

September 26, 2023

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on September 26, 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.

ATTENDANCE: Councilman Suarez, Councilman Hale, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: Councilwoman Hedgepath and Councilman Glass.

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

Motion to accept the minutes of September 9, 2023 as received by Councilwoman Montes, seconded by Councilman Hale and approved on verbal vote. None opposed.

CORRESPONDENCE:

Leon Hall - Leon sent out a request for quotation for the 2nd phase of the sewer scoping. This is for sewer cleaning and inspection - same as the last part we did. Quotes are to be received no later than October 9, 2023.

Motion to accept and put on file the correspondence as received by Councilman Lorenzo, seconded by Councilman Suarez and approved on verbal vote. None opposed.

VOUCHERS:

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

Councilman Lorenzo said that voucher #040 doesn't say what the work was that was done on the truck. The voucher or attachment needs to tell us what was done. Also, voucher # 049 there were no receipts attached.

Councilman Lorenzo said he won't sign these 2 bills without the attachments. There were no other questions.

Motion to approve the vouchers for payment by Councilman Hale, seconded by Councilman Suarez and approved on roll call:

Councilman Suarez	Yes
Councilman Hale	Yes
Councilman Lorenzo	Yes - except #040 and #049
Councilwoman Garcia Montes	Yes

(See Vouchers Next Page)

NEW BUSINESS:

FORM OF RESOLUTION FOR THE AUDIT - The Clerk said we accepted the Audit at the last meeting but we didn't have Council sign off on the paperwork. I need you to do that tonight. . . Everyone has a copy of the Resolution:

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION

WHEREAS, N.J.S.A.40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C.5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty five days after the receipt of the Annual Audit, pursuant to N.J.A.C.5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S.52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (DLGS) under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Victory Gardens, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mayor David L. Holeman Jr.

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of the Resolution passed at a meeting held on 9-26-2023

Deborah Evans
Deborah Evans, Borough Clerk

NEW BUSINESS CONTINUED:

FORM OF RESOLUTION CONTINUED -

Motion on the form of resolution to be adopted by Councilwoman Montes, seconded by Councilman Hale and approved on roll call:

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

IDEAL AIR CONTRACT - This is our annual contract. The price is the same as last year which was \$1,600.

Motion to approve the Ideal Air Contract by Councilwoman Motnes, seconded by Councilman Lorenzo and approved on roll call:

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

CANNABIS DISCUSSION FOR DAY PITNEY - Amanda Curley is here representing Day Pitney which is located at 330-350 South Salem Street in Victory Gardens.

Attorney Feintuch said everyone has a copy of the application from Day Pitney. I was looking over their whole packet of information and I made copies of the application so Council had it for tonight. We will not vote on this tonight as no one has had the chance to look it over.

The Attorney said that everything is in order with the application. I had a question with the parking. You can review the application and we will address it next meeting.

Amanda Curely is here tonight for Day Pitney for RS Operations, LLC. There were 448 pages in the entire application that was sent to the Borough. We gave 3 copies of the entire application. This is for a Class V retail cannabis operation. We received the go ahead from the Planning Board and now are before the Council. We secured approval from the Morris County Planning Board. If Council chooses us to go into the site then we will return to the Planning Board for the next step.

Regarding parking the Ordinance says we must have 10 spaces. We are providing 14 spaces. We need Council's approval and then back to the Planning Board. We will try to hire locally. It will be good for the Borough. We plan on having job fairs. We will have between 40-45 employees. 3 shifts. Hours of operation are from 10 am until 8 pm. Sunday hours are different.

The Clerk said she has a few questions. One is about the signs - all signs have to have the approval of the Planning Board. We understand that. We did provide signage for the Planning Board. I also thought there would be no handling of cash. I see in the application package you sent that there will be cash. We are not allowed to accept cash. It will be cash or debit cards. That is a State regulation.

Alex is here tonight he is the operator of the business. Any employee will have a very extensive background check. Alex gave his background in the business. There will be part time and full time employees. There will be security on site. We will have cameras but there will be armed security as well. There will be 2 security guards there at all times.

The Clerk said she read something about delivery vehicles. You won't be a delivery service. No the delivery is for what is being sent to us. They are vans that come in and everything is in small boxes. There is also something in here about curbside retail sales. There will be none. If that changes it will go back before the Planning Board. ID's on the persons coming in will be done? Yes. They will be scanned twice before any sales are done.

The attorney asked how the Borough will know if they are getting their 2% that they are supposed to receive? We can do monthly or quarterly reports whichever Council wants. We are state regulated. Every transaction is monitored and all is sent into the State.

The Attorney told Council to review the application and we will have this ready to adopt or whatever the Council wishes at the next meeting.

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

Jim Janone - All we can hear in the back is static. The cell phone is too close to the microphone. On the sidewalk on Monroe. How come it deadends on Franklin. there is no handicap cutout. It wasn't in the plans that were drawn up. In the Audit, when are you cancelling out the old ordinances? When the CFO says we are doing it. I have discussed this with him. What is going on with the school board settlement? The Attorney said we are waiting on the Judge to decide about the debt service and what we have to pay, if anything. The Clerk said we have been sending the current checks to the Board. We are waiting for the CFO to cancel out the old checks and write a new one with the figure we have to pay. Who was the Council member that was with the Board of Health? Councilman Glass. What is the holdup with cannabis? we had to go over the application which I did. I made copies for the Council. Council has to approve it. Hopefully a decision will be made at the next meeting the Attorney said.

Councilwoman Montes asked why we aren't approving this tonight with the cannabis. the attorney said because he just handed the application out tonight. Council has to review and then we will put it on for the next meeting.

Motion was made to close the meeting to the public by Councilwoman Motnes, seconded by Councilman Suarez and approved on verbal vote. None opposed.

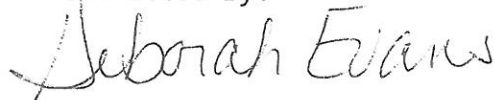
Motion was made at this time to go out of the regular order of business for closed session to discuss personnel. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

(Closed Session Typed Separately)

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

Motion to adjourn the meeting by Councilwoman Motnes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Submitted By:



Deborah Evans
Borough Clerk