

August 22, 2023

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on August 22, 2023.

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: Councilman Suarez, Councilman Glass (arrived at 6:03),
Councilwoman Hedgepath, Councilman Hale (arrived at 6:03),
Councilman Lorenzo and Councilwoman Garcia Montes.

ABSENT: None

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

Motion to accept the minutes of August 8, 2023 as received by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. Councilman Lorenzo abstained since he was not here at the meeting.

At this time the Mayor asked to go out of the regular order of business so we can adopt our budget.

Motion to go out of the regular order of business to discuss our budget with the Auditors. Motion made by Councilwoman Hedgepath, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Nisivoccia - Man Lee - This is the hearing for the 2023 budget. It has not changed from the budget that was introduced a month ago. It has been reviewed by the State and has been approved by the State for adoption.

The local tax levy \$807,776.00. For the average home assessed at \$172,000 that equates to approximately a \$5.15 increase per month. Compared to the previous years the main increase is health benefits and insurance. I am here for any questions the Council may have.

No questions from the Council. Councilwoman Montes said we have a strong budget and everything looks good.

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

Jim Janone - Did we get any additional increase in interest? Rates have gone up and I noticed some towns have an increase in their revenue. The auditor said we anticipated the same amount as the previous year - the anticipated amount was \$8,000. In 2022 we realized \$11,000. Did anything else go up besides health insurance/other insurances and was there anything else? We got a little more in State Aid that is why your increase is not as big as it could have been.

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.

It is hereby certified that the Budget and Capital Budget annexed hereto and hereby made a part hereof is a true and exact copy of the budget and capital budget approved by resolution of the governing body on July 25, 2023.

Motion was made to approve and adopt the 2023 budget by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call"

BUDGET ADOPTION CONTINUED:

Roll Call:	Councilman Suarez	Yes
	Councilman Glass	Yes
	Councilwoman Hedgepath	Yes
	Councilman Hale	Yes
	Councilman Lorenzo	Yes
	Councilwoman Garcia Montes	Yes

The Mayor asked the Auditor if she could explain the Dedication by Rider that we have before us tonight?

The auditor said that both these are trust funds that you have had for years.

The last few years, the State has been after towns to do these dedication by riders and to have them get approved by the Governing Body. I sent them a draft copy of what you have and they approved it. It is just another procedure that they want done. Councilwoman Montes asked how much are in these accounts?

The public defender is \$200.00 and the LEA is \$30,000. The auditor said we bring in a little every year.

The Clerk asked the Mayor since the auditor explained it does he want to do that now? He said yes.

Dedication by Rider

Borough of Victory Gardens, Morris County

Resolution Number _____

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
MUNICIPAL PUBLIC DEFENDER
REQUIRED BY PL 1997, Chapter 256; NJS 2B:12-28

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, PL 1997, Chapter 256; NJS 2B:12-28 provides for receipt of municipal public defender by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Municipal Public Defender are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Victory Gardens, County Morris, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Municipal Public Defender (PL 1997, Chapter 256; NJS 2B:12-28).
2. The Clerk of the Borough of Victory Gardens, County Morris is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted this 22nd day of Aug, 2023 and certified
as a true copy of an original.

Seborah Evans

Municipal Clerk

Motion to approve the Dedication By Rider for the public defender. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Dedication by Rider

Borough of Victory Gardens, Morris County

Resolution Number _____

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
UNIFORM FIRE SAFETY LOCAL ENFORCEMENT AGENCY
REQUIRED BY N.J.S.A. 52:27D-202

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, N.J.S.A. 52:27D-202 provides for receipt of uniform fire safety local enforcement agency inspection fees by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Uniform Fire Safety LEA are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Victory Gardens, County Morris, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Uniform Fire Safety LEA (N.J.S.A. 52:27D-202).
2. The Clerk of the Borough of Victory Gardens, County Morris is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted this 22nd day of Aug, 2023 and certified
as a true copy of an original.

Deborah Evans

Municipal Clerk

Councilwoman Montes asked what the money in LEA is used for? Fire Safety. We bring in \$2,500 every year. Current fund revenues. Anytime, the Clerk said that we do an inspection regarding fire/co inspections all come from that account. Do we have to hold that much money in trust? that is up to the Council. You have the dedication by rider so if you collect fire inspection fees then that money has to go into that account. Councilman Glass asked if we can lower that amount? It has to be fire safety related.

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

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

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

CORRESPONDENCE: None

VOUCHERS:

The Mayor asked if there were any questions or comments on the vouchers?

