

June 7, 2021

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on June 7, 2021. Meeting is held on a Monday night due to the fact that Tuesday is election day and we had to change the meeting date.

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, Councilwoman Hedgepath, Councilwoman White, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: Councilman Glass.

\*\* Attorney Feintuch was also present at this meeting.

At this time, Mayor Holeman asked for a motion to go out of the regular order of business for the adoption of our 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 CFO and the Auditor were present at the meeting. Man Lee, auditor, stated we do not have a public hearing tonight. That was previously held at an earlier meeting. We just need to do the Resolution that the Clerk has.

The Clerk read the Resolution -

BE IT RESOLVED by the Mayor and Council of the Borough of Victory Gardens, County of Morris, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$753,537.00 for municipal purposes.

Motion on the Resolution by Councilwoman Hedgepath, seconded by Councilwoman Cheatham and approved on roll call:

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

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 approve the minutes of May 25, 2021 as received by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

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

CORRESPONDENCE:

ROCKAWAY TOWNSHIP BOARD OF HEALTH - May 28, 2021 we had 249 cases. Since then there have been 0 new cases.

NAVIGATING HOPE /FAMILY PROMISE OF MORRIS COUNTY - They contacted me wanting to bring a van here at our firehouse to let people apply for SNAP, Medicaid, Genreal Assistance, TANF, Utility Assistance and Housing Assistance. They want to come in on June 10 and June 24, 2021.

Councilwoman Cheatham asked how residents will be notified. They will reach out from their end and we will put it on our website. It is too late to do a flier for the 10th but I can probably get somethign out for the 24th.

Mayor Holeman asked for a motion to allow Navigating Hope to come in to the Borough on June 10 and June 24, 2021 to set a van up at the firehouse for residents applying for assistance. Motion made by Councilman Lorenzo, seconded by Councilwoman Hedgepath and approved on roll call:

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

NEW LISTING FROM DOVER SCHOOLS - I was sent a new listing of the Victory Gardens children attending the Dover Schools. They say we have 279 kids going to school. I checked over the list and the addresses and they are all in Victory Gardens.

The breakdown as I see the names and addresses follows:

4 children in an Apartment in Victory Hill East  
 Brook Run Apartments they are 4 different apartments with 3 kids in each  
 1 house had 5 children            1 house 3 children  
 1 house 3 children                1 house 4 children  
 1 house 3 children  
 1 house 3 children

That makes a total of 37 kids where there is overcrowding in the homes. Councilman Lorenzo asked if they are all living here? According to the list from Dover, yes. They are all renters.

Councilwoman Montes asked if they can only have 3? It depends on the house and how many bedrooms.

The Clerk said most of the houses in here are 2 bedrooms. You have 2 family homes that are only 1 bedroom on each side. Then you have some single family homes that have 3 bedrooms. Last year I sent letters which resulted in people moving. I will be sending letters again unless the Council tells me not to. The letters will go to the landlords. Although, right now there isn't too much that can be done. There is a moratorium that the Governor put on so that people can't be kicked out of the homes even if they haven't paid rent. Council said ok to send letters.

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

VOUCHERS:

**VOUCHER REPORTS**

Date of Council Meeting:  
 June 7, 2021

Voucher #	Payable to:	Type of Service	Amount
6/1/2021	Dover Court	Shared Court Services	1,623.36
6/2/2021	Dover Water Commission	Fire OE & Utilities	145.39
6/3/2021	Econo Signs, LLC	Streets & Roads	812.24
6/4/2021	Feintuch, Porwich, Feintuch, ESQ	Legal Services - RVRSA	9,231.25
6/5/2021	Kenvil Power	Streets & Roads	79.98
6/6/2021	Metro Flag Co.	Clerk OE	80.70
6/7/2021	Morris County Clerk's Assoc	Clerk OE	50.00
6/8/2021	Morris County MUA	Streets & Roads	787.50
6/9/2021	NJNG - #1 - Fire	Fire OE	185.00
6/10/2021	Nisivoccia	Finance - Audit	15,500.00
6/11/2021	R & L DataCenters, Inc.	Finance - Payroll	375.00
6/12/2021	Sunnyside Florist	Clerk OE	100.00
6/13/2021	Verizon - #1 - 361-8121	Utilities	76.33
6/14/2021	Verizon - #3 - 361-7536	Utilities - Fire OE	125.95
6/15/2021	NJ - Dept. of Treas. - Div. of Pen. & Bene.	Group Insurance	5,794.88

TOTAL

34,967.58

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

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

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

NEW BUSINESS:

