

April 13, 2021

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on April 13, 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 Meetings Act.

ATTENDANCE: Councilwoman Cheatham, Councilman Glass (phone), Councilwoman Hedgepath, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: Councilwoman White.

** Attorney Feintuch was also present at this meeting.

At this time the Mayor asked for a motion to go out of the regular order of business so that our Auditor can introduce the 2021 municipal budget.

Motion to go out of the regular order of business by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

The Mayor turned the meeting over to our Auditor and our CFO.

Joe said that we have prepared the budget. It is the same as what we have been discussing over our budget hearings/meetings that we have been having. We finally got the pension numbers in. That is raising slightly. We have to pay pension fees so there is nothing we can do about that. The budget is in good shape. Tax increase is the same. We also took the ACO and the man that cleans the building, we put them on payroll which we discussed at a budget meeting. We are in better compliance with the State doing this. The numbers for payment are the same as they were getting. Our Auditor said she has reviewed the budget. We are going up in taxes, on the average assessed home of \$171,481 - it would be \$5 per month. The majority of the tax increase is because of what happened this past year with COVID. We lost revenue in the court nad the building departments.

The Mayor asked Council if they had any questions? Hearing none, he asked for a motion to introduce the budget.

Motion to introduce the 2021 municipal budget by Councilwoman Hedgepath, seconded by Councilwoman Montes and approved on roll call:

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

Motion to go back into the regular order of business by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to accept the minutes of March 23, 2021 as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Motion to accept the mintues of April 6, 2021, budget meeting as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

ZUFALL CLINIC - Since the kids are going back to school, Zufall wants to continue with meal distribution. Right now they are saying only 2 dates. April 15 and May 27 at noon.

Councilwoman Montes and Hedgepath said they are only in school for 2 days. More than half the students did not go back.

CORRESPONDENCE CONTINUED:

NEW COVID REPORT - I just received this today from Peter at Rockaway. We have 235 cases in Victory Gardens. That is up from 211 last report. Councilwoman Montes asked if there were any more fatalities? No, the last report was 5 and it remains the same.

LEAGUE OF MUNICIPALITIES - I finally was able to get through to someone at the State. At one of our earlier meetings, Mr. Janone had said we were getting money back from the State. I looked a few things up which brought me to the American Rescue Plan. He was correct that we are supposed to get \$144,401.35. However, it will be received over a 2 year period. Half this year and then half next year. For towns with under 50,000 population, the Treasury will send the money to the State who then has to send it to the municipalities.

We haven't heard exactly what it is supposed to be used for. It may be for only stuff that has to do with COVID. We are waiting to hear from them when the guidance comes out. We can't do anything with the money except put it in the bank for right now.

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

VOUCHERS:

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

VOUCHER REPORTS

Date of Council Meeting:
April 13, 2021

<u>Voucher #</u>	<u>Payable to:</u>	<u>Type of Service</u>	<u>Amount</u>
4/1/2021	Anderson & Denzler Assoc., Inc	Engineering & various projects	11,549.80
4/2/2021	Caldwell & Associates, LLC	Clerk OE - RVRSA*	130.00
4/3/2021	Deborah Devery	Clerk OE	50.00
4/4/2021	Dover Court	Shared Court Services	1,623.36
4/5/2021	Feintuch, Porwich & Feintuch, ESQ	Legal Services	2,485.00
4/6/2021	Ideal Air Inc.	Bldgs. & Grnds.	350.00
4/7/2021	JLM Computers	Clerk OE	95.00
4/8/2021	Morris County MUA	Road OE	409.50
4/9/2021	NJNG - Fire	Fire OE	185.00
4/10/2021	Protective Measures Security & Fire System	Bldgs. & Grnds.	174.50
4/11/2021	Protective Systems Services	Bldgs. & Grnds.	110.00
4/12/2021	R & L Data Centers Inc.	Finance OE	400.00
4/13/2021	Rockaway Twp. Div. of Health	Health Services	6,444.25
4/14/2021	Sheaffer Supply, Inc.	Streets & Roads	22.49
4/15/2021	Treasurer, State of NJ	Marriage fees	100.00
4/16/2021	Treasurer, State of NJ	State Training fees	78.82
4/17/2021	Verizon - #1 - 366-8121	Utilities	74.33
4/18/2021	Verizon - #3 - 361-7536	Fire OE	65.99
4/19/2021	State of NJ - Dept. of Treasury	NJ Health Benefits	5,794.88
		TOTAL	30,142.92

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

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

NEW BUSINESS:

INTRODUCE 2021 BUDGET - All ready done earlier in the meeting.