VOUCHER REPORTS
COUNCIL MEETING
August 22, 2023

Voucher #	Payable to:	Type of Service	Amount	Check #
08-19	Amtserdam Printing	Clean Communities	\$ 3,772.72	
08-20	Anderson & Denzler Associates Inc	Engineering OE	\$ 6,110.35	
08-21	Barco Products	Barko Pet Waste Roll Bags	\$ 249.69	
08-22	Eric Bernstein & Associates	Planning Board OE	\$ 132.00	
08-23	Feintuch Porwich and Feintuch	Legal OE	\$ 350.00	
08-24	Gannett Newspaper	Clerk OE	\$ 240.51	
08-25	Home Depot	Roads OE	\$ 146.78	
08-26	Interstate Waste Services	Trash Removal	\$ 12,265.56	
08-27	JCPL Borough Hall	Utilities	\$ 585.00	
08-28	JCPL Fire House	Utilities	\$ 209.33	
08-29	John Grecco	Building and Grounds OE	\$ 300.00	
08-30	Leticia Diaz	Mayor and Council	\$ 16.45	
08-31	Montville Animal Shelter	Dog OE	\$ 639.92	
08-32	Morris County MUA	Road OE	\$ 375.75	
08-33	NJNG Borough Hall	Utilities	\$ 1,405.00	
08-34	Optimum Borough Hall	Utilities	\$ 26.27	
08-35	R & L Data Centers Inc	Clerk OE	\$ 274.00	
08-36	S and S Demolitions anf general contr	Buildings and Grounds	\$ 800.00	
08-37	Sheaffer Supply Inc	Clerk OE	\$ 10.32	
08-38	Verizon 973-361-8121	Utilities	\$ 76.30	
08-39	Hector Lorenzo	Streets and Roads SW	\$ 2,797.44	
08-40	Leticia Diaz	Clerk SW	\$ 1,600.00	
08-41	Manuel Venereo	Streets and Roads SW	\$ 2,400.00	

Total Vouchers \$ 34,783.39

08-42 VSP

138.74

Total

\$ 34,922.13

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

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

DEPARTMENT REPORTS:

Building Department - No permits issued for this month.

Property Maintenance - Everyone has a copy of the report.

Municipal Court - We received \$220.04 from the court.

Tax Collector - Total Tax Receipts Month to Date: 84,126.16
" " " Year To Date: 1,353,680.24

Registrar - No marriage licenses issued for this month.

COMMITTEE REPORTS:

Streets & Roads - Councilman Glass said the fence is down and taken away. It looks real nice up there. DPW cleaned up the area. I want to thank Councilman Hale and the Mayor for bringing this stuff up at the 1st meeting when I wasn't here. We were late coming in tonight. We went up to look at what the contractors were doing. They are paving and they are leaving debris all over the sidewalks. I was out for about an hour cleaning the area up and Hector and Manny cleaned up the rest and that took them about 1 1/2 hours each. We were talking to Mike from Leons office and told him the contractor will be charged back \$500 since we had to clean up. We told them to have them clean it up tonight.

Councilman Lorenzo asked who is leaving the debris? The contractor. They rip up the road and asphalt goes all over. They cleaned the one side but they didn't clean the sidewalk side. They leave the stuff on the tools and they put the tools on the sidewalk and then it falls on the sidewalk and stays there. The company is on notice to clean stuff up or they will be charged back. Have the trees been trimmed up by the firehouse? They said they would try to be in within 2 weeks. Also, Councilman Glass said they didn't get notice on the road being closed for speed bumps. They did notice the Clerk said. They don't notice for every step of the work. They have their signs up. Other than that, the contractor is doing a good job.

No other reports from Council.

Motion to accept all reports by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

NEW BUSINESS:

DEDICATION BY RIDER FOR PUBLIC DEFENDER - Already done earlier.

DEDICATION BY RIDER FOR LEA ACCOUNT - Already done earlier.

CANNABIS LICENSE APPLICATION - The attorney said we are not taking any votes tonight. This is just to discuss with the Council if they approve the application as prepared.

Councilman Glass gave an overview of what happened at the Planning Board meetings before these applicants came to Council. Councilman Lorenzo said it looks like Tangerine Tree has more problems than the other place. The other one there doesn't seem to have any problems. (A lot of the discussion in every one was talking over the others and it couldn't be picked up by the recorder). Both applicants have to go back to the Planning Board once Council passes what they have to do.

The Clerk said she has mentioned several times at the meetings that she has the plans and that Council should look at them. Not one person came in to look at those plans.

The Attorney said we have both applicants here tonight maybe they have something they would like to address the Council on.

Motion was made to open the meeting to the public so the applicants can say something if they want to.

Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

AnnMarie Rizzuto from Weiner Law group. They represent Tangerine Tree. The Planning Board had an initial determination which was basically saying that the site was zoned for the cannabis and the property was available for the cannabis. There is still another big part of the job that the Planning Board has to do. Their initial resolution comes before the Council. My understanding is that it will go back to the Planning Board.

NEW BUSINESS:

CANNABIS APPLICATION CONTINUED - The Councils decision is to have us file your new application which comes with a lot of other paperwork for us to fill out. All the paperwork will tell you how the operations will go. We will do the new application and we will submit with the \$10,000 payment. You have to decide if we are okay to have the applicant in our town. Once you approve or reject the applicant, then the applicant goes back to the Planning Board for a full site plan review and approval.

Jim Janone - They are coming before Council to get approval of their applications and then it goes back to Council. Correct? Yes. Mr. Glass has given some misinformation. I've looked at the Planning Board resolutions and the packets from each applicant. Everything is in there if you looked at it. You are asking questions or making comments on things that have already been addressed. The Attorney said this is all new to everyone up here.