LIQUOR LICENSE FOR SOUTH SALEM INC./SHOWPLACE -

WHEREAS, the herinbelow names have duly filed application for renewal of their liquor license for their respective premises as shown for the year 2021, and

WHEREAS, no objections have been received from the public; and

WHEREAS, the required fees have been paid and all premises have been inspected and approved except as otherwise noted, by the Board of Health and the Bureau of Fire Prevention; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens that the said application be approved, and that the respective license be granted; and

BE IT FURTHER RESOLVED that in those cases where the inspectors of the different agencies of the Borough of Victory Gardens have found violations, the licensee shall comply and correct said violations within the time specified in the report by the various agencies.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to issue license/certificates accordingly.

PLENARY RETAIL CONSUMPTION LICENSE

1437-33-002-002

South Salem Inc. T/A The Show Place  
347 South Salem Street  
Victory Gardens, N.J. 07801

ADOPTED: 6-7-2021

Mayor, Borough of Victory Gardens

Donald L. Hedge

ATTEST: Deborah Evans  
Deborah Evans, Borough Clerk

I, Deborah Evans, 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, at a meeting held on 6-7-2021.

Deborah Evans  
Deborah Evans, Borough Clerk

SHOWPLACE LIQUOR RESOLUTION:

Councilwoman Montes asked why we are renewing his license if he is out of business? He still has the right to file his application with the State. He may want to sell his liquor license somewhere else in town. He can do that. If he doesn't renew it, then he can't do it.

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

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

LIQUOR LICENSE RESOLUTION FOR LAKELAND LIQUORS/POPULAR INC.

WHEREAS, the herein below names have duly filed application for renewal of their liquor license for their respective premises as shown for the year 2021, and

WHEREAS, no objections have been received from the public; and

WHEREAS, the required fees have been paid and all premises have been inspected and approved except as otherwise noted, by the Board of Health and the Bureau of Fire Prevention; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Victory Gardens that the said application be approved, and that the respective license be granted; and

BE IT FURTHER RESOLVED that in those cases where the inspectors of the different agencies of the Borough of Victory Gardens have found violations, the licensee shall comply and correct said violations within the time specified in the report by the various agencies.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to issue license/certificates accordingly.

PLENARY RETAIL DISTRIBUTION LICENSE

1437-44-001-003

Popular Inc, T/A Lakeland Liquors  
301 South Salem Street  
Victory Gardens, N.J. 07801

ADOPTED: 6-7-2021

Mayor, Borough of Victory Gardens  
[Signature]

ATTEST: [Signature]  
Deborah Evans, Borough Clerk

I, Deborah Evans, 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, at a meeting held on 6-7-2021

[Signature]  
Deborah Evans, Borough Clerk

NEW BUSINESS CONTINUED:

LIQUOR LICENSE RESOLUTION LAKELAND LIQUORS -

Motion to approve the Resolution for Lakeland Liquors t/a Popular Inc. -  
Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and  
approved on roll call:

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

PROPERTY MAINTENANCE CODE UPDATE - The Mayor said that everyone received a copy of the update.

Councilwoman Cheatham asked if these were updates? Yes and no. They are taken from the State Code. Ron felt we needed more clarification on the code.

Councilman Lorenzo asked about the last page that says 15 days prior to a holiday and 15 days after a holiday the decorations must be removed. The Clerk said this number of days can be changed. You have different cultures in here and more time should be given.

Council agreed that decorations can be put up 60 days before the holiday and takendown 60 days after the holiday.

The Clerk also mentioned on this paragraph you have to say what the penalties are.

The Clerk said there is something missing as in a clean and sanitary what? The Attorney said condition. Okay that needs to be put in there.

Also, Councilman Glass had issue with the height of hedges, fences, etc. I told them these restrictions are for intersections The Attorney said that is correct.

Yard waste collection 12:2-10 - There are no scheduled or announced pickups for yardwaste. That needs to come out. Everything has to be bagged and put to the curb.

12:2-12 Inoperable vehicles - It says on the public right of way. It should say not allowed on private property at all. Councilwoman Montes said they can have them on rocks. No the Clerk said. You still can not have an inoperable vehicle on your property and you can't have one that is unlicensed.

12:2-14 Disposal of grass nad weeds - The last line needs to come out. We don't have a scheduled pickup by the Borough. As long as everything is put in bags and goes to the curb it is picked up everyday.

Councilman Lorenzo said the height of the grass should be 10 inches, not 6. Sometimes it rains and you can't get to the grass.

