

July 14, 2015

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on July 14, 2015.

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 Jacobus, Councilwoman Garcia Montes. Attorney Feintuch was also present at this meeting.

ABSENT: Councilman Glass, Councilwoman Hedgepath and Councilman Lorenzo.

Motion to accept the minutes of June 23, 2015 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

THANK YOU - We received a thank you note from the Gratacos family for the fruit basket and for the dedication of their father in our new letter.

DOVER WATER - I have been speaking with Dover Water and they are doing an investigation regarding our water bill at the firehouse. They will get back to me once it is completed. They did say that we had a leak in the toilet in the ladies bathroom. They are holding off on the bill right now.

COUNTY OF MORRIS - This in in regards to the Municipal Alliance. They have approved \$23,361 for the Municipal Alliance and this money goes to Dover.

LETTER FROM ATTORNEY FEINTUCH TO DAN MALONEY - Everyone has a copy of this letter.

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

VOUCHERS:

The Mayor asked if there were any questions on the vouchers? Hearing none, a motion was made to pay the bills. Motion by Councilwoman Montes, seconded by Councilman Jacobus and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Jacobus	Yes
Councilwoman Garcia Montes	Yes

(See Vouchers Next Page)

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Date	Voucher #	Payable to:	Acct. Charged	Amount
7/14/15	7-001	Rutgers, Muni. Clerk Prog.	Clerk OE	\$ 835.00
7/14/15	7-002	Dover Bd. Of Ed.	School Taxes	\$ 75,231.33
7/14/15	7-003	Town of Dover	Fire OE	\$ 16,500.00
7/14/15	7-004	RVRSA	RVRSA Share	\$ 9,424.00
7/14/15	7-005	Waste Management	Garbage Trash Removal	\$ 8,188.91
7/14/15	7-006	NJ Dept of Treasury	Group Insurance (Pensions)	\$ 4,771.21
7/14/15	7-007	Philip Feintuch, ESQ	Legal Services OE	\$ 1,973.13
7/14/15	7-008	Ideal Air Inc. (two invoices)	Bldg. & Grnds.	\$ 1,750.00
7/14/15	7-009	Dover Muni Court	Muni Court Dover	\$ 1,413.29
7/14/15	7-010	Town of Dover/Finance	Clerk OE(Municipal Alliance cash match)	\$1,000.00
7/14/15	7-011	JCP&L	Utilities	\$ 639.01
7/14/15	7-012	MGL Printing Solutions	Tax Collector (Sewer bills)	\$ 429.75
7/14/15	7-013	Adam VG LLC / Biyun Zong	Bldg. Dept. OE	\$ 320.00
7/14/15	7-014	Shell Fleet Plus Card	Road OE	\$ 306.30
7/14/15	7-015	Herbert Evans, Jr.	Bldg. & Grnds.	\$ 300.00
7/14/15	7-016	Deborah Devery	Planning Board OE	\$ 270.00
7/14/15	7-017	Philip Feintuch, ESQ	Legal OE	\$ 262.50
7/14/15	7-018	Verizon	Utilities	\$ 207.20
7/14/15	7-019	Verizon	Utilities	\$ 98.63
7/14/15	7-020	Chester Lighting	Fire OE	\$ 146.68
7/14/15	7-021	Quality Discount Tire	Road OE	\$ 126.00
7/14/15	7-022	Treasurer, State of NJ	Marriage License	\$ 125.00
7/14/15	7-023	Vision Service Plan	Group Insurance	\$ 121.79
7/14/15	7-024	NJ Planning Officials	Planning Board OE	\$ 100.00
7/14/15	7-025	AT&T	Utilities	\$ 98.85
7/14/15	7-026	Nat'l Bldg. Supply	Bldg. & Grnds.	\$ 82.10
7/14/15	7-027	Home Depot	Bldg. & Grnds.	\$ 78.22
7/14/15	7-028	Deborah Evans (petty cash)	Clerk OE	\$ 39.17
7/14/15	7-029	NJNG	Fire OE	\$ 39.13
7/14/15	7-030	Deborah Evans (over time)	Clerk SW	\$ 178.64
7/14/15	7-031	Hector Lorenzo	Streets and Roads SW	\$ 1,410.64
7/14/15	7-032	Edwardo Martinez	Streets and Roads SW	\$ 2,417.36
7/14/15	7-033	Deborah Devery	Admin SW	\$ 760.14
TOTAL				\$ 129,633.98

NEW BUSINESS:

STREET & SIDEWALK ORDINANCE UPDATE - The Clerk said this update to our current Ordinance allows us to set fines for the court to hand out without having to have our Property Maintenance person in court at all times. The only time he would have to go to court is if the person pleads not guilty.

With this Ordinance for the first three offenses, the Judge can give the fines as stated in the Ordinance. This is under the Violations & Penalties.

Motion to introduce the Ordinance by Councilman Jacobus, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Jacobus	Yes
Councilwoman Garcia Montes	Yes

09/22/2015

09/22/2015

AN ORDINANCE AMENDING CHAPTER XVIII,  
STREETS AND SIDEWALKS

INTRODUCTION:

This amendment substitutes the following language that to the date of adoption is contained in the bound volume of REVISED GENERAL ORDINANCES, BOROUGH OF VICTORY GARDENS.

18.6 VIOLATIONS AND PENALTIES:

(a) Pursuant to N.J.S.A. 40:49-5 For violation of any provision of this Chapter, the maximum penalty shall, upon conviction of a violation, be a fine not exceeding \$2,000.00 or imprisonment for a period not exceeding 90 days or a period of community service not exceeding 90 days.

(b) For the first offense in lieu of a court appearance, the offender shall have the option of paying a \$50.00 fine directly to the Borough.

For a second offense, in lieu of a court appearance, the offender shall have the option of paying a \$100.00 fine directly to the Borough. A second offense shall be one which takes place within one year of the first offense.

(c) For a third offense and every offense thereafter, a Court appearance shall be compulsory. A third offense shall be one which takes place within one year of the second offense. Every other offense shall be within on year of the previous offense.

BOROUGH OF VICTORY GARDENS

\_\_\_\_\_  
DAVID HOLEMAN, Mayor

ATTEST:

\_\_\_\_\_  
DEBORAH EVANS, Borough Clerk

INTRODUCED:

I hereby certify that the above is a true copy of the ordinance passed by the Mayor and Council of the Borough of Victory Gardens, Morris County at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
DEBORAH EVANS, Borough Clerk

ADOPTED:  
PREPARED JUNE 22, 2015

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Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle July 2014-June 2019

FORM 1B

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Victory Gardens, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Victory Gardens, County of Morris, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Dover/Victory Gardens Municipal Alliance grant for fiscal year 2016 in the amount of:

DEDR	\$23,361
Cash Match	\$5,840.25
In-Kind	\$17,520.75

2. The Township/Borough/City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_

*David Holeman*  
David Holeman, Mayor

**CERTIFICATION**

I, Debra Evans, Municipal Clerk of the Borough of Victory Gardens, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Town Council on July 14, 2015.

*Debra Evans*  
Debra Evans, Municipal Clerk

This Resolution is for the Municipal Alliance. We pay \$1,000 to Dover as we belong to this Alliance. The Mayor asked if there were any questions on this? They put on programs in the school for alcohol and drugs.

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

Councilwoman Cheatham	Yes
Councilman Jacobus	Yes
Councilwoman Garcia Montes	Yes

NEW BUSINESS CONTINUED:

REVISION TO PROPERTY MAINTENANCE CODE FOR HEIGHT OF GRASS - Everyone has a copy of the Ordinance. Our Property Maintenance person spoke with the Attorney and asked him if he could change the height of the grass from 10 inches to 6 inches. The other part of the update is again, to have the Judge be able to give fines without Ron having to go to court all the time. The only time he would have to go is if the person pleads not guilty.

Councilwoman Montes said she would like to keep the Ordinance the same. It is 10 inches now and there is no reason to change it to 6 inches.

Councilwoman Cheatham said 10 inches is a lot. Councilman Jacobus asked if we could table this until all Council are present? Motion was made to table discussion until all Council are present. Motion by Councilman Jacobus, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

OLD BUSINESS:

SIGNS AT FIREHOUSE - All the signs have been ordered that we spoke about at the last meeting for the firehouse. They have been put up.

The Mayor said we will be going into closed session after the meeting tonight in regards to OPRA and the litigation with the Assessors for different towns.

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

Jim Janone - Voucher # 7020 for Chester Lighting - what did we buy? Bulbs and fixtures for the firehouse. Why did we buy them there? Home Depot didn't have them. Who is Mr. Maloney and why did he get a letter from the Attorney? He wrote a letter to the Mayor and questioned the amount of money for the lighting at the condos. I answered him. Contract specs for the sidewalks it said they would be at town hall and they weren't here when I came in. They are now. Also, why do we let the Engineer charge for these specs to be picked up? The Engineer is making this money and not the town. Leon has done with the sidewalks exactly what the Council asked him to do. Council said they agreed to having Leon do the sidewalks as needed on Washington Avenue.

Joan Cegelka - When are we getting the hand sanitizers for Borough Hall? The Clerk said she has spoken to both Peter and Jaime and they bounce it back and forth between the two. The last I spoke to them, Peter said he would get us prices and get back to me. There is a BOH meeting scheduled for the 21st, you can ask at that time. When is the traffic light project beginning? We don't know. The Engineers met awhile ago and that was it. They did tell us originally that it would be started this year.

Diane Feola - Can you explain OPRA requests to me? Can you come in any time? Yes. Is there a fee? Yes. It depends on how you ask for your response. If you are coming in to pick up we charge 5¢ a page and 7¢ a page for legal. If you want it emailed then it costs nothing. These are fees set by the state. Does it cost the town money for this? No and yes. If it is something that can be done right away it is the time to pull the stuff out and copy it. Most OPRA requests we try to get done in the 7 day time frame the State gives us. It is the bigger and in depth ones that cost the town because of overtime to do it. Can people come in at anytime? They can but we do have a Resolution that states our times and dates. Do they ever come in at those times? Mostly not. Is it the persons choice to say how they want the information? Yes.

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

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

(Closed Session Typed Separately)

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

Attorney Feintuch said for the benefit of the public we were discussing a lawsuit that has been brought against us and the following other towns: Chatham Borough, Chatham Township, Chester Borough, Chester Township, Town of Dover, Borough of Mount Arlington, Florham Park, Kinnelon, Lincoln Park, Long Hill, Madison, Mendham Township, Morris Plains, Morristown, Pequannock, Mountain Lakes, Parsippany/Troy Hills, Rockaway Borough, Wharton and Moco-Systems.

The purpose of the suit Shaun Hopkins wanted material that he said the towns had. Some towns had the whole program but all of these listed, including Victory Gardens, do not use a certain part of the program that Mr. Hopkins wanted. We would all have to ask Mirco Systems to release it. We have worked out a settlement where Micro Systems releases the requested information. Micro Systems pays the money to the Attorney for Shaun Hopkins for \$5,000 and each town involved pays a share of \$300.00 to cover the costs. I asked the Council for a vote that we settle under the terms I just gave. I recommended that they have me sign the order of settlement.

Motion was made to pay \$300.00 for the settlement regarding the OPRA lawsuit (Shaun Hopkins) and have Attorney Feintuch sign off on the agreement. Motion made by Councilman Jacobus, seconded by Councilwoman Cheatham.

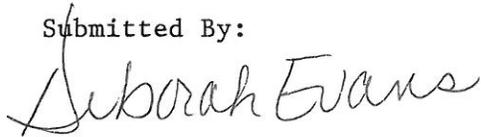
Are there any questions from the public regarding the lawsuit? Jim Janone - Are we giving him the data he wants? Micro Systems is giving him the data. If someone came in with an OPRA request would we get the information from Victory Gardens? No. We would have to authorize Micro Systems for the information.

Joan Cegelka - Micro Systems has a program that they put out for every town. Yes, all towns are different. They developed the program? Yes. They shouldn't have to give their documents out to people. Correct, but if it is something that is a document or program that we use it is a public record. I don't understand it. I may not agree - I do know that the part this person was requesting is something that our Assessor does not use. What if, after all this, Mirco Systems decides to change their program? Can they? Sure.

Roll call:	Councilwoman Cheatham	Yes
	Councilman Jacobus	Yes
	Councilwoman Garcia Montes	No

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

Submitted By:



Deborah Evans  
Borough Clerk