

November 14, 2023

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on November 14, 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, Councilwoman Hedgepath, Councilman Hale, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

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

Motion to accept the minutes of October 10, 2023. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. Councilman Glass abstained as he was not present for the meeting. None opposed.

CORRESPONDENCE:

MORRIS COUNTY BOARD OF TAXATION - Glen received a note to meet with the Tax Board on December 21, 2023 to discuss the need and time frame for a potential revaluation of the property in Victory Gardens.

Councilman Glass said it has been awhile since we did one. Yes, it has been right at 10 years or a little more. They usually like you to do it every ten years.

CFO - Everyone has copies of the correspondence with the CFO between the Clerk and Deputy Clerk.

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

VOUCHERS:

The Mayor asked if there were any questions or comments on the vouchers? Councilman Glass said that Master Tree check to be held. No one notified us when they were cutting the trees by the firehouse down. There are a few limbs that were not cut. I will call them tomorrow and see what they did.

They have more work to do. What they did was good but they aren't finished. Are there any vouchers on hold for Leon Hall? No. The work you are talking about was for a project by a contractor and we are holding his check. No other questions or comments.

Motion was made to pay the vouchers 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

(See Vouchers Next Page)

VOUCHER REPORTS  
COUNCIL MEETING  
November 14, 2023

Voucher #	Payable to:	Type of Service	Amount	Check #
11-01	Adams Fire Protection	Fire OE	\$ 453.16	
11-02	Anderson & Denzler Associates	Engineering OE	\$ 5,451.41	
11-03	Anderson & Denzler Associates	Engineering OE	\$ 14,472.00	
11-04	AT&T	Utilities	\$ 83.34	
11-05	County of morris	open space	\$ 390.84	
11-06	Dover board of education	School taxes	\$ 97,057.00	
11-07	Dover court -Shared services	Shared court services	\$ 1,655.83	
11-08	Feintuch Porwich & Feintuch	Legal OE	\$ 1,075.00	
11-09	Feintuch Porwich & Feintuch	Legal OE	\$ 2,204.22	
11-10	Home Depot Inc	buildings and Grounds	\$ 369.05	
11-11	JCPL Fire House	Fire OE	\$ 177.70	
11-12	JCPL Street Lights	street lights	\$ 834.38	
11-13	JLM Computers	Clerk OE	\$ 97.00	
11-14	Kendyll Hedgepath	Recreation OE	\$ 33.32	
11-15	Konica Minolta Business solutions	Clerk OE	\$ 243.75	
11-16	Master tree Service	Buildings and Grounds	\$ 1,600.00	
11-17	Montville animal shelter	Dog OE	\$ 639.92	
11-18	Morris County MUA	Road OE	\$ 317.25	
11-19	NJNG Firehouse	Fire OE	\$ 275.01	
11-20	R & L Data	Clerk OE	\$ 274.00	
11-21	RVRSA	RVRSA Shares	\$ 9,624.00	
11-22	Verizon 973-361-8121	Utilities	\$ 228.24	
11-23	Verizon Borough hall	Utilities	\$ 161.24	
11-24	Viking pest Control	Buildings and Grounds	\$ 437.40	
11-25	Wex Bank Shell	Road OE	\$ 368.11	
11-26	Hector Lorenzo	Streets and Roads SW	\$ 2,564.32	
11-27	Leticia Diaz	Clerk SW	\$ 1,820.00	
11-28	Manuel Venereo	Streets and Roads SW	\$ 2,200.00	

**Total Vouchers**                      **\$ 145,107.49**

DEPARTMENT REPORTS:

The Clerk said reports are done at the next meeting. Councilman Glass asked if he could make a comment. 173 Washington Avenue had work done because of a collapse in the line from the house to the main. Dover Water was doing some work and they broke a line. When the person that owns the house was doing the repair work they put a clean out line right at the sidewalk. It should have been in the yard. It is right next to the sidewalk. When our guys plow it may get knocked off and broken. I don't know why it was put here.

Councilwoman Montes said she would like to thank Councilwoman Hedgepath, Mayor Holeman and Councilman Suarez for the Halloween party. They did a good job and the kids had a great time.

NEW BUSINESS:

REDEEM TAX LIEN Block 10 Ot 1.05 -

**BOROUGH OF VICTORY GARDENS  
RESOLUTION OF REDEMPTION  
TAX TITLE LIEN**

**WHEREAS**, the Tax Collector has received payment for redemption of Tax Title Lien #21-001 on **BLOCK 10 LOT 1.05** known as **5 Victory Ct** in the name of **Jacobus, Kelly**.

