

September 8, 2020

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on September 8, 2020.

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 Lorenzo.
Councilman Glass (remote - over the phone)
ABSENT: Councilwoman Hedgepath, Councilwoman White, Councilwoman Garcia Montes.

Motion to accept the minutes of August 25, 2020 as received by Councilman Lorenzo, seconded by Councilwoman Cheatham and approved on verbal vote.
None opposed.

CORRESPONDENCE:

J C P & L - I mentioned this at the last meeting. JCP&L is having public meetings regarding a rate hike. The phone in meetings are being held on Thursday September 10 at 1:30 and 5:30 p.m.. If anyone is interested in getting in on this conversation I have all the contact information. Let me know and I will get it to you.

DOVER SCHOOLS - Jim Janone brought this to my attention and I contracted the school with what he told me. I have been corresponding back and forth with the school administrator and the busing coordinator. Not too much going on with a contract yet. They aren't sure if they are even going back to school this year. I told Dover that I know that ESC is no longer doing busing. They let go their drivers and there is no longer going to be a contract with ESC. I've asked about what they are doing for a contract for busing and that we would like to be involved.

At least for the first marking period they will be virtual. From what I am hearing, they may not go back at all this year. They have their school attorney looking at the possibilities. I did tell them that if there is no busing and no school that we shouldn't be paying for buses and that we are looking for a reduction.

They didn't know how we were billed for busing. I told them we never got charged by anyone for busing so it was all included in the taxes we pay to Dover. They aren't sure about anything since they are all new over there.

Attorney Feintuch asked if Dover has any buses? They do but I don't think it's for transportation of kids to and from school. I think their buses are for sporting events to get the teams back and forth and for the band. Why are they involved in negotiating the contract for us? I don't know why.

The Clerk asked Joan Cegelka if she can fill any of this in since you were our Board of Education Secretary and you are familiar with ESC.

ESC did the busing for Victory Gardens under contract. They also picked up children from other areas in order to have full buses. We would bid out and ESC would pick up the kids as well as other kids and doing it that way we saved money, instead of having to contract out for busing just for our town alone. We had one bus and they did many routes for the town that they could do. Joan said we tried several times to go out to bid and no one answered the bid.

The Clerk thanked Joan for her input. The Clerk said she just wanted everyone brought up to speed on what is going on.

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

VOUCHERS:

Mayor Holeman asked if there were any questions on the vouchers? Hearing none, he asked for a motion to pay the bills.

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

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilman Lorenzo	Yes

VOUCHER REPORTS

Date of Council Meeting:
September 8, 2020

<u>Voucher #</u>	<u>Payable to:</u>	<u>Type of Service</u>	<u>Amount</u>
9/1/2020	Advance Auto Parts	Streets & Roads - Battery for CAT	167.98
9/2/2020	Advance Auto Parts	Streets & Roads - Battery & Starter 2004 truck	348.74
9/3/2020	Barco Products	Dog OE	262.63
9/4/2020	CEUnion	Clerk OE - Debbe E class Oct. 22	55.00
9/5/2020	Deborah Evans	Clerk OE - Petty cash receipts	53.18
9/6/2020	Home Depot Credit Services	Clerk OE	150.54
9/7/2020	MCANJ - Muni Clerks' Assoc. of NJ	Clerk OE	100.00
9/8/2020	MicroSystems - NJ.com, LLC	Clerk OE	120.00
9/9/2020	NJNG - #1 - Fire	Fire OE	134.04
9/10/2020	NJNG - #2 - Boro Hall	Utilities	731.72
9/11/2020	Office Concepts Group	Clerk OE	200.61
9/12/2020	Panaoramic Window & Door Systems Boro Hall Reno		6,640.00
9/13/2020	R&L DataCenters, Inc.	Finance / Payroll	250.00
9/14/2020	Verizon - #3 - 366-7536	Utilities	63.16
9/15/2020	NJ Health Benefits	Group Insurance	4,809.80
		TOTAL	14,087.40

NEW BUSINESS:

BARRIE PALUMBO RETIREMENT AS OF OCTOBER 31, 2020 - The Clerk said that Barrie is retiring. Does Council want me to look for someone that does just zoning and the Planning Board things that Barrie currently does or since we have talked about a housing officer, do you want me to look for someone that does both? I have people that do both but you need to tell me what you want. We need to have someone in here to replace Barrie. Councilman Lorenzo asked if our Construction Code Official is a Zoning Officer? Yes, but the last time I asked him if he wanted to do it he said no. I will call him tomorrow and talk to him. I will get back to you.

OPEN OR CLOSE PALYGROUND - The Clerk said she gave information to the Attorney on what other towns are doing concerning disinfecting of their playgrounds. Deb and I called around to 25 towns in Morris County since the last Council meeting. Out of the 25 towns we called there are only 4 that sanitize twice a week. 19 do not sanitize at all. 2 towns have closed their playgrounds all together. Their parks are open but not the playgrounds.

The Clerk said she has a sign that Chester Borough put up that says practice social distancing, if you are sick stay home, etc.

The Attorney said we have a problem with enforcement. Who will be up there everyday day and every hour that the playground would be open. No one. We don't have the manpower.

Councilman Glass asked if we can put a sign up that says use at your own risk? No. The CDC is not wanting any town to do that.

NEW BUSINESS CONTINUED:

PLAYGROUND CONTINUED - Councilwoman Cheatham said that if we have no one to do the sanitizing we should leave it closed until next year. We shouldn't take the risk. Councilman Glass agreed.

Councilwoman Cheatham made a motion that we keep the playground closed until circumstances change. Motion seconded by Councilman Glass and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilman Lorenzo	Yes

The Clerk said we will post a sign at the playground.

OLD BUSINESS:

ACCEPT BID FOR FIREHOUSE DRIVEWAY AND PARKING LOT - The Clerk said at the last meeting Council had some questions. I brought the plans into the meeting tonight so you can look at them. The driveway in the back of the firehouse is being paved, in front of the bay doors is being done as well as the driveway going into the back of the building.

Councilman Lorenzo asked how much the money is? The whole project is \$79,155 - the lowest bid which was AJM Contractors. They have done work for us before. The Community Development Grant is for \$66,200. The rest of the money will come from the Capital Ordinance we hopefully will do tonight. Any of Leons billing comes out of his line item in the budget.

Councilman Glass asked about raising it in the back so that we have handicap access? No, not at this time. You can't just put blacktop down and do a make shift thing. It has to be done right.

Councilman Glass asked about the retaining wall? Not with this project. However, Leon is going to talk to the contractor to see if he can fix it and then we can do a change order on the project. I asked Eddie and Hector if they could do it and they said no, there is too much that has to be done. They don't have the equipment to do this.

Leon spoke to Community Development and if we don't do this in this current year, they can't guarantee funding for this project in the future.

Councilman Glass said maybe we should wait until next year. You aren't doing the ramp with this project. If you don't do this project then it won't get done. You are not guaranteed money from Community Development for next funding. If you don't do this project, this will be the 2nd time you would be giving money back to Community Development and I don't know how kindly they would look on Victory Gardens for funding of projects since this would make twice that we would be giving them money back.

Councilwoman Cheatham made the motion to accept the project for the Improvements to the Fire house Driveway, Parking Lot and lot in front of the bays. Motion seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilman Lorenzo	Yes

ORDINANCE FOR WORK AT FIRE HOUSE - The Clerk said everyone got a copy of this at the last meeting. This ordinance is to fund the work at the firehouse. We have to pay for the work and then we get the money back from Community Development.

(See Ordinance Next Page)

Introduction: 9-8-2020
Public Hearing:

ORDINANCE # 2020-

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE MUNICIPAL FIREHOUSE PARKING LOT AND SURROUNDING AREA BY THE BOROUGH OF VICTORY GARDENS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING NOT IN EXCESS OF \$85,000 THEREFOR FROM VARIOUS FUNDING SOURCES OF THE BOROUGH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF VICTORY GARDENS, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Victory Gardens, in the County of Morris, New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$85,000 (or such lesser amount as may be determined by the Administrator or the Chief Financial Officer upon determination of the actual cost of the improvement or purpose described in Section 2 below) from the Capital Improvement Fund (\$18,800.00), and from an anticipated grant from the Community Development Block Grant (\$66,200.00).

Section 2. The improvements hereby authorized and purpose for which said appropriation is made are for the improvements to the firehouse parking lot and driveway, in and by the Borough, including all appurtenances, work and materials necessary therefore or incidental thereto, all shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Borough Clerk and hereby approved, the \$85,000 hereby appropriated of financing said improvement.

OLD BUSINESS CONTINUED:

ORDINANCE FOR WORK AT FIREHOUSE DRIVEWAY AND PARKING LOT -

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved, by the Director, Division of Local Government Services are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final adoption, as provided by law.

BOROUGH COUNCIL OF THE
BOROUGH OF VICOTRY
GARDENS

Deborah Evans
Municipal Clerk

David Holeman, Jr., Mayor

Motion to approve the Ordinance on the introduction by Councilman Lorenzo seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilman Lorenzo	Yes

MEDICAL MARIJUANA DISPENSORY - The Clerk said we talked about this at the last meeting. You asked me to turn this over to the Planning Board. I spoke with Barrie and they need to know what it is that you want the ordinance to say.

Attorney Feintuch said that the discussion was on whether this Council wants just medical marijuana place or legalized also. I spoke with Councilwoman Cheatham tonight and she isn't in favor of having it at all so Council needs to let me know what it is that you want to do. I asked you to have answers for me for this meeting.

One way or another, the Clerk said you need to make a decision. If you agree to have it we need to do an ordinance and if you don't want it, you need to do an ordinance.

Councilwoman Cheatham said we sometimes have problems with the police department we are using we don't need to have more things to worry about. We are so small. There are other towns that may want this type of thing but I don't think it is good for Victory Gardens. I can't see the added burden. When I was looking at other things on this matter, I understand that it may increase the towns revenue. Also in Boonton there is a place there where they are growing it.

Councilman Glass says he agrees with Councilwoman Cheatham. We don't have a police department and its bad enough with the gatherings lately at the K Mary parking lot.

Councilman Lorenzo said he thinks we should wait for the entire Council to make a decision on this. This is something major. Marijuana may become legal so it is coming no matter what. If we close it down now, I don't think that is a smart thing to do.

OLD BUSINESS CONTINUED:

MEDICAL MARIJUANA DISPENSORY - The Attorney said they can authorize this to be done now and then if you decide to have it then it is on the books. When the time comes for the application you don't have to have it there.

The Clerk said she understands what Councilman Lorenzo is saying - but when are we going to have a full Council. We had a lot of stuff carried over from the last meeting because no one could figure out what they wanted to do.

Councilman Lorenzo said we should have all Council members present. How can I do that to make everyone be here. Councilman Lorenzo said they are being paid to be here. They all know that if we have to work on something they need to be here.

The Clerk said there should be a full Council at every meeting - but it doesn't happen. There are things that come up that can't be helped.

Councilman Lorenzo said that when something is important like this, it isn't fair that only 3 Councilpersons are here to make the decision.

The Clerk asked if you want this help over until the next meeting? Yes, and call everyone and tell them to be here. That should go over really well, the Clerk said.

CODIFICATION OF TOWN ORDINANCES - The Clerk said we spoke about this at the last meeting. I haven't seen anything that says the ecode is mandatory. So if you don't want to do that that is okay. However, it would make it so much easier for everyone to look ordinances up - even the Council. If someone asked you something regarding an ordinance you would have the information right at your computer. The ecode is \$1,195 and is something you would have to pay every year. The supplement to the Ordinance book is \$6,468. I did get something in writing from General Code and I gave everyone a copy of that.

Councilman Glass asked how come, if we have them put it on our website why would we have to pay for it every year? If we have to type it up to give to them why don't we put it on the website ourselves. It won't be complete. All of you have a copy of the ordinances that you pass. Have you put them in the books that you have? Aren't we already on the website? We have a link on our website to their website.

The Clerk said when we are doing an ordinance what I give to each Council member is what General Code gets. I keep them aside and then send everything to them once we say we are going to codify or once we talk about it. I send it to them so they can quote a price. This is what you have in front of you.

Councilman Glass asked if the Clerk has a copy of the ordinances that we pass? Yes, and each of you have that also. When we re codify you all get the supplement to put into your book. All of you have an ordinance book. So if we already have these pages why are we paying them? You don't have the supplement. It is not on the website.

After much discussion the Council decided to hold off on this until the next meeting. Councilwoman Cheatham said she thinks the codification needs to be done. I don't think we need to do the ecode though.

Councilman Glass asked if we can look at alternatives. Who does our website now. Can't they do it?

Attorney Feintuch asked the Clerk to go back and see how many ordinances we have done since the last codification was done.

Councilwoman Cheatham wants to do the codification and not the ecode. Councilman Glass wants to look at alternatives. Councilman Lorenzo said no.

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

Joan Cegelka - When will the work be completed at the firehouse? It is supposed to be done this year. How many times have you had someone come in and there was a problem for not having ordinances in the book? I have an ordinance book that once an ordinance is passed I have it in the book. I haven't had a problem with someone coming in and asking for an update. I would just give them my book that is locked up and say these are the updates. However, in the regular ordinance book, that everyone on Council has, and I have one in my office, I don't have the updates in that. They would be loose and any employee that comes in and needs to look at the book has those pages all over the place. If the ordinances are not in the book, but Deb has a book she puts them in and they are signed by her and the Mayor what is the difference? I as an Attorney, would question the legality of it. The Ordinance book is a legal document. Going into a court the Judge is not going to want to hear that all the pages aren't here in this book. If we haven't done these ordinances in 15 years, and Debbe hasn't had a problem, then it isn't like we need to do it right away.

Jim Janone - If we aren't having busing this year for schools what is happening with the money we pay for busing? Right now we don't know. I have been in contact with the schools and with the transportation person for Dover. There is no contract at this time. I am asking that we are a part of the negotiations for the a contract if it is necessary for this year. They don't know if school will be back in full session this year or not. From what I am hearing, they will be remote all year. If that is the case, there will be no busing. Dover Board of Education signed a contract with a bus company at their meeting in June. They signed with ESC. But ESC isn't doing busing anymore. The Clerk said they maybe doing special needs children but they aren't doing anyone else. Also, Ron Young is doing violations for Zoning. The next time I see a report where Ron is doing for Zoning I will go to the State with it. The Clerk said she doesn't believe that Ron writes anyone up for zoning issues. Car parked on the grass is zoning not property maintenance. Voucher 9-12-20 why are we paying \$6,600 for windows again? That is there final payment. I talked to Debbe about this. When you do the milling and paving on Coolidge, why don't you put a sidewalk in over there. People walk at night and the lighting is poor over there, a sidewalk is something that would be helpful. In regards to this thing with codification, I haven't found anything, by law, saying that the condification of ordinances has to be done. The law says that the municipal clerk along with the Attorney should be doing this. You can do this in microsoft word and then everything can be changed when you need to do updates. Whoever hosts your site, can put it on your website.

Pete Soto - Can you revisit the ordinance for noise? There is so much noise. I can hear music 3 blocks away and I shouldn't be in my own home and hear this. It is getting out of hand. It isn't a good atmosphere for property owners to go knocking on a neighbors door and make a complaint to them about all the noise. Parking is getting crazy again. People that have a garage are parking in the streets. People that have huge parking lots are parking in the streets. Cars are parked over the white lines and you can't even pass on the streets. Open fires - people are open burning - leaves and fire pits. There is a house on the corner of my street that built a shed for cooking. It is not propane. The Mayor said if see open burning call the fire department or the State Police. Do you have the house address where you are saying they are cooking in the shed? The one cooking in the shed is on the corner of Adams and Roosevelt. Which side? The Roosevelt side. Open burning is the house across from Smiths house on Monroe. I've had leaves that are burnt coming in on my property. There has to be something in the ordinance about the level of noise also.

The Attorney said that the noise levels have to be done in decibals. The police department is the one that does that. You have to have the equipment to do this and the person to read it where it will hold up in court.

If we want Victory Gardens to be a nice safe place then we have to take control.

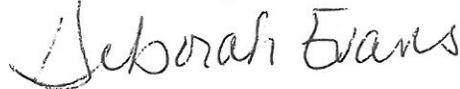
PUBLIC PORTION CONTINUED:

Chris Trotsky - What is the rule for parking in the streets? There are some roads in here that you can park on oneside of the street. They are marked with signs. However, after 12 midnight - I think - that there is no parking on any street in the Borough unless those cars are parked behindthe white lines. What happens if theycan't park anywhere else because they have more vehicles? When we first did this parking ordinance every one was told that if they do not have enough parking on their property they have to put parking in. Or if they have a big lot and still don't have enough parking they need to remove some of the people from the house. In Connecticut they have permit parking on the streets. There are places in New Jersey that have that also the Clerk said. It would be revenue for the town. The Clerk said but the streets are still so narrow that parking on the streets is still not a good idea. TheAttorney agreed. I think that the State Police really need to be more of a presence in here. The Clerk said that the Mayor and her will be meeting with the new Lieutenant in Netcong soon. We will take everyones concerns to them.

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

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

Submitted By:



Deborah Evans
Borough Clerk