoman Cheatham - Thank you Mr. Janone for your information. I will review. We are finally able to scan documents. We can upload them to the website.

Councilman Glass - Nothing at this time.

Councilwoman Hedgepath - Vera and I hear the presentations for Community Development. Towns aren't getting much any more because they are looking at senior citizens and childrens places. We need to thank Leon Hall because he did a presentation and Community Development has found some money for us to get our generator. We are receiving \$60,000 because of his presentation.

Councilman Lorenzo - I sent Debbe a copy of the inventory sheet. The Clerk said when she left today there was nothing sent. I will look tomorrow. If you have any changes, let me know. I asked about the landscaped pine tree and it will cost about \$150.00 to \$200. That does not include planting it.

Councilwoman Montes - Nothing under Finance. Nothing under recreation except the Halloween Party coming in October. Hopefully the firehouse work will be done by that time.

Motion to accept all reports by Councilwoman Montes, seconded by Councilman Glass and approved on verbal vote. None opposed.

NEW BSUINESS: NONE

OLD BUSINESS:

ESTIMATES FOR TREES TO BE TAKEN DOWN - At the last meeting we wanted to get more estimates for tree removal. We received them. They are:

Jhonnys Tree Service	\$ 6,800.00
Master Tree Service	13,850.00
Scotty Tree Experts, LLC	14,500.00
Tree King, Inc.	14,500.00
All Affordable Tree Service	16,500.00

The Clerk said all paperwork was forwarded to the Borough Attorney for his review of the ddocuments. The Clerk said that Tree King, Inc. did not send any documents with their quote. The Attorney said that Jhonnys is disqualified because they have no insurance. Master Tree has done work for us before.

Motion was made to have Master Tree do the removal of trees at the cost of \$13,850.00 . Motion made by Councilwoman Cheatham, seconded by Councilwoman Hedgepath and ap[ro]ved on roll call:

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

Mayor Holeman said he would like everyone to know that at the close of our meeting we are going into closed session for litigation regarding RVRSA.

Councilwoman Cegelka said she would like to make a motion to have us contact the Planning Board to review our Land Use Ordinances and come up with any changes or suggestions to that. They would have to review, make changes then send to their Attorney for review. The Board would be discussing this and there would be no reason for their Attorney to be present.

Motion made by Councilwoman Cegelka, 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 and the Mayor needs to break the tie. Mayor Holeman voted No.

There was discussion on this matter with the Planning Board not having meetings. The Attorney said they should have the Attorney present for input. They don't have to have them there with all discussions. The Planning Board Clerk doesn't want to have a meeting for no reason. They only want meetings if they have an application before the Board.

Mayor Holeman said they have had discussions on this and nothing ever gets done. We can say whatever we want but when it goes to the Professionals they can tell us that it is all wrong. Then all that time was wasted. We need guidance.

Councilwoman Cheatham said this has been discussed for several years. It started back when she was on Planning Board several years ago.

Attorney Feintuch suggested that we send a memo to the Acting Chairperson, John Cegelka, to call a meeting of the Planning Board to revise the Ordinances for the Land Use with the guidance and direction of their Attorney.

Motion was made to send memo to John Cegelka regarding the Land Use Ordinances.

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

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

Attorney Feintuch said he was asked to do a search on two properties to find out the owners. They were for 108-110 Monroe and 48-54 Polk Avenue. This was done at the request of the Ron Young our Property Maintenance person. The Clerk said she has none of this information. The Attorney said he will forward it to the Clerk so she can give it to Property Maintenance.

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

Jim Janone - Jim addressed the Council regarding the Planning Board and issues with the Board and how they operate. Jhonnys Tree Service has not applied for a license to operate. The State has them as an open pending business. Clean Communities I looked at some of the reports that are filed. Council voted to pay him \$1,500 a year. He said that is what he wanted and Council voted to pay him. Administrative can not exceed over 5% . Also the generator. I looked at the application and Leon had down \$75,000. Then 25% goes to Leons firm. For the generator Leon is saying \$40,000 I looked at the highest one I found was \$16,300 factory direct and they would deliver it to your door.

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

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

(Closed Session Typed Separately)

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

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

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

