

July 6, 2021

This is a special meeting of the Mayor and Council of the Borough of Victory Gardens held on July 6, 2021.

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, Councilwoman White, Councilman Lorenzo.

ABSENT: Councilwoman Garcia Montes.

** Attorney Feintuch was also present at this meeting.

Tonights meeting is for discussion on the Property Maintenance Update and for discussion on the Cannabis Dispensary Ordinance.

The Attorney said we will discuss the property maintenance code first. Councilman Glass pointed out to me that there are some things in a current chapter that are not in this code I prepared. This only shows why we need to update this code book. We are not making any final decisions tonight. We will discuss as we go if anyone has any changes.

First, when we first did the Property Maintenance Code it was done through the BOCA Code. The State no longer uses that code. We have updated it now in this Ordinance to reflect that where we are taking this information from is the International Property Maintenance Code that is established by the State. So, this is the code we need to adopt. A lot of this code doesn't affect us. So I have in this new code the parts that have to do with our town.

The Attorney read this code in full. It will not be put into these minutes in full. Only put into the minutes will be the parts that the Council had comments on.

EXISTING REMEDIES - The Mayor said what does that mean? It doesn't mean you have to have your whole house ripped apart. What it means is that if there is a house being sold, it has to be brought up to code if the inspectors say that something is amiss. This is not as dramatic as it seems. All this deals with is safety and health and welfare issues. If something is currently grandfathered in it will not be grandfathered in anymore. There is no grandfather clause.

SIDEWALKS AND DRIVEWAYS - Our current ordinance says 24 hours. Council would like it to remain at 24 hours to clean the snow after a snow fall.

HEIGHTS OF HEDGES, FENCES, WALLS AT INTERSECTIONS - Councilman Glass said this has been on the books forever and it has never been enforced.

The Mayor asked if it should be 2 ½ feet at intersections. The Attorney said that it will be just at intersections they have to be no more than 2 ½ feet at intersections.

FAILURE TO REMOVE - The Clerk said this isn't right. It says the Borough will remove if the owners or tenants don't. That is too much liability on the Borough. If the tenant/landlord doesn't remove, they get a letter and then court if they don't respond.

LANDSCAPING - Remove the 25 feet. Grass has to be no higher than 10 inches.

OUTDOOR STORAGE - Councilman Glass said why can't lawn furniture stay out through the winter? What is the reason for having that in here? Council agreed to have the line about lawn furniture being out for only Spring, Summer and Fall removed. Also, the part about children's toys being left outside should come out also. If they have no room in a shed, or have no shed at all and they can't store lawn furniture then they won't be able to store kids toys. Council agreed to have that line removed.

YARD WASTE COLLECTION - The Clerk said everything has to be put into biodegradable bags. There are no special collection dates. Everything is to be bagged. All the rest of this paragraph can come out. Also take the 10 feet from curblin out. Nothing in the street.

INOPERABLE /UNLICENSED VEHICLES - The Clerk said as the town we are not doing this. We would have to go into a contract with a tow company and there will be a liability on the town. That has to be left up to the homeowner to do.

PARKING ON GRASS PROHIBITED - Foundation of gravel should include all types of foundations whether it is wood, cement, asphalt. The Attorney will add this in.

INSTALLATION AND REMOVAL OF HOLIDAY DECORATIONS - We discussed this at an earlier meeting. Councilwoman Hedgepath said that since we discussed this at an earlier meeting and we agreed on the 60 days before and 60 days after. We should leave it at that.

The Clerk said that it should stay as written. We need to discuss what the fines will be.

Councilwoman Hedgepath said 1st Offense \$100. Second offense \$250 and 3rd offense will be \$500.00 . Before any monetary fine is levied a warning letter will go out first.

The Mayor said that this is the only Ordinance we are discussing tonight. We will discuss the Cannabis at the regular meeting just keep the agenda light for that meeting.

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

Jim Janone - So if I have a bike on my property that has a flat tire then I will get a \$100.00 fine? No, you will get a warning letter first. We said that in the discussion. Dead and dying trees you have to be an arborist to remove. Ron isn't one. Ron would not go out on anyones property and try to take a tree down. If you get a letter from him it will be up to the home owner to have the tree checked out. Repairs of sidewalks - in our current ordinance it says that it is the responsibility of the homeowner. Will that stay in the ordinance book? Yes. What current property maintenance code are we using? The Clerk said she believes the original one was in 2013 and then we did an update after that. I think in 2014 or 2015. Does this go for commercial also? Yes. What about the current code? Parts of that will stay as is and then we will replace other parts with this current one. Pre existing/non conforming, you said no grandfathered? What you are talking about has nothing to do with property maintenance. What about fences that are non compliant? Will people have to move them? Yes, that is what the codes are for. Okay, I jsut wanted to be clear. A lot of people have walls and fences right up to the sidewalk. How will this affect fences? My neighbor has bamboo how will that be addressed? That isn't native to New Jersey. Will that be in the ordinance? It is what this Council wants in.

Joan Cegelka - I just went through paying \$3,000 because of bamboo from someone elses yard. We had to put a retainer in. The Borough has nothing to regulate the bamboo. Jim Janone said it is a state law that makes it illegal? Yes. Some states have it also Joan said. New Jersey doesn't.

The Clerk said that if it is a state law you will have to look that up Phil and if it checks out then it will have to go into the ordinance.

JOan said that you talked about what the monetary offenses would be but you didn't mention if they would be warned first. The Clerk said warnings go out first. They would get a letter telling them of the problem. If they fail to respond or just ignore it, then the fines would start.

The Attorney said that they will add that in. Joan asked where this property maintenance ordinance came from? It is the State Property Maintenance Code.

Motion was made to close the meeting to the public by Councilwoman Cheatham, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

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

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk