Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on January 12, 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, Councilwoman Garcia Montes.

ABSENT: None.

Councilpersons Glass and White are calling in to the meetings. Attorney Feintuch was also present at this meeting.

Motion to accept the minutes of 12/8/20 by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. Councilman Lorenzo abstained.

Motion to accept the minutes of 1/5/21 by Councilman Lorenzo, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

CORRESPONDENCE:

ATTORNEY FEINTUCH - I gave everyone a copy of the letter the Attorney sent to the Business Administrator in Dover regarding the transportation costs. There is still no answer from Dover. I spoke with Patricia over in transportation and she said they will be discussing a contract for busing if the kids go back to school and she would let me know. That was

The Attorney asked if we have anything from them saying that busing was or has been paid for? I have nothing the Clerk said.

The Attorney stated that if Council wants he can file an action with the Commissioner of Education. He can also send another letter to the Dover Schools and tell them we are holding any further payments until we hear something from them.

Motion to have the Attorney write another letter to Dover Board of Education letting them know if we don't hear anything from them we will hold any future payments to them.

Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

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

UPDATE ON COVID - We have 169 cases so far. How many deaths? 3.

LETTER FROM JIM JANONE REGARDING PLANNING BOARD VACANCY _ Everyone was given a copy of his letter.

Motion to approve the correspondence by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

VOUCHERS:

The Mayor asked if there were any questions on the vouchers? Hearing none he asked for a motion to pay the bills. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

Yes
Yes

VOUCHER REPORTS

Date of Council Meeting:
January 12, 2021

Voucher#	Payable to:	Type of Service	Amount
1/1/2021	Advance Auto Parts	Streets & Roads	125.88
1/2/2021	AJM Contractors, Inc.	Firehouse Parking lot project	49,113.59
1/3/2021	Anderson & Denzler	Engineering OE & Firehouse project	3,194.30
1/4/2021	AT&T	Utilities	83.00
1/5/2021	County of Morris Treasurer	9-1-1 Costs	5,500.00
1/6/2021	County of Morris Treasurer	Clerk OE - Primary Election billing 2020	722.30
1/7/2021	Gannett NJ Newspapers	Tax Collector & Clerk OE	337.98
1/8/2021	Glass Gardens, Inc Shop Rite	Clerk OE	120.58
1/9/2021	Henry O' Baker Ins. Group	Other Insurance - Accident Policy	492.00
1/10/2021	Henry O' Baker Ins. Group	Other Insurance - Employee Theft Cov.	458.00
1/11/2021	Ideal Air Inc.	Bldgs. & Grnds.	350.00
1/12/2021	Institute for Prof. Development	Clerk OE	100.00
1/13/2021	Insync Municipal Systems	Tax Collector OE	950.00
1/14/2021	JCP&L - Fire - #1	Fire OE	86.75
1/15/2021	JCP&L - Main - #2	Utilities	378.61
1/16/2021	JCP&L - Street Lighting - #3	Street Lighting	620.01
1/17/2021	JD Automotive & Truck	Streets & Roads - 2004 truck - lines	776.62
1/18/2021	JLM Computers	Clerk OE	95.00
1/19/2021	N.J.N.G #1 - Fire	Fire OE	210.00
1/20/2021	N.J.N.G # 2 - Borough Hall	Utilities	759.00
1/21/2021	New Jersey Advance Media	Clerk OE	124.10
1/22/2021	New Jersey Conference of Mayors	Mayor - Council Admin	295.00
1/23/2021	NJLM	Mayor - Council Admin	315.00
1/24/2021	Office Concepts Group	Clerk OE	788.58
1/25/2021	Optimum	Utilities	11.4 5
1/26/2021	Protective Measures Security & Fire System	n: Fire OE	244.50
1/27/2021	Protective Measures Security & Fire System	n: Bldgs. & Grnds. & Fire OE	716.88
1/28/2021	Protective Systems Services	Bldgs. & Grnds.	105.00
1/29/2021	Protective Systems Services	Bldgs. & Grnds.	300.00
1/30/2021	Public Works Assoc. of NJ	Clerk OE	90.00
1/31/2021	Registrar's Association of NJ	Clerk OE	25.00
1/32/2021	Roxbury Garden Center	Bidgs. & Grnds.	271.75
1/33/2021	State of NJ - Dept. of Comm. Affairs DCA	State Training Fees	83.10
1/34/2021	Sunnyside Florist	Clerk OE - Fruit basket Mark's family	90.00
1/35/2021	Treasurer, State of NJ Marriage	Marriage License - Qtrly fee	50.00
1/36/2021	Verizon - #1 - 361-8121	Utilities	70.30
1/37/2021	Verizon - #2 - 366-5312	Utilities	248.47
1/38/2021	Verizon - #3 - 366-7536	Utilities	65.12
1/39/2021	WEX Bank	Streets & Roads	404.66
1/40/2021	State of NJ - Div of Pen. & Bene.	Group Insurance	5,794.88

NEW BUSINESS:

SEWER FEE ORDINANCE INTRODUCTION - Councilwoman Montes asked if we hold off on this until Joe is present. We need to see what his figures are. People are struggling with being out of work. Council agreed to have this hold off until Joe can be here.

LITTER CONTROL ORDINANCE INTRODUCTION - Everyone has a copy of the update to the Ordinance. The State says we have to update.

AN ORDINANCE AMENDING AND REPLACING CHAPTER III CONDUCT AND PROHIBITIONS, SECTION 3-12 LITTERING

WHEREAS, the Borough is required to adopt and enforce certain ordinances to restrict Litter and Littering in the Borough; and

WHEREAS, the governing body has determined the language contained in the existing Ordinance as set forth in Chapter III, section 3-12 is not sufficient to reach the goals of the governing body;

THEREFORE; IT IS ORDAINED, by the Borough Council of Victory Gardens as follows:

- INTRODUCTION: That the entire language of the current Section 3-12 be deleted from the Code of the Borough and in its stead the following language be substituted:
- SECTION I. PURPOSE: This Ordinance establishes requirement to control littering in the Borough of Victory Gardens, so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply. It is further ordained
- SECTION II. DEFINITIONS: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- A. Litter- any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette or cigar or butt of same, any match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material.
- B. Litter Receptacle- a container suitable for the depositing of litter.
- C. Person- and individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. PROHIBITED ACTS AND REGULATED ACTIVITIES:

- It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any
 nature upon public or private property other than in a litter receptacle, or having done so, to
 allow such litter to remain.
- Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat I violation of this ordinance, the operator or owner, or both, of the motor vehicle or boar shall also be deemed to have violated this ordinance.

SECTION IV: USE OF LITTER RECEPTACLES:

Litter receptacles and their servicing of same are required at the following public places which exist in the Borough including; sidewalks used by pedestrians in active retail commercially-zoned areas. The proprietors of these places shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

SECTION V: ILLEGAL DUMPING:

It shall be unlawful for any person to discard or dump along any street or road, on or off any right of way, any household or commercial solid waste, rubbish, refuse, junk vehicle or vehicle parts, rubber tires, appliances, furniture or private property in any place not specifically designated for the purpose os solid waste storage or disposal.

SECTION VI: OPEN OR OVERFLOWING WASTE DISPOSAL BINS:

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his property.

SECTION VII: ENFORCEMENT:

This ordinance shall be enforced by the Code Enforcement Officer or Property Maintenance Officer and such other person(s) as the governing body shall designate from time to time.

SECTION VIII: PENALTIES:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$100.00 (One Hundred Dollars) for the first offense and not

NEW BUSINESS CONTINUED:

ORDINANCE TO AMEND THE LITTERING -

to exceed \$250.00 (Two Hundred Fifty Dollars) for each successive violation.

SECTION IX: SEVERABILITY:

Each section, subsection, sentence, clause and phrase of this ordinance is declare to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, old, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

SECTION X : EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

BOROUGH OF VICTORY GARDENS

DAVID HOLEMAN, Mayor

ATTEST:

DEBORAH EVANS, Borough Clerk

INTRODUCED:

I hereby certify that the above is a true copy of the ordinance passed by the Mayor and Council of the Borough of Victory Gardens, Morris County at a regular meeting held on the day of , 2021.

DEBORAH EVANS, Borough Clerk

ADOPTED:

Motion to adopt the introduction of the litter ordinance by Councilwoman Montes seconded by Councilwoman Hedgepath and approved on roll call:

Councilwoamn Cheatham	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilwoman White	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

APPOINTING NEW TAX ASSESSOR - Glen was appointed at the last meeting but we didn't have the Resolution ready for him. Everyone met him tonight.

