

August 17, 2021

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on August 17, 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.

The Clerk wanted to put on the record that our last meeting scheduled for August 10, 2021 was cancelled due to a lack of a quorum. That is why we are having the meeting tonight.

ATTENDANCE: Councilwoman Cheatham, Councilman Glass, Councilwoman Hedgepath, Councilman Lorenzo and Councilwoman Garcia Montes.

ABSENT: Councilwoman White.

Motion to accept the minutes of July 27, 2021 as received by Councilwoman Hedgepath, seconded by Councilwoman Cheatham and approved on verbal vote. Councilman Lorenzo abstained.

*** Let the record show that Councilwoman Montes arrived at 6:06 p.m. and that Councilman Lorenzo arrived at 6:07 p.m.

CORRESPONDENCE:

Thank You Note - Deb sent the Mayor and Council a thank you note for the fruit basket she received when her Mom and sister passed away.

Dover Transportation - I asked Mr. Minkewicz about the buses that I have seen in town over the summer and why they are here. I told him I did not recall ever having buses picking up children for summer school - if that was what they were here for. Summer school was always the responsibility of the parents. He said that they are using ESSERS II funds to cover summer school transportation. This is part of the effort to combat learning loss from Covid. There is no additional cost to Victory Gardens.

Morris County Board of Commissioners - They are inviting anyone that would like to attend to a Remembrance Service and Candlelight Vigil at 6:00 p.m. on Sunday, September 12, 2021 to mark the 20th anniversary of the 9/11/2001 terrorist attack.

Condo Association - I was asked by the condo board member if they can use the firehouse parking lot to park their cars in while their lots are getting repaved. I told him I would ask Council. It would be in the Fall if they get it done.

Council said it is ok to do that providing they park in the back lot only. All Council agreed.

Condo Association - I did let them know that it was okay for them to cut the pine trees that we spoke about. They will pay for it and have the stumps grinded. They will maintain future trees or bushes. They will replant but it may not be at the next planting time, but they assured that something will be planted up there.

Council said that was ok as long as it gets done.

The Mayor asked Council if we can take \$500.00 out of recreation to help out at the back pack giveaway this Saturday? Council agreed that it would be okay to take the money from Recreation.

Motion to accept and put on file all correspondence by Councilwoman Hedgepath, seconded by Councilwoman Cheatham 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.

VOUCHER REPORTS

Date of Council Meeting:
August 10, 2021

Voucher #	Payable to:	Type of Service	Amount
8/1/2021	Deborah Evans	Clerk OE	46.82
8/2/2021	Dover Court - Share Services	Shared Court Services	1,623.36
8/3/2021	Gannett New Jersey Newspapers	Clerk OE	187.69
8/4/2021	Henry O Baker Insurance Group	Tax Collector OE - Bond	299.00
8/5/2021	Ideal Air Inc.	Bldgs. & Grnds.	350.00
8/6/2021	J. Caldwell & Assoc., LLC	Planning Board	1,365.00
8/7/2021	JLM Computers	Clerk OE - Norton subscription	312.00
8/8/2021	Morris County League of Muni.	Clerk OE - 2021 Dues	100.00
8/9/2021	NJNG - #1 - Fire	Fire OE	185.00
8/10/2021	NJNG - #2 - Main	Utilities	759.00
8/11/2021	R&L DataCenters, Inc.	Finance OE	250.00
8/12/2021	Verizon - #1 - 361-8121	Utilities	73.56
8/13/2021	NJ State - Dept. of Treasury	Group Insurance - Health & Pension	5,794.88
		TOTAL	11,346.31

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

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

NEW BUSINESS:

TOTALLY DISABLED VETERAN RESOLUTION - The Clerk said everyone has a copy of the resolution.

