

September 13, 2016

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on September 13, 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 Jacobus, Councilman Lorenzo, Councilwoman Garcia Montes.

Attorney Feintuch was also present at the meeting.

ABSENT: None

Motion to accept the minutes of August 23, 2016 as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. Councilman Jacobus abstained.

CORRESPONDENCE:

FEINTUCH, PORWICH & FEINTUCH - The Attorney sent a letter to the Attorney for the Condo Association regarding the letter we received from them and payments to the Association. The Attorney said after he sent the letter he has not heard back from them. He believes this is concluded.

EMAIL FROM VALERIE WILLIAMS - Everyone was copied on that email.

TOWN OF DOVER - Our Mayor and Mayor Dodd had a discussion about the use of the firehouse by the State Police. At the time of the discussion Mayor Dodd said it was okay for the police to use the firehouse. Council asked me to send a letter to Mayor Dodd which I did. I have not heard back from him.

TOWN OF DOVER SENIOR PICNIC - Mayor Holeman has been in discussion with Mayor Dodd and the Administrator about letting our seniors go to their picnic providing Victory Gardens pays for them to attend. The picnic, I believe is over with now. The quote they gave us per person was \$120.

COUNCILMAN LORENZO - The Councilman was talking at the last meeting about the Dover Library and a program they were offering where free lunch would be served. I spoke with the Library. That program was a summer program and is over. That is why they were serving lunch.

However, I did speak with them and they are having homework help starting on 9/20/16 at 3:30 p.m. at the library. You must call to sign up and you must provide your own transportation. Before you go - please call the library to make sure they have the help.

Also, for adults and college students from Victory Gardens, if you want a library card from Dover the cost is \$20 for the year. This is a special cost. The regular cost is \$35 for the year.

LINE PAINTING ON ADAMS AVENUE - I am saying this in correspondence but you can discuss during another part of the meeting. I made the Council aware with pictures, up on Adams Avenue, one of our residents that took our parking lines up and put their own lines in. I did send Leon up there and Barrie as the Zoning Officer. I also got in touch with our Attorney and the State Police. The State Police said we could press charges if we want for altering the parking lines. It is up to Council to decide what they want to do.

Attorney Feintuch said the Council certainly has the right to press charges. The Mayor said it is a hazardous for emergency vehicles that need to get through. You have to have a width big enough to get through.

COUNCILMAN LORENZO - At the last meeting, Councilman Lorenzo was telling us about the poles outside the Town Hall in the back of the building. The one pole is leaning and the other pole is cracking. JCP & L was out on 9/8/16 to look at the pole behind the Borough Hall. We are responsible for moving some of the wires

CORRESPONDENCE CONTINUED:

COUNCILMAN LORENZO CONTINUED - because some of them are ours. Some of the lines are underground and those are the ones we are responsible for. We need to get an electrician out here to move wires. This will be a cost to the Borough.

Verizon has to come out and put a new pole in. We have to connect the wires to the pole and then JCP & L comes out to move the transformers. They said at that time they will put new transformers up. They also said we will lose power for a day or two depending on how quick they get everything done.

Motion to accept 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? Councilwoman Montes said have Debbie take the taxes off the Verizon bill. Hearing no other questions we need a motion to pay the bills.

<u>Voucher #</u>	<u>Payable to:</u>	<u>Type of Service</u>	<u>Amount</u>
9-001	Dell Inc.	Tax Collector OE - New computer	901.35
9-002	Dover Board of Education	School Taxes for Sept.	76,156.00
9-003	Peter Rubinetti Private Disposal, LLC	Garbage Trash Removal	10,533.33
9-004	RVRSA	RVRSA Share - September 2016	7,847.00
9-005	Philip Feintuch, ESQ	Legal Services OE	5,005.00
9-006	NJ State - Dept. of Treasury	Div. of Pensions & Benefits	4,947.06
9-007	Philip Feintuch, ESQ	Legal Services OE-Monthly retainer	2,022.46
9-008	Dover Municipal Court	Muni Court Dover	1,470.42
9-009	Horizon Blue Cross Blue Shield of NJ	Other Insurance	799.46
9-010	Philip Feintuch, ESQ	Legal Services OE-Condo letter rec'd	735.00
9-011	JCP&L	Utilities	630.65
9-012	Philip Feintuch, ESQ	Legal Service OE-OPRA request	437.50
9-013	Animal Hospital of Roxbury	Dog OE	509.00
9-014	Gerald Flatt	Dog OE	420.00
9-015	Ideal Air, Inc.	Bldgs & Grnds	350.00
9-016	Herbert Evans, Jr.	Bldgs & Grnds	300.00
9-017	Mount Freedom Printing, LLC	Clerk OE - Voucher forms	224.00
9-018	Mount Freedom Printing, LLC	Construction OE - Permit Envelopes	139.00
9-019	Sacks Paint & Wallpaper	Road OE - Traffic marking paint	220.00
9-020	Verizon	Utilities - 973-366-5312	214.19
9-021	Verizon	Utilities - 973-366-7539	99.12
9-022	Dover Water Commission	Utilities and Fire OE	155.49
9-023	Vision Service Plan	Group Insurance	121.79
9-024	ATT	Utilities - 973-361-8121	101.37
9-025	Amsterdam Printing	Clerk OE - Employee forms	99.85
9-026	Deborah Evans	Clerk OE- Petty cash	25.88
9-027	Professional Gov't Educators, Inc.	Tax Collector	90.00
9-028	NJNG Co.	Fire OE	21.85
9-029	Kurt's Locksmith Service, Inc.	Bldgs & Grnds	12.00
9-030	Deborah Devery	Admin SW	997.50
9-031	Hector Lorenzo	Streets & Roads SW	1,540.88
9-032	Edwardo Martinez	Streets & Roads SW	2,489.52
9-033	Ondria Garcia-Montes	LEA - Halloween party	400.00
9-034	Ondria Garcia-Montes	Recreation - Halloween party	400.00
		TOTAL	120,416.67

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

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Jacobus	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

NEW BUSINESS:

11/8/16 MEETING DATE CHANGE - Our first meeting in November falls on election day and we need to change the date. Council decided it would be moved to 11/9/16. Please put on website also.

12/27/16 MEETING - Are we having the last meeting of the year? Council agreed to not have the last meeting of the year. We cancel it every year.

REPLACING TOILET AT FIRE HOUSE - The toilet in the ladies bathroom needs to be replaced. Parts are worn and it is leaking and Eddie said you can't find parts anymore to fix it. I asked him to look into putting a handicapped toilet in because they are higher up. Council said a regular toilet because there is no room in the bathroom to get a wheelchair in there.

Council agreed to have Eddie put a regular toilet in the ladies bathroom at the firehouse.

Councilman Jacobus asked if we should schedule the men to go up and clean the firehouse before the Halloween Party? Yes. The party will be on Halloween Day at 6:30 p.m. to 7:30 p.m. or until supplies last.

SALT PRICING - We received our new amount for the price of salt. Last year it was \$79.00 per ton. This year it is \$72.00 per ton. If this is okay I need the Mayor to sign off on it. The Mayor asked how many ton? One year when we had all that snow we almost ran out. We had to wait. After that I raised the amount to 180 ton per year. That is what it is currently at. We don't use it - but if we need it we are able to get it.

Councilwoman Montes asked if we checked out any other companies? I didn't. I don't know who else does it. I can ask around and see if there is anyone. This comes from Port Newark. We didn't join the co-op did we? No, they wanted money to join and last year and the year before, they ran out of salt and couldn't get it.

PAINTING OF THE LINES ON ADAMS AVENUE - The Mayor asked Council what they want to do? Councilman Lorenzo said Ms. Williams is here why don't we ask her why she took our lines out and painted her own.

Councilwoman Montes said we should go out of the regular order of business so that Valerie Williams can come up and tell us why she did what she did with the lines. Motion seconded by Councilman Glass and approved on verbal vote. None opposed.

Valerie Williams asked what the Council wants to know. The Attorney said they want to know what gave her the authority to change the lines for parking? The lines the Borough painted were on the Williams property according to Ms. Williams. That is why she changed them. She went to court in 2004 seven times and then the cops came and gave her other tickets and tried to issue a warrant for her arrest because she refused to appear in court.

The Attorney asked what makes her think that the lines are on her property? What proof do you have? Is there a survey to show it? Ms. Williams did not answer. She asked Councilman Jacobus about his report to Council when he went to her house to look at the lines. Councilman Jacobus said that he went up and looked at the lines and he reported back to Debbé and Debbé had the Engineer go up and look at the lines and remark them.

Ms. Williams said she was given 7 tickets and at that time the town said to wait until the lines fade. Well they faded and then they come back and put the lines in the same place they were before. They said I was parked on Adams illegally. When did you amend the ordinance saying that you can park on Adams?

The Attorney said he thinks that Ms. Williams answered the questions and we should go back into the regular order of business.

NEW BUSINESS CONTINUED:

PAINTING OF LINES ON ADAMS AVENUE CONTINUED - Motion to go back into the regular order of business by Councilwoman Montes, seconded by Councilman Glass and approved on verbal vote. None opposed.

Attorney Feintuch asked if the Engineer redid the lines and they are correct? The Clerk said yes. That is enough to go into court with. Let the Judge decide. the Attorney said.

Motion was made to file charges against Ms. Williams for destroying public property and for altering the parking lines. Motion made by Councilwoman Hedgepath, seconded by Councilman Jacobus. Roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Abstain
Councilwoman Hedgepath	Yes
Councilman Jacobus	Yes
Councilman Lorenzo	Abstain
Councilwoman Garcia Montes	Abstain

The Clerk said there is a tie and the Mayor needs to break the tie. The Mayor voted yes to press charges.

OLD BUSINESS:

INPUT FROM COUNCIL ON CAMPERS/TRAILERS - Councilwoman Cheatham said she has no comments at this time. Councilman Glass gave his to the Attorney as did the Clerk and Mayor. We have to make sure we say what a driveway is. We have to make it clear Councilman Lorenzo said. Councilman Glass said it should be 1 ton for everything. Councilman Lorenzo said the State changed the law saying that cars under 1995 do not need to have a sticker. They still have to be registered. The Attorney said he would check the law on that.

R & L PAYROLL SERVICES - At the last meeting, Council asked me to find out from Derek what the difference is between the payroll companies for ADP and R & L. He did up something which I gave copies to Council. This is just for your information. Council asked if we can get Derek to a Council meeting so we can discuss this and get it off the agenda. I will ask him for the next meeting.

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

Sandra Andrade - Sandra handed out paperwork to the Council regarding her property at 62 Adams Avenue. They are letters from the Assessor. One to her and one to her mortgage company. She has owned this property since 2004. She was told there is a lien on her property for \$7,000. She never received a bill. She has no problem paying back taxes but since our Assessor said this error was on his part, she shouldn't be responsible for paying the interest fee. I am here because I would like Council to waive the interest. I am also asking for proof that the previous owner paid taxes on this property. No one has showed me any bills that went to the previous owner and bills that she paid.

Attorney Feintuch said that he told Ms. Andrade that she has to go to her title company. By law, the Borough can not waive the interest fees. Your title company should have done a search and if it was done, this would have presented itself. They are insured and they are the ones that should be resolving this.

I have already addressed this with them and with the mortgage company. They told me to come back to the Borough. If we tried to waive any interest fees, the Attorney said, it would be kicked back to us from the County saying it couldn't be done. Shouldn't something have been sent to me through a bill? No, you don't have to be notified. It was your Tax Assessor that admitted he made a mistake. I understand that, but I am giving you the legal answer to your question. I am still asking for a bill so I can pay but the Assessor and the Collector are saying that I can't have one because there is a lien.

The Mayor said we will try and look into it for you and see what we can find out. I will totally be responsible for the taxes but still haven't gotten a bill. Sandra said she would like to see a breakdown of the taxes from when this all started. I would like to see how long the taxes were paid and who paid them.

PUBLIC PORTION CONTINUED:

Jim Janone - Was there an actual tax sale? I don't know I would have to ask Lorraine. Lorraine said no one bought it at tax sale. The people that come in for tax sales don't want vacant land. Other people may want it but not the ones coming in for tax sales.

Payroll you can do through quick books. It isn't alot of money. It isn't that much work to do it in house.

For the campers/trailers you are going to have a hard time with this. Someone with a landscaping company can come in and have no name on the trailer then they have all sizes. The lamp post out here has underground wires and that is what you have to pay for. Telephone and electric is underground and that is why.

Is anyone looking at the concrete in the garage? The salt will eat the concrete away. You may want to look at putting up some kind of barrier.

The video I am requesting, what is going on with that? I spoke to the attorney and he said his answer is what he gave you. Councilman Lorenzo said he will come over and look at the cameras and see what he can do.

Attorney Feintuch said as of right now this is not a record. The case law that the Attorney saw says this is not a record. The man that did our system said there is no software for this type of thing.

Joan Cegelka - When are they going to get started on the traffic light? It was held up with the County and they are now telling us it will be in the Spring. When is the next BOH meeting? October 18 at 6 p.m.. Are you aware that Dover is buying a new fire truck and will be selling ours? No. we have not heard anything from them. The letter that you received from the resident was that read into the minutes. No. Why not? I didn't receive it. The letter went to the Mayor.

Quick books there is a salary module for payroll. Do you have a copy of the noise ordinance? Yes, we have copies. There are **several different** ones. Who do you call about noise in Randolph. You should be calling Randolph. Our ordinances have nothing to do with them. We called the State Police. The pole is leaning. No, it is breaking and coming apart. Another pole can't brace it? No.

Valerie Williams - I need a copy of the last 2 years of Councilman Jacobus' reports that he does to Council. Including any research he does including the street painting of lines in the Borough. Secondly, I need the application for handicapped parking in the Borough. I need a copy of all the designated areas from the Engineer that are designated handicapped for the past 10 years. Do you understand what I am asking for and I need them within the next 5 days.

The Clerk said you have to file an OPRA request. You won't get it in five days. You are asking for two years worth of the Councilmans' reports. He doesn't give anything to me in writing only the one when he was absent at the last meeting. You are also asking for any applications that the Engineer approved for handicapped parking in the Borough? I need an application. We do not have applications here. You would have to go to Motor Vehicle. Do you want a sticker on your car? No, I want a handicapped parking space on the street.

Attorney Feintuch said that in order to have a handicapped parking space, you need to have plates or a tag. If you don't have that then you can't get a designated parking space on the street. If you need a handicapped sticker you have to get a note from the doctor and then you take that to Motor Vehicle and fill out their forms and then they approve it or not.

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

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

Submitted By:



Deborah Evans
Borough Clerk