RESOLUTION EMERGENCY PUBLIC HEALTH -

**RESOLUTION DECLARING AN EMERGENCY
AFFECTING THE PUBLIC HEALTH, WELFARE
AND SAFETY OF THE RESIDENTS OF THE BOROUGH**

WHEREAS, the Borough of Victory Gardens has a contract with Interstate Waste Services for the collection of Solid Waste and Recycling Services once weekly; and

WHEREAS, the Borough in compliance with existing State law endeavored to secure a bid for these services for the next 5 years, advertised for bids in the accepted manner as prescribed by law; and

WHEREAS, only one bid was received by the Borough which was rejected as being too costly; and

WHEREAS, the Borough advertised once again for bids, this time receiving no bids; and

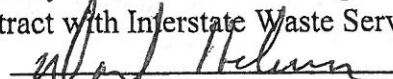
WHEREAS, the Borough and the existing carter were bound by the existing contract to continue until a new vendor could be engaged; and

WHEREAS, as above related, attempts to contract with another carter failed; and

WHEREAS, the Borough may be without a carter to remove the Borough's solid waste services in the near future;

NOW THEREFORE, the governing body by this Resolution declares an emergency that affects the public health, welfare and safety of the residents of the Borough which requires immediate action.

NOW THEREFORE, the governing body authorizes the Borough Clerk, Administrator to take such steps to extend the existing contract with Interstate Waste Services


DAVID HOLEMAN, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of a Resolution passed at a meeting of the Mayor and Council, which meeting was held on Tuesday, April, 2021. 15th


DEBORAH EVANS, Borough Clerk

NEW BUSINESS CONTINUED:

EMERGENCY PUBLIC HEALTH RESOLUTION CONTINUED - Everyone has a copy of the Resolution.

Motion to approve the Resolution by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

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

RESOLUTION FOR THE EXTENSION OF THE GARBAGE CONTRACT -

**RESOLUTION AUTHORIZING BOROUGH TO ENTER INTO
A ONE-YEAR CONTRACT FOR THE REMOVAL OF WASTE
AND RECYCLING SERVICES**


WHEREAS, the governing body of the Borough of Victory Gardens has declared an emergency situation affecting the Public Health, Welfare and Safety of the residents of the Borough; and

WHEREAS, Interstate Waste Services, and the Borough are presently under contract through March 31, 2021; and

WHEREAS, Interstate Waste Services has agreed to extend its contract with the Borough for one year under the same terms and costs of the existing contract; and

WHEREAS, the governing body has determined the best interests of the Borough and its residents will be best served by entering into an extension of the contract between the parties; and

NOW THEREFORE, the governing body by this Resolution directs a contract to be drawn to reflect acceptance of the offer of Interstate Waste Services as soon as possible.


DAVID HOLEMAN, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of a Resolution passed at a meeting of the Mayor and Council, which meeting was held on Tuesday, April 13, 2021.


DEBORAH EVANS, Borough Clerk

The Clerk said everyone has a copy of this resolution.

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

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

NEW BUSINESS CONTINUED:

FINANCIAL DISCLOSURE STATEMENTS - The Clerk said it is time to file your Financial Disclosure Statements again. We do this every year. The deadline is April 30, 2021. It has to be done on line. Make sure you do it before the deadline.

BOARD OF HEALTH MEETING - Just wanted to remind everyone that we have a Board of Health meeting next Tuesday at 6 p.m..

QUOTE FOR TREES - We received 1 bid. From Master Tree. The Attorney said all the paperwork is in order. There are 4 trees to be taken down and the cost is \$4,400. This is the only bid we received. The Clerk said it was mailed. It came in the day after the bids were to be opened. However, we did not get any mail the day the bid was due. They had a new mailman on and we never got mail that day. It was delivered the next day when our regular mailman was back.

Motion to approve the quote we received and award to Master Services by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

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

MARIJUANA DISPENSARY - The Attorney said he wrote a letter to the Council. The Clerk said everyone has a copy of his letter. By August 21, 2021 the town has to decide to either prohibit or limit the number of cannabis establishments in the Borough. If this is not done in a timely manner, any class of cannabis establishment will be permitted to operate in the Borough. If the Borough permits a cannabis establishment then it is valid for 5 years. At the expiration of that time, the Borough has 180 days to prohibit or limit cannabis operations. The Attorney said there are 6 classes of licensed business for cannabis.

1. Cannabis Cultivator License which is for facilities involved in growing and cultivating cannabis.
2. Cannabis Manufacturer License which is for facilities involved in the manufacturing, preparation and packaging of cannabis items.
3. Cannabis Wholesaler License which is for facilities involved in obtaining and selling cannabis items for later resale by other licenses.
4. Cannabis Distributor License which is for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licenses cultivator.
5. Cannabis Retailer License which is for locations at which cannabis items and other supplies are sold to consumers.
6. Cannabis delivery License which is for businesses providing courier services for somumer purchases.

It appears to the attorney that the only one the Borough should be interested in would be #5. Councilwoman Hedgepath said #6 also. Joe asked who sets the fees? The Clerk said in one of the classes she attended, they said the State would set the fees and also how many of these places a town could have. It is like a liquor license. They only allow so many depending on the size of your town. Joe asked how many of our commerical properties are vacant right now? The Clerk said she thinks it is only 3. Two at the mall and the ShowPlace.