**WHEREAS**, reimbursement is now required to be made to the following Lien Holder,

**CULMAC INVESTORS, INC  
PO Box 251  
MONMOUTH BEACH, NJ 07750**

To return the amount of the Lien, Penalty, Interest, Costs and Premium:

<b>TAX TITLE LIEN:</b>	<b>\$</b>	<b>12,518.32</b>
<b>PREMIUM:</b>		<b>40,000.00</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Victory Gardens, County of Morris, State of New Jersey that the Borough Treasurer be authorized to prepare a check in the amount of **\$52,518.32** made payable to:

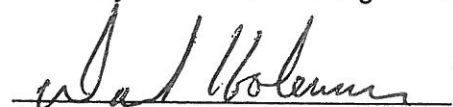
**CULMAC INVESTORS, INC  
PO Box 251  
MONMOUTH BEACH, NJ 07750**

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Borough Council of the Borough of Victory Gardens at a duly convened Meeting held on November 14, 2023.



**Deborah Evans  
Borough Clerk**

  
**David L. Holman, Jr  
Mayor**

NEW BUSINESS CONTINUED:

TAX LIEN REDEMPTION

Motion was made to approve the tax lien for redemption. Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

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

RS OPERATIONS LLC RESOLUTION - The Clerk said that everyone has a copy of the Resolution. We need to vote on it tonight unless someone has an issue that needs to be discussed.

**A RESOLUTION OF THE BOROUGH OF VICTORY GARDENS COUNCIL IN SUPPORT OF THE LOCATION AND OPERATION OF A CLASS 5 CANNABIS RETAIL FACILITY BY RS OPERATIONS LLC**

WHEREAS, both the medical and adult use of cannabis is authorized in the State of New Jersey ("State") under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et seq. ("Jake Honig Law"), as well as for adult use sales pursuant to the recent passage of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMMA") (the Jake Honig Law and CREAMMA collectively referred to as the "New Jersey Cannabis Laws").

WHEREAS, the State of New Jersey recognizes both the beneficial uses of medical cannabis as well as the intent of the people of New Jersey to adopt a new approach to cannabis policies by controlling and legalizing adult-use cannabis in a similar fashion to the regulation of alcohol for adults.

WHEREAS, the State of New Jersey recognizes the need for additional cannabis licenses, under the regulation of the New Jersey Cannabis Regulatory Commission ("CRC").

WHEREAS, the Borough of Victory Gardens (the "Borough") recognizes that the ultimate decision to approve any new cannabis licensees is guided by the standards identified within the New Jersey Cannabis Laws and vested to the discretion of the CRC.

WHEREAS, the New Jersey Cannabis Laws nevertheless recognize the necessity of ensuring that any potential licensees have the support of the local community, as evidenced by a resolution adopted by said municipality's governing body indicating that the intended location is appropriately located or otherwise suitable for the activities related to the cultivation, manufacturing, or retail sales of cannabis, cannabis products, and related supplies as will be conducted at the proposed facility.

WHEREAS, the Borough supports cannabis businesses that might otherwise seek to operate within the Borough, subject to reasonable time, place, and manner restrictions imposed by any lawfully adopted ordinance.

WHEREAS, the Borough has in fact adopted *Ordinances necessary and appropriate allowing for the operation of two (2) Class 5 Retail licenses within the Borough.*

WHEREAS, the Borough recognizes ample benefits to its community associated with permitting a cannabis retail facility to be located within its borders, including, but not limited to, job creation, use of local vendors for build-out and ongoing operational needs, as well as anticipated dedicated tax revenues associated with hosting a cannabis business.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Victory Gardens, in the County of Morris, State of New Jersey, as follows:

1. The governing body believes that the Borough will benefit from the location of a cannabis retail facility within the Borough's boundaries, subject to compliance with all applicable ordinances, permits, and approvals.

NEW BUSINESS CONTINUED:

RESOLUTION FOR RS OPERATIONS LLC

2. Alex Svecharny, the owner of RS Operations, LLC ("RS Operations"), has appeared before this Council to provide education as to the New Jersey Cannabis Laws generally, and, more recently, identifying the proposed location and operations of its proposed facility, and the jobs and revenue that a business like RS Operations can bring to our local community.

3. Specifically, RS Operations has identified that it intends to locate its proposed Class 5 Retail License at 330-350 South Salem Street, Borough of Victory Gardens, NJ, Lot 1 in Block 5 (the "Property"), which is located in a zone where such use is permitted.

4. The Borough recognizes not only the suitability of the operation of a retail facility at the Property, but also as to the benefits that a company such as RS Operations would bring to the community as a whole.