These are the changes given to the Attorney. The Attorney asked if the Property Maintenance person looked this over? Yes and so did the Construction Official. They are both good with it.

AWARD CONTRACT FOR COOLIDGE, JEFFERSON AND MONROE AVENUES -

The Attorney has the contracts. They are in order and Riverview Paving is the lowest responsible bidder.

The Clerk said there were 6 bids received. They ranged from \$92,722.55 from Riverview Paving to a high of \$192,611.60 .

Leon recommends awarding to Riverview Paving.

Motion was made to approve the bid of Riverview Paving, Inc in the amount of \$92,722.55 . Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

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

OLD BUSINESS:

ADOPTION OF BUDGET 2021 - Earlier done.

UPDATE CANNABIS ORDINANCE - The attorney sent he sent a modified revision. Council will look over and be ready at the next meeting.

The Clerk suggested we talk about it at the next meeting so we can introduce and adopt in July.



OLD BUSINESS CONTINUED:

CODIFY ORDINANCES - The Clerk said this was put on the agenda so we can get a vote from the Council. You did say you would do this. We can't do it this year but if you approve it then it can go into the budget for next year.

Motion was made to codify the ordinances next year with Councils approval this year. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call vote:

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

DOT IDEAS - Leon wanted me to check with Council again. He wants to do a big project with DOT monies. He wants to start on Washington Avenue from the condos past both apartment complexes and stop at Roosevelt Avenue.

Leon wants to ask DOT \$125,000. With that we never get full funding, so he is thinking if we are lucky we may get \$95,000. So if he does the whole scope of work, then the Borough would have to put in \$45,000 to \$50,000 of their money from Capital.

Leon asked me to find out if you would go for this work and if you do - how much are you comfortable with using from our Capital Fund? DOT never funds 100% of any project. The town always has to put in a portion.

The Clerk said you can cut the project down depending on what amount of money you want to take out of Capital.

Attorney Feintuch said that if this has to be done, it will only get more expensive if you keep putting it off. Prices are always going up. You should listen to his recommendation. This will go out for bid.

Council agreed on no more than \$25,000 coming out of Capital. Motion made by Councilwoman Hedgepath, seconded by Councilwoman Montes and approved on roll call:

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

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

Christopher Trotsky - In regards to what Debbe was saying about the overcrowding in town, did you hire a housing inspector? The Clerk said we did not. The person we hired as our Zoning Officer is also a housing inspector but they did not hire him for that. What the Attorney was saying about the code book being on line and codifying the ordinances - can you speak on that? The Attorney said that earlier the Clerk asked if we could do this. We had a lot of ordinances that needed to be updated and put in the book. Council did not agree to do it. We had our ordinances on line at one time because Coded Systems put it there as a courtesy. Once Council disapproved the update, they removed from the site. Since this was denied at one time, can you put it up for vote again and that is legal? Of course it is.

Jim Janone - Attorney Feintuch asked the Mayor not to put him on the timer yet as he has a question for him. What makes you think that you have the authority to ask for phone bills from any member of this Body? Are you answering my OPRA request that I submitted today? Yes. There is case law on this. They are using their phones to conduct public business. Case law says that if it was used for public business, such as a Council meeting, it is under OPRA and can be requested. The Mayor asked Jim if it is different when someone from the public texts someone up on Council during a meeting?

With the DOT grant, don't you think we should figure out the problem that is causing this to happen and fix that? I think a lot of this has to do with water runoff. The Mayor said it is wear and tear. RVRSA litigation - we must have some type of news on this because the Attorney put in a bill for over \$9,000. The Attorney said the testimony in the trial has officially ended. Trial is not over yet because briefs have to be written. This has been going on for 10 years. Appeals will always be part of the process. About the kids in here going to school - do you know if all these people with the overcrowding are related? No, I don't know. By the list Dover gave me, they have the same last names.

PUBLIC PORTION CONTINUED:

Jim Janone Continued - You don't have to have a housing officer. I know for overcrowding it can be an imeninent hazard and the fire official can do it. The Clerk said she asked Chris who is our fire official and he said he can't do. He said he isn't at liberty to that. It has to be a rental property then he can go in. The Clerk said she only knows this information because the shcool gave it to me. Dover has an enforcement officer that does this type of thing. They always had one. The school boards have an enforcement officer. Why can't they come in and do this? With property maintenance you may want to put something in there about religious lights and memorials. There are people that have religious lights up and memorials. Think about that for this property maintenance code.

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

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

Submitted By:

*Deborah Evans*

Deborah Evans  
Borough Clerk