Councilwoman Montes said she thinks we should have 2 here. Councilman Lorenzo asked about people that want to grow their own. He thinks he heard something about the State saying people can grow their own as long as it was 12 plants only. Who would control that? Joe said that if people grow their own, who can monitor it? Its like people that make their own wine or beer. Who comes knocking on your door to monitor individuals. Councilwoman Montes asked what we have to do? You have to decide out of the 6 what you want, then the Attorney would have to draw up an Ordinance and it would have to get adopted within the 180 days.

NEW BUSINESS CONTINUED:

MARIJUANA DISPENSARY CONTINUED - Councilwoman Montes made a motion to allow two places and that they are for #5 and #6 in the attorneys letter and to have the Attorney draw up the Ordinance. Motion seconded by Councilwoman Hedgepath and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	No
Councilwoman Hedgepath	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

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

Jim Janone - When you were talking about the marijuana stuff you didn't mention about research and developmental stuff. They could set up office space and they never deal with the public. The Attorney said that is covered with one of the licenses they are to have. Rockaway Township did a resolution establishing fees. You might want to be mindful that some of these fees are over \$10,000 . These are annual fees and how it was set, I don't know. Also the busing, have we heard anything on that? I haven't the Clerk said. In September Jim said the kids are supposed to be going back full time. They have their budget up for discussion on 4/25. How are we going to handle the public calling into our meetings? How is the public going to call in when there is no phone in the room and there is no computer in here? Well, Council people call in. Yes, that is because the Mayor uses his cell phone to call a member and Councilwoman Hedgepath uses her cell phone to call the other council member. Members of the public can come to meetings. We were never closed. Our meetings have always been opened. I can put an OPRA in for all the meetings where Council members were absent and I can listen to them. The Clerk said you can put in an OPRA for that. You know I need it in writing. For the two people that work for the Borough, are they still independent contractors or employees. Joe said they are no longer independent contractors. Are we going to be paying pension on them? No. Councilwoman Montes asked if next year the two people would get a raise? Joe said they only time they would get a raise would be if the Council and employees got a raise. Then they would get one. So if they get hurt then our insurance has to pay? They did anyway. At one time, I put in a request for his paperwork for insurance. The Clerk said he had it at one time. He doesn't have it anymore. It was too expensive. The trees that you are cutting down, I needed to get tree cut down, 10 of them and I got 4 bids in. I don't understand why the Borough can't get more companies to bid. The company you work for the attorney said, may not have to go through what we have to because we are a town. There are certain requirements in the bidding process that have to be met for us. A lot of these contractors don't want to be bothered because of all the documentation. The last thing is what is going on with the EMS billing? Mayor, are you going to give the Council an update? We are going to have a meeting with them. You already have had a meeting with them. No, we haven't. The Borough is not getting the money. I don't know why the Mayor isn't telling you that. The Clerk said I am in the meetings when the Mayor has them. We haven't heard from them. Councilwoman Montes asked Jim why we aren't getting the money. If you know then you can tell us. I can't its confidential. We sat in with the new Dover administrator because he wanted to meet us. We didn't even discuss anything - it was just to introduce ourselves. The Clerk said she reached out to the Chief several times and he said he would get with the administrator for us to have a meeting but it hasn't happened yet. They already told you this information. The Clerk said if they did then she was sleeping because she didn't hear it. They certainly told the Mayor. Jim said there is a lot of lying going on here. The Clerk said that is true but its not by the Mayor.

Chris Trotsky - To the Attorney, the bid you received tonight for the trees, how long did you have to review it? It's a very simple thing. About 5 minutes. How long does it take you to review a bid? It is based on what it is. Mr. Glass, when is the last time that you were physically at a meeting? I;m at every meeting on the phone. In person? I am at every meeting over the phone and it is legal. According to the State it is not legal. Chris asked the Attorney if appearing via phone is legal and the Attorney said yes. What law. You are asking. What is the law. If you have it let me know what is it.

Public Portion Continued -

Valerie Williams - Regarding the marijuana information - who contacted the New Jersey Commission? The attorney said he received something from the Engineer. Did the Board of Health review the Ordinance? The Ordinance has not been drawn up yet. Council said they wanted to have this in here and they are the Board of Health. You may want to contact Calley Alexander to find out more information. Who writes the Ordinances for the Borough? The Attorney. How many Ordinances have you written for the Borough since you were here? I have no idea. I don't count them. Vlaerie said she got here late and didn't hear all about the budget. She asked Joe to give her brief information. The budget on the municipal side is going up 3½%. On a house assessed at \$171,481 that is about \$5 per month. If your assessment is higher than \$171,481 then you will see a little higher number. What happens with the money through taxes? It goes to fund the general operations of the Borough. We have a current fund that operates the day to day operations of the Borough. Then we have a Capital Fund. That funds the long term projects. In the Capital we have approximately \$750,000 to \$800,000. Some of that is committed to projects. Some is not. These projects are from previous years. We haven't funded any projects yet for 2021.

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

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

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk