

January 26, 2016

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on January 26, 2016.

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, Councilman Jacobus, Councilman Lorenzo.
Attorney Feintuch was also present at this meeting.

ABSENT: Councilwoman Hedgepath and Councilwoman Garcia Montes.

At this time, Mayor Holeman asked for a motion to go out of the regular order of business so that Mike Obremski from JCP & L can speak. Motion made by Councilman Jacobus, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Mike wanted to let everyone know that Victory Gardens did not lose any power during the last storm. The work we are doing is working. The Mayor asked if JCP & L is going to continue upgrading throughout Morris County? Yes. We have more work to do and we have done a lot of work. The Morris Substation is completely new and that is part of what services Victory Gardens. No other questions from the Council.

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

CORRESPONDENCE:

RVRS - We are receiving another \$4,160.71 from Rockaway Valley. This is the third and final refund. It is from money that Jersey City is paying back. This is all part of the continuing law suit that RVRS has with Jersey City.

LOCAL FINANCE BOARD - This is regarding two people that did not file Financial Disclosure Statement for 2015. They were given a fine for not filing but it has now been dismissed by the Finance Board. I gave it to the Attorney to take a look at it. I don't know what they said to the Finance Board to get the fine lifted but I know that I sent the letters to them because they signed for them. I know they were notified. I don't know if we need to get let the Finance Board know this.

The Attorney said to let it go. It isn't fair that everyone else has to file and then others get away without having to do it.

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

Motion to accept the minutes of January 12, 2016 as received by Councilman Lorenzo, 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, the Mayor asked for a motion to pay the bills.

Motion to pay the bills by Councilman Glass, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilman Jacobus	Yes
Councilman Lorenzo	Yes

(See Vouchers Next Page)

VOUCHER REPORTS

Date of Council Meeting:

Jan. 26, 2016

Voucher #	Payable to:	Type of Service	Amount
1-060	County of Morris - County Tax	County Tax	42,584.49
1-061	County of Morris - County Open Space	County Open Space	1,777.02
1-062	Waste Management	Garbage Trash Removal	8,188.91
1-063	Morris County Comm. Cntr. For Dispa	911 Costs	\$5,000.00
1-064	NJ Advance Media	Clerk OE - Solid Waste Bid	3,346.20
1-065	Dover Municipal Court	Muni Court Dover	1,385.58
1-066	Anderson & Denzler Assoc.	Engineering - Dec. 2015	821.80
1-067	NJNG Company	Utilities	723.00
1-068	Protective Measures Security & Fire S	Fire OE - Fire House & Boro Hall	696.00
1-069	Morris County MUA	Road OE	432.00
1-070	JCP&L	Utilities	399.27
1-071	JCP&L	Fire OE	118.46
1-072	Daily Record	Clerk OE - Ten different advertisements	312.40
1-073	Postmaster General	Clerk OE - 6 rolls of stamps	294.00
1-074	Verizon	Utilities - 366-5312	212.34
1-075	Verizon	Fire OE	104.01
1-076	International Code Council	Contruction OE - Updated Code Books	204.00
1-077	Golub Animal Hosp. & Animal Inn	Dog OE	165.00
1-078	Konical Minolta Business Solutions	Clerk OE	127.74
1-079	Deborah Devery	Planning Board - Oct. 21 minutes	90.00
1-080	Verizon	Utilities - 361-8121	64.53
1-081	Adrienne Parent - Registrar's Membe	Clerk OE - Registrar's Membership	25.00
1-082	Optimum	Clerk OE	6.04
1-083	Anderson & Denzler Assoc.	Planning Board - Engineer. Nov. 2015	38.25
1-084	Anderson & Denzler Assoc.	Planning Board - Engineer. Site Plan 32	781.80
1-085	Eric M. Bernstein & Assoc.	Planning Board - 327 S. Salem St.	456.00
1-086	Deborah Devery	Admin SW	723.06
1-087	Hector Lorenzo	Streets & Roads SW	1,282.40
1-088	Edwardo Martinez	Streets & Roads SW	2,197.60
		<i>TOTAL</i>	<i>72,556.90</i>

DEPARTMENT REPORTS:

BUILDING REPORT - There were 3 permits issued for a total value of construction: \$56,995.

PROPERTY MAINTENANCE - Everyone has a copy of Deb's report. Ron is sending out violation letters for people with trailers, trucks over 3/4 ton, etc... The Attorney said he sees no reason why these letters can't go out. I asked Ron to take pictures so I can have clarification of which are good and which aren't.

MUNICIPAL COURT - We received a check for \$261.30 .

TAX COLLECTOR - Total Tax Receipts Month To Date: 17,135.60
Total " " Year To Date: 1,821,213.66

REGISTRAR - 1 marriage license issued for total collected: \$28.00

FINANCE OFFICER - Everyone has a copy of Amy's year end report. She will have a current report for us for our first meeting on the Budget in February.

COMMITTEE REPORTS:

Councilwoman Cheatham - Our website has been up and running since August. We have had 1,574 visits. Annual information is being updated. If anyone has anything they want on the website please let her know. Councilman Lorenzo said that the calendar should be updated and all meeting dates should be put on in advance as we know the dates for the meetings. Anything we can put on about storms and garbage pickups should also be put on.

Councilman Glass - Asked about utility trailers on property? The Attorney is reviewing.

Councilman Jacobus - The men are doing the regular recycling and picking up the last of the Christmas trees. They also had a big storm to clean the roads and did a great job of getting the town cleared. They opened the roads and dug out the storm drains and fire hydrants. Council agreed that they did a great job.

Councilman Lorenzo - Said that the men had a truck go down because of an alternator. Residents are putting snow in the streets. They are also moving their cars into the streets while they shovel out their driveways. They are blocking the roads from the plows getting through. We have to advise the residents to not put snow in the road and not to block the roads during snow removal. There is a safety issue.

We do have signs up about snow removal. They have to start writing down the date, time and sign off on a summons. This is the only way it will stop. They can be ticketed and towed. The Clerk said she spoke to the State Police and they have tow companies that we would use. They would order the cars to be towed. Let the residents know that they will be ticketed and have to go to court. Once that happens, then they will stop doing it.

We have two people that will plow for us when our guys need to take a break. They have to call them.

Also, on the website, we should put all the Council dates and meeting dates for other Boards on the calendar for the whole year. We already know the dates. Once the BOH calendar is done we will put that on the site also.

Motion to accept the reports and put on file by Councilman Glass, seconded by Councilwoman Cheatham and approved by verbal vote. None opposed.

Attorney Feintuch said we did one of these ordinances in 1990 and one in 2000. This needs to be amended and you need to let me know what you want it to read. Let Debbe know what you want the ordinance to say and I will go over it with her. The Clerk asked what we do about the people that have gotten letters from Ron? Tell Ron to let this sit for awhile that the Council will be looking to update.

**CALENDAR YEAR 2016
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 0% 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 2016 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 3.5 percent increase in the budget for said year, amounting to \$34,134.45 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 2016 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 \$34,134.45, and that the CY 2016 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 approve the introduction of the Cap Ordinance by Councilman Glass, seconded by Councilwoman Cheatham and approved on roll call:

- | | |
|-----------------------|-----|
| Councilwoman Cheatham | Yes |
| Councilman Glass | Yes |
| Councilman Jacobus | Yes |
| Councilman Lorenzo | Yes |

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF VICTORY GARDENS APPOINTING CHIEF PROSECUTOR AND
PROSECUTOR FOR THE JOINT MUNICIPAL COURT OF DOVER

WHEREAS, the Town of Dover, county of Morris, State of New Jersey, has established a Joint Municipal Court serving the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and Borough of Victory Gardens under a Shared Services Agreement with the Town of Dover as lead agency; and

WHEREAS, the Town of Dover has a need to acquire legal services for the Joint Municipal Court as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Lisa Thompson, Esq. and Douglas Cabana, Esq. have completed and submitted Business Entity Disclosure Certifications which certifies that they have not made any reportable contributions to a political candidate or committee of the Town of Dover with Mayor and Board of Alderman in the previous one year and that the contract will prohibit Lisa Thompson, Esq. and Douglas Cabana, Esq. from making any reportable contributions through for the term of the contract; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens, County of Morris, State of New Jersey authorizes the Mayor and Municipal Clerk to enter into a contract as described herein; and

A. Lisa Thompson, Esq. to be appointed as Chief Prosecutor of the Joint Court of Dover, serving the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and Borough of Victory Gardens at a salary of \$40,290.00 retainer, for the year 2016 plus \$500.00 per extra sessions; and

B. Douglas Cabana, Esq. to be appointed Prosecutor of the Joint Court of Dover, serving the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and Borough of Victory Gardens at a salary of \$40,290.00 retainer for the year 2016 plus \$500.00 per extra session; and

BE IT FURTHER RESOLVED, the appointment of Chief Municipal Prosecutor and Prosecutor for the Joint Municipal Court is made without competitive bidding as it is a "professional service" under the provisions of the Local Public Contracts Law, because Attorneys are a recognized profession, licenses and regulated by law.

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

BE IT FURTHER RESOLVED, that upon adoption of said Resolution by the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and Borough of Victory Gardens, a copy of said Resolution shall be forwarded to the Honorable Thomas L. Weisenbeck, Assignment Judge Superior Court and the Honorable Gerard Smith, Judge of the Joint Court of Dover.