Alex from RS Operations - As applicants we have to work thru the towns and the State. We are waiting on both bodies of the Borough. We work on a time line with the State. we filed for an extension which we were granted. We are paying more expenses even before this goes forward or not. We have to secure the spot and paying rent on a space we aren't in yet. Both applicants want to be here and open our stores.

The Clerk said so what happens is that the applicants have the application that the town Attorney drew up. They fill that out with the application fee, give it back to us so we can review. Once Council agrees or disagrees it goes back to Planning Board.

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

The Clerk said everyone got off track. All we were suppose discuss was whether or not the application before you - the blank application - was okay with Council so it can be given to the applicants. Council okayed the application for the applicants.

CANNABIS RESOLUTIONS FROM PLANNING BOARD - Nothing tonight for this. everyone was given a copy of the resolutions so they can see what the Planning Board did.

RESOLUTION ON HEALTH BENEFITS AFTER RETIREMENT - The Attorney made changes to the health benefits part of the policy manual. We haven't received the update yet. That was for the medical insurance after retirement. Councilwoman Hedgepath wanted to look into the part about separation. Part time employees get no health benefits even if they were full time and went to part time.

RESOLUTION FOR A PART TIME CHIEF FINANCIAL OFFICER - Councilwoman Montes said she spoke with our CFO today. He just got out of the hospital today and he will continue to work for us so at this time I don't think we need to hire anyone else. The Clerk said you can't talk about his condition because of HIPPA laws. He will be back in 3 weeks. The Mayor said we will table this.

HOUSING OFFICER - Councilwoman Hedgepath said she asked to have this back on the agenda because the people that were misplaced when the tree fell on the house are having a lot of problems with their landlord. The landlord owns 13 properties in VG. The tree got hit with lightning the week before it fell on the house. The landlord never did anything. It did something to their water heater and furnace. The house is full of mold and this landlord isn't doing anything about it. We have 2 families that are misplaced right now. If we don't fight for them who will? He has other properties that are in bad shape also. We need someone here.

The Attorney said a housing officer will help with the students in here. Councilman Glass asked if the health inspector takes care of mold? Yes, if the residents complain. They are afraid to complain about these conditions for fear the landlord will retaliate.

The Clerk said that the health department can go in if there is a mold issue and infestation of any kind, no water, no heat. Someone has to complain about those conditions. A housing officer can only go into a house if there is a complaint. That job is for over crowding. When they have outside problems that is for property maintenance.

NEW BUSINESS CONTINUED:

HOUSING OFFICER CONTINUED - Councilwoman Montes said we have been through this before. we go back and forth about what we should do. A part time person would be good for the town at a reasonable price.

Motion was made by Councilwoman Hedgepath to look for a part time housing officer. Seconded by Councilwoman Montes and approved on roll call:

Councilman Suarez	Yes
Councilman Glass	Abstain
Councilwoman Hedgepath	Yes
Councilman Hale	Yes
Councilman Lorenzo	Yes
Councilwoman garcia Montes	Yes

SEPARATION POLICY & PROCEDURE MANUAL - Councilwoman Hedgepath said that her job goes by the State. If you get terminated you don't pay sick or vacation time. If we have a resolution that says we pay out then that is different. The Clerk said we do have a resolution.

Put this on for the next agenda.

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

Joan Cegelka - Who took over Charlie Woods position for reconciling the books? No one. The CFO took it on. What did Charlie get paid? I think it was like \$25 per month. It took him about an hour to do. It was mentioned at the last meeting about Council writing tickets for the parking on the streets. What ever happened withthat? State Police said they are the ones that write the tickets for those cars parked on the streets. Council does not have the authority. When does Board of Health meet? every quarter. Did they meet this year? They did their reorg and then had a regular meeting after that. Will you have a meeting this year? I think so. You should do something for fire prevention week. we use to do it and we need to do it again. There are no planning board minutes on the website. I will speak to Letty tomorrow and ask her ifshe put them up.

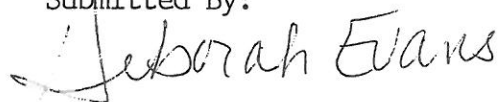
AnnMarie rizzuto - There are preferences in the state law for the cannabis. Tangerine Trees application is different from the other applicants.

Jim Janone - You took the fence down at the leaf dump. Are you putting up another fence? Whatever Council decides. Who is the current commander? No one they have a desk seargent. they are supposed to be getting a new commander. they will let us know when that happens but I call them to check. In the LEA account you need to put something on for fire prevention. What are we putting in speed humps or bumps? Speed tables. Can you have chickens in the Borough? No. I saw some in here. They are caged up outside. We have pot holes near the drainage by Jefferson Avenue. When will the sidewalks go in? The week of September 7th thru the 14th.

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

Motion to adjourn the meeting by CouncilwomanMontes, seconded by Councilwoman Hedgepath and approved onverbal vote. None opposed.

Submitted By:



Deborah Evans
Borough Clerk