** See Resolution Next page

RESOLUTION AUTHORIZING CANCELLATION AND REFUND OF
TAXES FOR BLOCK 17 LOT 12
TOTALLY DISABLED VETERAN

WHEREAS, Fred C. Weiman who resides at and is the assessed owner of certain real estate in the Borough of Victory Gardens, County of Morris, State of New Jersey known as Block 17 Lot 12 located at 19 Jefferson Avenue was declared a 100% permanent and totally disabled veteran, and

WHEREAS, Fred C. Weiman has applied for and has been granted the status of Totally Disabled Veteran by the United States Veteran Administration as of September 24, 2019, and

WHEREAS, the Victory Gardens Tax Assessor received the application on 7-2-2021 and has confirmed that Fred C. Weiman is qualified to receive 50% of said exemption effective June 2, 2021, and

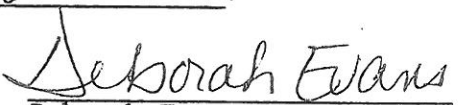
100% Disabled Veterans Tax Refund:

For a veteran, or his or her surviving spouse or domestic partner, entitled to exemption under NJSA54:4-3.30, after a written formal request for retroactive refund of property taxes, submitted to the Borough Tax Assessor with all required documentation, including the Total Disability Termination Letter issued by the United States Department of Veterans Affairs, the Borough Council, by appropriate resolution, shall refund taxes previously paid only for the calendar year in which the claim of the veteran, or his or her surviving spouse or domestic partner was submitted to the Borough Tax Assessor. No further or additional refund of taxes shall be permitted, regardless of the date of the disability of the veteran as determined by the United States Department of Veterans Affairs.

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 property known as 19 Jefferson Avenue Block 17 Lot 12 is hereby exempt from taxation since the property owner, Fred C. Weiman is a 100% totally and permanently disabled veteran, and 50% of the property taxes on said property paid after July 2, 2021 shall be cancelled from the 2021 tax billing and refunded totaling -0-.


Mayor, Borough of Victory Gardens

I, Deborah Evans, Clerk of the Borough of Victory Gardens, County of Morris, State of New Jersey, do hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Mayor and Council of the Borough of Victory Gardens, held on 8-17-2021.


Deborah Evans, Borough Clerk

Motion to approve the Resolution 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 CONTINUED:

SHARED SERVICE AGREEMENT WITH DOVER FOR FIRE AND EMS SERVICES - The Clerk said that everyone has a copy of the modification resolution for shared services.

0001/0002

MODIFICATION OF RENEWAL OF SHARED AGREEMENT
FOR THE TOWN OF DOVER AND THE BOROUGH OF
VICTORY GARDENS FIRE AND EMERGENCY MEDICAL
MEDICAL SERVICES, PERSONNEL, AND RESOURCES
DATED NOVEMBER 26, 2019.

Whereas, there exists an agreement between the Town of Dover and the Borough of Victory Gardens dated November 26, 2019; and

Whereas, the parties have agreed that certain portions of the agreement must be modified to reflect the understanding of the parties; and

Whereas, on this 17 day of Aug, 2021, the parties have agreed to the modifications as set forth below:

IT IS NOW UNDERSTOOD that Victory Gardens shall pay a flat fee of four percent (4%) for the use of Dover's Fire and Emergency Medical Services, Personnel and Resources. Victory Gardens will pay this fee in two (2) parts, June 1 and December 1 of each year directly to Town of Dover.

Said four percent (4%) is calculated on the budget lines as follows:

1. Fire Salary and Wage (9-01-25-265-011 thru -015)
2. Apparatus repairs and maintenance (9-01-25-265-026)
3. Repair, maintain, replace equipment (0-01-25-265-026)
4. Equipment testing (0-01-25-265-029)
5. Medical supplies (9-01-25-265-031)
6. Communication equipment (9-01-25-265-038)
7. Safety supplies (9-01-25-265-056)

Receipts for Third Party Payments by the Town of Dover will be remain with the Town. Paragraph XVII of the November 26, 2019 is deleted by this Modification.

IN WITNESS WHEREOF, the parties have set their hand and seal and caused their authorized representatives to execute this document on the day and year first written above.

Signature Page Follows

FEINTUCH PORWICH & FEINTUCH
BOROUGH ATTORNEY
721 NEWARK AVENUE
JERSEY CITY, NJ 07306
(201) 636-8600

NEW BUSINESS CONTINUED:

FIRE/EMS AGREEMENT MODIFICATION - At this time Attorney Feintuch will be addressing the Council.

Attorney Feintuch said that on August 6, 2021 he had a meeting with the Mayor and DeBbe and the Administrator from Dover and the Fire Chief. Thanks to the vigorous efforts of Mr. Janone it is now costing the Borough an additional \$10,000 to \$12,000 more a year in the Fire/EMS contract. The issue was raised when Mr. Janone made inquiry to Dover about what is happening with the money they are receiving for EMS calls that are being billed by a third party for the first responder calls through EMS. They received approximately \$8,000 for these calls. With Mr. Janone asking about the agreement and the money - this caused them to look further into the agreement with us.

In the agreement that was made November 26, 2019 it stated that we would have to pay increases that needed to be shared for a certain number of items. At that time we were looking at about \$15,000 more a year.

We were able to negotiate for last year since that was the first year where they were billing for the EMS calls. We were able to cut the 2020 cost to about \$3,800. And we were able to say an increase of only 4% for additional years and following. They wanted I think, 6.5% but now it is 4%.

Dover will keep what they collect for the EMS through the insurance. If we wanted that money we of course, would have had to pay them more. As I said, for the 2020 year I think they wanted \$3,800 or \$3,300 which we will have to pay them. We don't know what the amount will be for this year because the year is not over.

I thank Mr. Janone for his diligent efforts. It is costing us more money.

Motion was made on the Modification of Renewal Shared Services for Fire and EMS Services with the Town of Dover. Motion made 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

OLD BUSINESS:

ADOPTION/PUBLIC HEARING CANNABIS ORDINANCE - Title of Ordinance - AN ORDINANCE ESTABLISHING AND REGULATING THE SALE AND DISTRIBUTION OF CANNABIS IN THE BOROUGH OF VICTORY GARDENS

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

Jim Janone - I looked over the ordinance you only did licensing so is that it? The Attorney said if they want to open a business it would have to go before the Planning Board. There is nothing in our Ordinance prohibiting it. So therefore it should be acceptable. Jim said they can't deny an applicant. They can deny an applicant the Clerk said. They would have to have a reason, but they can deny. This came to Planning Board before it ever came to Council about the cannabis and they said no they didn't want it. At that time it was referred to the Council. Jim asked about the fee for the cannabis delivery. I don't know if you can charge someone that is delivering. The Attorney said if they are licensed in the Borough we can charge them. We can't charge someone else that may be delivering from another town. It should be specified. The Attorney said we can only charge if we give the license. You say in the ordinance that the license is good for 5 years. We don't have liquor licenses for 5 years. That is the State saying that it is 5 years. Not us. Disciplinary - you mention in here 4 times that the Mayor will have a vote. He can't vote because of the form of government we have. He can't have a vote because it is on a disciplinary hearing. The Attorney said he is satisfied that it is legal. You say in the ordinance that the Borough Clerk and the Attorney are authorized to change any chapter if there is a conflict with the codification. That is only after the governing body makes a change. Where is the Clerk sending this in the State? I am not sending it anywhere until it gets adopted and they tell us where the Ordinance has to go.

There were no other comments from the public.

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

Motion to adopt the Ordinance by Councilwoman Hedgepath, seconded by Councilwoman Cheatham and approved on roll call:

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

PROPERTY MAINTENANCE UPDATE - We will discuss that at our first meeting in September. The Mayor asked me if Ron will be here for that meeting? He informed me today that on August 24th he is having eye surgery and can't make that meeting. So we may have to put it on for the first meeting in September.

The Clerk said she wanted to ask Council since we are having a meeting tonight, and Ron won't be available for next week, does Council want to have a meeting next week? There would be nothing on the agenda. The only thing is the vouchers would have to get paid. If Council doesn't want a meeting then I would need the Finance Committee to sign off on vouchers and have the vouchers paid.