Adopted: 1-26-16

Deborah Evans
Deborah Evans, Municipal Clerk

David L. Holeman, Jr.
David L. Holeman, Jr. Mayor

Motion on the Resolution by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilman Jacobus	No
Councilman Lorenzo	Yes

RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF VICTORY GARDENS APPOINTING CHIEF
PUBLIC DEFENDER AND PUBLIC DEFENDER FOR THE
JOINT MUNICIPAL COURT OF DOVER

WHEREAS, the Town of Dover of the County of Morris, State of New Jersey, has established a Joint Municipal Court serving the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and the Borough of Victory Gardens under a Shared Services Agreement with the Town of Dover as lead agency; and

WHEREAS, the Town of Dover has a need to acquire Legal Services for the Joint Municipal Court as a non fair and open contract pursuant to the provisions of NJSA 19:44A-20.5

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS; Gerald Kelly, Esq. and Robert Cascone, Esq. have completed and submitted Business Entity Disclosure Certifications which certifies that they have not made any reportable contributions to a political candidate or committees in the Town of Dover with the Mayor and Board of Alderman, and that the contract will prohibit, Gerald Kelly, Esq. and Robert Cascone, Esq. from making any reportable contributions for the term of the contract; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens, County of Morris and State of New Jersey authorizes the Mayor and Municipal Clerk to enter into a contract as described herein; and

- A. Gerald Kelly, Esq. to be appointed as Chief Public Defender of the Joint Court of Dover, serving the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and Borough of Victory Gardens at a salary of \$23,031.00 retainer for the year 2016, plus \$500.00 per extra session; and
- B. Robert Cascone, Esq. to be appointed Public Defender of the Joint Court of Dover, serving the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and Borough of Victory Gardens at a salary of \$23,031.00 retainer for the year 2016, plus \$500.00 per extra session; and

BE IT FURTHER RESOLVED, the appointment of Chief Municipal and Public Defender for the Joint Municipal Court is made without competitive bidding as it is a "professional service" under the provisions of the Local Public Contracts Law, because Attorneys are a recognized profession, licensed and regulated by law.

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

BE IT FURTHER RESOLVED, that upon adoption of said Resolution by the Town of Dover, Borough of Mt. Arlington, Borough of Rockaway, Borough of Wharton and Borough of Victory Gardens, a copy of said Resolution shall be forwarded to the Honorable Thomas L. Weisenbeck, assignment Judge Superior Court and the Honorable Gerard Smith, Judge of the Joint Court of Dover.

Adopted: 1-26-16
Deborah Evans
Deborah Evans, Municipal Clerk

David L. Holeman, Jr.
David L. Holeman, Jr. Mayor

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

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilman Jacobus	Yes
Councilman Lorenzo	Yes

NEW BUSINESS CONTINUED:

ESTIMATE FOR FIREHOUSE DOOR - We received an estimate from Kurts Locksmith. This is the company we always use for our doors and locks. Everyone has a copy of the estimate. This estimate is for 2 doors at the firehouse. The furnace door and the door where the ambulance is. The cost is \$800.00 .

Council wanted to look at the doors. They would like another estimate. The Clerk said she will need someone to look at the doors and tell her what they need so we can have both companies bid on the same thing.

Our Fire Inspector did go up and take a look at the doors like the Council asked him to. He said we need the panic bar. There are several issues with doors that the Council discussed. The Clerk asked someone to go up and check them all so we know what to tell the contractor. The Mayor asked the Council to call Chris Barella if they need information on the doors.

Councilman Glass made a motion to give the job to Kurts Locksmith but there was no second on the motion.

The Clerk will hold off on another estimate until the Council speaks to Chris Barella and/or Council goes up to look at the doors and see what needs to be done.

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

Jim Janone - All locksmiths should be licensed by the State. While you are looking at things with the firehouse - there are no exit lights up there. They aren't lit or they aren't there? They aren't there. Mayor you were suppose to get back to me on the shared service meeting for the courts. Also on the hazard Mitigation Plan/meeting. The Mayor said he has that for Jim tonight. He will give it to him after the meeting. I only saw one truck out snowplowing. They had two trucks out. One of the trucks was being fixed. Why are notice letters going out? For items people have on their property with trailers and things of that nature. We have to redo the ordinance.

Joan Cegelka - On the website all the meetings should be put on the calendar. You should also check with the garbage men for holiday pickup. We do have signs in the town about not being in road for snow plowing. Do we issue violation notices if people throw snow in the street? Yes, if we catch them. If Eddie sees them can he report them? Yes. We should notice the residents about the snow and leaving the cars in the streets. The Clerk said she spoke with the State Police and they will use their towing companies if we have problems down here with needing cars towed. The snow plows do have the right of way. Ordinances in town do need to be updated.

Councilman Jacobus had comments on the work being done at 377 Washington Avenue and the cars being parked in the road. it is very hard for people to get by. You call the State Police and they act like they don't want to be bothered and tell you to file a complaint and go to Dover with it.

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

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

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