(See Resolution Next Page)

RESOLUTION APPOINTING GLEN SHERMAN AS BOROUGH TAX ASSESSOR

WHEREAS, NJSA 40A:9-148 provides that, "Every Municipal Tax Assessor... shall hold his office for a term of 4 years from the first day of July next following his appointment. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term", and

WHEREAS, the Borough Administrator, Mayor and the Administration Committee interviewed for candidates for the position and unanimously recommended the appointment of Glen Sherman;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Victory Gardens in the County of Morris, State of New Jersey as follows:

- Glen Sherman is hereby appointed as Borough Tax Assessor for the Borough of Victory Gardens, effective January 5, 2021 to June 30, 2021, and firsthen July 1, 2021 to June 30, 2025.
- 2. Glen Sherman's annual salary as Tax Assessor shall be \$9,000.00 .

	-				
	David L.	Holeman,	Jr.	Mayor	
ATTEST:					
Deborah Evans, Borough Clerk					
I, Deborah Evans, Clerk of the Borough of Victo State of New Jersey, hereby certify that this i the Resolution adopted by the Mayor and Council	s a true	s, County and exact	of Mocopy	orris, of	
the Resolution adopted by the Payor and Council	. 011	4			

Deborah Evans, RMC Borough Clerk

Motion on the appointment by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

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

DELINQUENT RESOLUTION - TheClerk said we usually do this at our reorg meeting. I had some questions for Karen. I needed her to answer them before I gave this to you. You have a copy of the old resolution and the new one that Karen wants us to do.

The only change is that with this Resolution you are giving the Tax

Collector authority to process the cancellation of any delinquencies of less than \$10.00 for any charges and fees imposed.

I asked Karen based on last years collections what would that mean?

For sewer it would mean that \$14.58 would be removed and for tax it would mean that \$18.68 would be removed.

RESOLUTION # 7

FIXING FEES FOR DELINQUENT TAXES OR ASSESSMENTS

BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens, County of Morris, State of New Jersey, that pursuant to the authority contained in Chapter 46 of the laws of 1970, the rate of interest to be charged for delinquent taxes or assessments in the Borough of Victory Gardens be and the same is hereby fixed at 8% per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00;

BE IT FURTHER RESOLVED that the establishment of the aforesaid rates be in accordance with the terms and conditions of Chapter 435 of the laws of 1970 as set forth more therein;

BE IT RESOLVED that the Tax Collector of the Borough of Victory Gardens be authorized to process the cancellation of any delinquencies of less than \$10.00 for any charges and fees imposed.

David L. Holeman, Jr.

Mayor

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Deborah Evans, Borough Clerk

Adopted: 1-12-2021

Motion was made to adopt the new delinquent resolution as per the Tax Collector. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

ADOPTION OF CASH MANAGEMENT PLAN - We held this off from the reorg meeting because I had just received it from our CFO. Council packets were already out. I made copies and everyone has a copy of the plan. It will be on file at the clerks office.

Motion was made on the adoption of the cash management plan for the Borough by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

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

INTRODUCTION OF CAP ORDINANCE -

CALENDAR YEAR 2021 MODEL 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 up to 1.0% 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 2021 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,

WHEREAS, the governing body hereby determines that a 2.5 % increase in the budget for said year, amounting to \$27,199.63 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, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Victory Gardens shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$38,079.48, and that the CY 2021 municipal budget for the Borough of Victory Gardens be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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 included thereon, be filed with said Director within 5 days after such adoption.

Dal 2 Holony,

Jeberah Evans

Motion to adopt the resolution on introduction by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

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

NEW BUSINESS CONTINUED:

PROFESSIONAL SERVICES AGREEMENT FOR ATTORNEY - We have the Attorneys

professional service agreement. Everyone has a copy.

Councilman Glass said he sees a 4% increase. The Attorney said no. It is a 2.2%. AS long as the Attorney is stating that it is 2.2% we are good.

Motion was made to approve the agreement for the Attorney at 2.2%. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

> Councilwoman Cheatham Yes Councilman Glass Yes Councilwoman Hedgepath Yes Councilwoman White Yes Councilman Lorenzo Yes Councilwoman Garcia Montes Yes

APPOINTMENTS OF JUDGES IN THE DOVER COURT - The Clerk said she gave Council two resolutions. One is appointing Judge Maenza and the other appointing Judge Smith.

> RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF VICTORY GARDENS, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING MUNICIPAL COURT JUDGE OF THE SHARED MUNICIPAL COURT OF THE TOWN OF DOVER AND THE BOROUGH OF VICTORY GARDENS.

- WHEREAS, the Town of Dover is required to appoint a Municpal Court Judge in accordance with NJDA 2B:12-4; and
- WHEREAS, the Assignment Judge of the Morris/Sussex Vicinage has authorized the appointment of 2 Municipal Court Judges for the upcoming 3 year term; and
- WHEREAS, Judge Gerard Smith, J.M.C. currently serves as Municipal Court Judge and previously served as a Judge in Dover; and
- NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens, County of Morris, State of New Jersey, that Judge Gerard Smith, J.M.C. be and hereby is appointed as Municipal Court Judge for a term of 3 years expiring on January 4, 2024.

BE IT FURTHER RESOLVED, that the salary of the Municipal Court Judge shall be \$24,000 per year unless amended.

ATTEST:

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Victory Gardens, held on

Deborah Evans, Borough RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF VICTORY GARDENS, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING AND DESIGNATING CHIEF MUNICIPAL COURT JUDGE OF THE SHARED MUNICIPAL COURT OF THEBOROUGH OF VICTORY GARDENS AND THE TOWN OF DOVER

- WHEREAS, the Town of Dover is required to appoint a Municipal Court Judge in accordance with NJSA 2B:12-4; and
- WHEREAS, the Assisgnment Judge of the Morris/Sussex Vicinage has authorized the appointment of two Municipal Court Judges for the upcoming 3 year term and that one of those Judges be designated as the Chief Municipal Court Judge; and
- WHEREAS, the Honorable Philip J. Maenza, J.S.C. (retired) previously served as a Municipal Court Judge in Dover and as the Chief Judge of the Dover Municipal Court before his appointment as a Judge to the New Jersey Superior Court in 2010; and
- NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens, County of Morris, state of New Jersey, that the Honorable Philip J. Maenza, J.S.C. (retired) be and is hereby appointed as the Municipal Court Judge and designated as Chief Municipal Court Judge for a term of three years expiring on January 2, 2024.

BE IT FRUTHER RESOLVED, that the salary of Chief Municipal Court Judge shall be \$24,000 per year unless amended.

be \$24,000 per year diffess affended.	
ATTEST: Liberah Evans, Borough Clerk David L. Holeman, Jr. Mayor	
I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Victory Gardens, held on $\frac{1}{1-12-202}$.	t
Deborah Evans, Borough Clerk	

Motion on both appointments forthe Judges in Dover Municipal Court. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

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

OLD BUSINESS:

GARBAGE CONTRACT BIDS RECEIVED AT MEETING OF 12/8/2020. The Clerk said we only recieved 1 bid for the garbage contract at this meeting on 12/8/20. The bid was 21% higher than the current contract. we still have time left on the current contract so I would suggest that we go out to bid again. Council agreed.

ilwoman Montes, seconded by	Councilman Lorenzo and
Councilwoman Cheatham	Yes
	Yes
	Yes
	Yes
	Yes
Councilwoman Garcia Montes	Yes
	ilwoman Montes, seconded by Councilwoman Cheatham Councilman Glass Councilwoman Hedgepath Councilwoman White Councilman Lorenzo Councilwoman Garcia Montes

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

Jim Janone - How much money is still available that was left when the school board for Victory Gardens closed down. I will ask Joe for the amount that is left.

Also, I got this from the school in Dover for busing. I believe the busing costs last year was about \$250,000. The clerk said she didn't know. We haven't received anything from them. They approved bus contract in June and then cancelled it. She said this was sent to you. No, I haven't received anything.

I think you are required by law to reject all bids before you rebid. Yes, we only did this tonight but the Attorney has to do the Resolution. He will

have it for the next meeting.

Tipping fees for MUA only went up 1.75% so that should not impact the garbage contract that much. It is 101.50 for municipal. This was in effect starting for this year.

The sewer fees that the people in here are being charged, if it is a double house, they should be paying double the sewer fees. You should ask the

Engineer and the tax collector.

The RVRSA fees for this year went down 5.75% . It went down to \$127,000.

The attorney said that since Jim mentioned the RVRSA the trial was supposed to begin on January 6, 2021. It has been moved to March.

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

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

Submitted By:

Jebrah Elans

Deborah Evans Borough Clerk