What is the property maintenance discussion for? Ron said we needed to have more put in our code. There is a state code for property maintenance issues only. Ron wanted to get that adopted. Everyone has a copy of ordinance that the attorney drew up.

Motion was made to cancel the meeting of 8/24/2021 by Councilman Lorenzo, seconded by Councilman Glass and approved on verbal vote. None opposed.

A4F FORM FROM DOVER - We are holding this form and not signing it as Council said not to because we haven't received information from Dover. I wanted to let you know that because of that we won't get a tax rate. That is why we were given an estimated tax bill. We do have a lawsuit going. If I sign this form it says that we agree to the figures they are giving us. We aren't going to get a tax rate until maybe after the lawsuit. Karen did an estimated bill however in the end, I don't know if her estimated bill will cover the costs of everything.

Councilwoman Hedgepath said that speaking of Dover we have less than two weeks before the kids go back to school and we haven't received anything on bus passes or the kids bus schedule. They have not said anything to us. I will reach out to them tomorrow.

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

Chris Trotsky - Im a little confused and this is for the Attorney. What were you thanking Mr. Janone for? We had an agreement with Dover where we were suppose to receive a portion of monies that they received for EMS calls. We were also obligated to pay a sum of money We have been paying Dover \$33,000 for a number of years and we haven't had to pay anymore than that amount. Since Mr. Janone went over there and started asking questions, they relooked at the agreement and now it is costing us more money. For 2020 we will be paying I believe an additional \$3,800 or some where near there. We don't know what it will cost for this year. They won't bill us until the end of the year. Well, I think you should thank 2 of your council people. When was the last time Ms. White was at a meeting? The Clerk said she didn't know. I would have to go back and look at minutes. She has been attending every meeting by phone. We were told that she went to Florida to care for a sick relative that had Covid. Well, she took a position in Florida and she is working there. We know what we are told. Well I had a back ground check done on her and this is what we found.

Public Portion Continued:

Jim Janone - Disabled veteran is he getting 50% on his residence or the whole house? He will get a 100% on his side of the house. Since he rents the other side of the house out he will not get a reduction for that side. About the Dover agreement, if we go back a few months maybe longer, I have been asking the Mayor and Clerk for information and never received anything so I had to put in an OPRA request with Dover. By me putting in the Opra with Dover I found out about the EMS billing and they weren't going to tell us because they were going to keep it quiet. They collected \$28,000 from calls for Victory Gardens. They billed \$65,000 to insurance but only collected \$28,000. The Attorney said that is not correct. They collected \$8,700. I have the data Jim said. They gave me the spread sheets. The Mayors actions made me do what I did. The Mayor said you will do what you want anyway. I was advised by the town that we are now cutting the grass at the ShowPlace. The weeds are over 1½ feet tall. The Clerk said they cut it one time. The County called us and asked us if we could help them out and have someone cut the corner because they couldn't get up to do it. I asked the Mayor and he said it was okay. If our guys were cutting it on a weekly basis it wouldn't be looking like it is. The Mayor said we did a favor for the County. It hasn't been done since. Is there going to be another agreement drawn up? We did it earlier. The Attorney did an amendment and Council approved it. It is not a whole new agreement but a modification to the agreement we currently have. Are we going to get any monies for the EMS billing? No. The Clerk doesn't have the figures. The attorney has them.

Councilwoman Montes said that when Christopher was up here he said that 2 Council people knew something and he said to ask you. The Mayor and Clerk and everyone on Council knows that I have been asking about the billing and I never received anything. The Clerk said it wasn't her either. That is who is listed in the agreement. There is a third person which we don't know who that is. The Clerk said that the third person is Councilwoman Hedgepath, she said she would be the third person. I think that was mentioned at a different meeting. The agreement said that there would be a yearly meeting with Dover to discuss any issues that might arise. Tara is taking our money and she is living in Florida.

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