

July 12, 2016

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on July 12, 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, Councilwoman Hedgepath, Councilman Lorenzo.
Attorney Feintuch was also present.

ABSENT: Councilman Jacobus and Councilwoman Garcia Montes.

Motion to accept the minutes of June 28, 2016 as received by Councilman Lorenzo, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

CORRESPONDENCE:

FEINTUCH, PORWICH AND FEINTUCH - Everyone has a copy of the letter from Attorney Feintuch. This is in regards to an OPRA request and surveillance tapes.

JIM JANONE - Jim is the requestor for the OPRA regarding the tapes. He is stating that the cost estimate I gave him is unreasonable. He is asking that we re-evaluate the matter. He doesn't want to file a complaint with the GRC. He would like to settle the matter.

Attorney Feintuch said that the law provides that the cost not be overbearing for the Governing Body as well. We do not keep this in the form requested and if there is going to be a cost, it is a cost to the requestor. I think there are a number of cases that state this.

STATE POLICE - I was speaking with the Lt. at the State Police today regarding the patrols that have been in the Garden for the past month or more. I had a complaint from a Councilperson that asked me to speak to the Lt. about this issue. Her issue was that she is being told that the cops are following cars into Victory Gardens and they are running their plates. If they see they don't live here they pull them over to see what they are doing here. The Lt. said they have every right to do that. He said they are stopping cars under Title 39. The police can ask a series of questions based on the violation observed. No one has called me and said anything about the police. I told the Lt. that they were doing a great job and that the Mayor is pleased with the work they are doing and to keep it up.

NOISE ORDINANCE - The Clerk said at the last meeting Councilpersons Montes and Jacobus were talking about the noise ordinance and wanted to know what the times were. I looked in the book and one pages 313 and 314 gives times for different noises. Also, in the 1982 book it says no noise for 24 hours. We may have to look at changing a part of this in the future.

The Attorney said with us not having a police department there are some things that we can not control. We just don't have the personnel to take care of everything. Residents can call the police themselves. They can give them the information.

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

VOUCHERS:

The Mayor asked if there were any questions on the vouchers? #7009. Work & Wear - Clean Communities. Some of the clothing items the men get can be paid for with Clean Communities money. Their shirts with the Clean Community logo can be paid with thru the Clean Communities account. That is what it is for. I noticed the voucher for Home Depot is for spray. I thought they weren't doing that anymore. It was spray for the bugs in the building. There were no other questions regarding the vouchers.

**DRAFT OF PROPOSED REVISION OF ARTICLE 23, CHAPTER 12.15
COMMERCIAL VEHICLES, MOBILE HOMES, TRAVEL TRAILERS, CAMPERS and
BOATS**

1. The title of the Chapter shall read **REVISION OF ARTICLE 23, CHAPTER 12.15
COMMERCIAL VEHICLES, MOBILE HOMES, TRAILERS, CAMPERS AND
BOATS**

2. The parking of mobile homes, trailers and campers is prohibited in residential districts with the following exceptions:
 - A. No commercial vehicle, mobile home, trailer or camper shall be occupied while parked in the Borough or used for storage

 - B. Every mobile home and/or trailer or camper parked in the Borough shall be owned by a property owner or tenant therein shall have a current New Jersey registration and bear current New Jersey license plates and must be roadworthy

 - C. Every mobile home, trailer or camper parked in the Borough must be registered to either the owner or tenant of the premises upon which it is parked.

 - D. No more than two mobile homes, trailers, or campers or any combination of such vehicles are permitted for each residence and the owner of such vehicle or vehicles shall be required to obtain a permit(s) from the Borough. at an annual cost of \$25.00 per vehicle.

 - E. Boats required to be numbered pursuant to N.J.S.A. 12:7-34.36 shall not be parked on any residential property unless loaded onto a trailer properly registered with the State and Borough.

 - F. No vehicle discussed in this Ordinance shall measure more than 25 feet from the front bumper to the rear bumper, or from the trailer hitch to the rear of the trailer.

 - G. Only one vehicle discussed in this Ordinance shall be parked in the front yard of the residential premises and there shall be a fee of \$25.00 for same.

 - I. No all terrain vehicle or dirt bike shall be operated on any real property except for snow-plowing.

DAVID HOLEMAN, Mayor

Attest:

Deborah Evans, Borough Clerk

Council decided to hold this off until the next meeting so we have a full Council to go over it. Councilwoman Montes we think had something that she wanted in here or she had questions. There was a question about commercial vehicles but the Attorney said we have a current ordinance on that.

HECTOR LORENZO - Closed session. We will do this at the end of the meeting.

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

Jim Janone - 392 Washington Avenue is it in the town right of way? I don't know. Even if it is, it is the homeowner responsibility. Why would the town consider fixing it? At one of the past meetings they said they would fix it. Now that Eddie had a chance to go look at it he said they didn't do that with the plow. It is too far up the driveway for them to have done it. Over the weekend there is some kind of gas powered pressure washer or something over at the mini mall. That was about 10 p.m. to midnight. Noise ordinances are hard to enforce or to get the violation to stick. The church had loud music playing. Who is to say what is loud? How many meetings did you have on the trailer/camper discussions? I think 1 full meeting, 2 partial. I am the one who asked for the OPRA request for the tapes. You should have the company come out and show you how to make the copies yourself.

The Clerk will call the company tomorrow and see if they can come in and show us how to operate the machine to make the copies.

PUBLIC MEETING CONTINUED _

Valerie Williams - What year were the street lines painted? I don't know but I think it was Denville Line Painting. How many parking tickets in the past three months have gone to court and were suspended? I don't think any. I don't know that any went to court. Were they rescinded? No, as I told you when you asked and I spoke to the State Police, they said you have to go to court. I spoke with the Court Administrator in Dover and she said it is up to the officer that wrote the ticket to dismiss. That is correct. Who deals with the State Police from the Borough? The Administrator and the Mayor. So between the two of you - you tell them what you ant done? No. They do what they want. Valerie said that when she called the court they told her the number she gave them for the ticket does not exist. You will have to go to court. I am not going to waste my time going to court. I am not making a plea. I am not paying money to try and fight to get it back. I was told one thing and now I am being told something else. The Clerk said she told Valerie the same thing she is telling her now. Sgt. Bermingham, the day he was at our meeting, took a copy of the ticket, a copy of the ordinance and the letter. He said at that time the ticket didn't exist - he couldn't find it in the computer. The State Police wrote it. Why can't the police find it but Dover Court could. Who on the Council is assigned to looking over and changing the zoning and parking ordinances? No one. The ordinance we are talking about tonight and still working on is a prospective ordinance. They are a work in progress. They are not on the books yet. The one that is in the book is what they would have to write ticket on.

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

The Mayor said at this time we are going into closed session to discuss a personnel matter.

Closed session type separately.

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

Submitted By:



Deborah Evans
Borough Clerk