5. Based on the preceding, the Borough is satisfied that not only would RS Operations be a valuable addition to the group of cannabis retail license holders awarded by the CRC, but more so, would ensure that its business operations have a positive impact on the Borough and community at large.


6. In light of that, and in the event that the CRC issues RS Operations a license to operate as a Class 5 Retail facility, this Resolution should be viewed by the State as unequivocal support of RS Operations' application, and an indication that the intended location is appropriately located or otherwise suitable for the activities related to the retail sale of cannabis, cannabis products, and related supplies as will be conducted at the proposed facility.

7. RS Operations recognizes that the issuance of this Resolution nevertheless obligates it to comply with the conditions identified under the Ordinance, with the Borough recognizing that the issuance of this Resolution permits RS Operations to submit its application for licensure to the CRC, while simultaneously pursuing any and all local approvals required to become operational.

8. The Borough also hereby confirms that the ultimate issuance of a license to RS Operations by the CRC would not exceed any limit on retailers identified by the Ordinance.

This Resolution was adopted at the regular meeting of the Mayor and Council on November 14, 2023.

  
\_\_\_\_\_  
DAVID HOLEMAN, Mayor

  
\_\_\_\_\_  
DEBORAH EVANS, Borough Clerk

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

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

NEW BUSINESS CONTINUED:

TANGERINE TREE DISPENSARY APPLICATION - Councilwoman Montes said she would like to table this discussion until the next meeting. The Attorney asked why and Councilwoman said because she wants to. The Clerk asked if everyone looked over the paperwork? There was a lot to go through Councilwoman Hedgepath said.

Motion was made to hold off on this application until the next meeting. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath. Roll call:

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

The Clerk said it is a tie vote with three members abstaining and 3 voting yes. The Mayor needs to break the tie. the Mayor voted Yes.

OLD BUSINESS:

ORDINANCE FOR PRIVATELY OWNED SALT STORAGE - This is the public hearing and final vote.

BOROUGH OF VICTORY GARDENS ORDINANCE FOR PRIVATELY OWNED SALT STORAGE

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

Jim Janone - In the future if you have ordinances where you are having a public hearing on it, can they be available for us to see? I can't ask questions if we don't know what the ordinance is. Who will do the enforcement on this? Ron Young or any other official of the Borough. What are the exemptions? It does not apply to facilities where the stormwater discharges from salt storage activities if they are regulated by a NJPDES permit. What are the specifications? There are requirements for de-icing material storage requirements. Are there penalties? Yes. They have 72 hours to abate the problem and if not they get a fine of \$250 per violation. Landscapers can potentially store road salt. Does this apply to them? No. You have landscapers that live in town and they have their trucks here. If they do, let us know where they are.

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

Motion was made to adopt the ordinance 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

Councilman Glass said to the two companies for Cannabis, if you are going back to the Planning Board we have to have your paperwork 10 days before the meeting. We are aware of that.

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

Anne Marie Rizzuto representing Tangerine Tree - We will be back on the 28th of November. I will prepare the Resolution so you have it in time for that meeting. I will get it to the Borough Attorney.

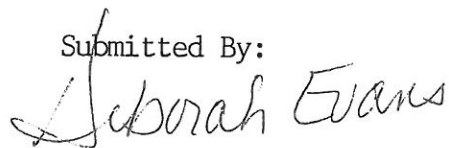
PUBLIC PORTION CONTINUED:

Jim Janone - I wanted to ask if there was a reason you are holding off on the application for Tangerine Tree? Councilwoman Montes said because we did. It is a big application and everyone needs to look it over carefully. What is the process for an applicant for cannabis? Any applicant has to go to the Planning Board first. Then it comes to Council and then back to the Planning Board to go over all the site plan items, and variances if needed, etc. We only have a few vouchers on the list. Where are all the rest? They were approved at the last meeting we had in October. we knew we weren't going to have a meeting the end of October because of the flu clinic. we put them all on the voucher listing for the first meeting. Can't the DPW paint the sign for Victory Gardens? We need a new sign. The auditors said we need someone to do the bank recs. Have we gotten anyone yet? No. We talked about it at a meeting in passing, and they didn't say to hire someone. Joe said he was going to ask a person to do it. Has he done that? I don't know. The water department does a terrible job of patching. It looks like a kid did it. They told us that once everything settles, they will be back in to repave. Street lights are still out. We have reported them time and again. They said they will be out to take care of them. Is there any update on the litigation for Dover Board of Ed? we are holding the money that we were holding. We are currently paying them every month but what we have been holding we still have. We are waiting on the Attorney for the school board. They came up with a new number. We are waiting to hear from them.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilman Glass 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  
Borough Clerk