

March 26, 2024

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on March 26, 2024.

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

ABSENT: Councilman Glass

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

Motion to accept the minutes of March 5, 2024, March 12, 2024 and March 19, 2024 as received by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

CORRESPONDENCE: NONE

VOUCHERS:

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

**VOUCHER REPORTS
COUNCIL MEETING
March 26,2024**

Voucher #	Payable to:	Type of Service	Amount	Check #
03-21	Home depot Inc	Streets and Roads	\$ 157.25	
03-22	JCPL Fire House	Fire OE	\$ 130.10	
03-23	JCPL Street Lights	Street Lighting	\$ 698.10	
03-24	Master Tree Service	Streets and Roads	\$ 860.00	
03-25	Morris county MUA	Roads OE	\$ 130.50	
03-26	Ondria Garcia - Montes	Recreation	\$ 241.47	
03-27	Petty Cash	Clerk OE	\$ 72.00	
03-28	Ridgeback Ventures	Tax Collector OE	\$ 23,488.99	
03-29	Sheaffer Supply Inc	Streets and Roads	\$ 7.41	
03-30	Verizon Borough Hall	Utilities	\$ 164.15	
03-31	Vision Service Plan	Group Insurance	\$ 416.22	
03-32	Hector Lorenzo	Streets and Roads SW	\$ 2,331.20	
03-33	Leticia Diaz	Clerk SW	\$ 1,840.00	
03-34	Manuel Venereo	Streets and Roads SW	\$ 2,000.00	
03-35	JCPL Borough Hall	Utilities	\$ 501.60	
TOTAL VOUCHERS			\$ 33,038.99	

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

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

DEPARTMENT REPORTS:

Building Department - 4 permits issued. Total value of construction was \$26,507.00

Property Maintenance - Everyone has a copy of the report.

Registrar - 2 marriage licenses issued. Total collected: \$56.00

Councilwoman Hedgepath said she thought marriage licenses were free? Not any more. The State waived the fee during covid. They have now reinstated the fee.

COMMITTEE REPORTS:

Councilman Hale said he has 2 estimates from Councilman Glass for the bucket loader. This is for the bucket itself because the one that is on it now, has rusted away and we can't use it. Everyone received the first quote for \$4,963.32 from ASB Services. jim got another quote from Skid Pro for the same thing and the cost was \$2,100.

Motion was made by Councilwoman Montes to go with the lowest quote from Skid Pro in the amount of \$2,100. Motion seconded by Councilman Hale and approved on roll call:

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

Councilwoman Montes said this Saturday, March 30 is the Easter Party at the firehouse. Time is from 3-5 pm.

Councilman Lorenzo said he had questions about trees on private property. There is a tree on Roosevelt Avenue. There is a big branch hanging down in the tree that broke off. The rest of the tree is holding it up. It is not a Borough tree. We have to tell the people to cut it before it falls on someone.

The Clerk said she had a note on the Attorneys agenda tonight about trees also. We had two trees on Franklin Road, that were not Borough trees and they fell down during 2 different storms we had. One of the trees that blocked the road, our DPW was able to cut it up and remove it. The other one was big and DPW couldn't do anything with it. That too was blocking the road. It had to be removed. Councilman Glass called Master Services in to have them remove it. It cost the town \$860.00 for removal. This wasn't our tree and we shouldn't have to pay for it. It was blocking the road and traffic and it had to get done. My note to the Attorney was asking if we have to do an ordinance so that if the trees fall the homeowners are responsible and they have to pay for it.

The Attorney said you do not need to do an Ordinance. You can go back to the homeowner and bill them. So the bill we have, the Clerk asked, we will pay for it but I can send the bill to the homeowner and have them pay it? Yes.

Councilman Lorenzo said there are many trees in town that are dead and they need to come down. The Attorney said to put something in a flier telling the residents to check the trees on their property. The Clerk said she has a flier started with that on there. It's been on them before and no one ever pays attention.

The Clerk asked Councilman Lorenzo what house he was referring to? He said on Roosevelt. The Clerk asked him to get the number so I know who to send the letter to.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

NEW BUSINESS:

Both the RVRSA and Dover Board of Education litigation will be discussed in closed session at the end of the meeting.

GENERAL CODE ESTIMATE FOR UPDATES TO CODE - The Clerk said she gave everyone the estimate that General Code sent us. It was to update 3 ordinances that we have passed last year. It is for the Cannabis Ordinance, Solid Waste Management Ordinance and the Privately Owned Salt Storage ordinance.

The Clerk said General Code wants us to do this every year. I don't think we need to do it every year. The cost they are saying is between \$1,725.00 to \$2,050.00. It also covers the cost of printing the supplemental pages of 16 sets. I don't really think we need to do it every year.

The Attorney said he doesn't think so either. We can do it every year ourselves. When we do an update we just put it in our book. So, the Clerk said everyone gets a copy of the new ordinances. So all they have to do is put it in their books that they currently have? Yes. You can do this every year but do it in house. If it's an amendment to a current ordinance just note that on the ordinance.

*** Councilman Lorenzo asked if he can ask a question about the property maintenance report? There is something on this report that says a resident needs to remove 10 trees from their property. Why do they have to be removed?

The Clerk said that is the house across from the leaf dump. They couldn't afford to take all the whole tree down so they cut the tops out of all the trees. So the trunks are left standing. The reason they did that was because during storms trees fell and ruined the neighbors fence and I think it hit a part of the car. So they cut the tops out of all the trees so they wouldn't fall on anyone's property. I guess Ron says they are rotting and the rest of the trees need to come down.

The Attorney asked if we have an ordinance that addresses this? The Clerk said no that is why I gave you the note asking if we need to address this in an ordinance. The Attorney said we can't do anything about it. The Attorney said these are private grievances and the town should not get involved in them.

Mayor Holeman said this is the problem with the trees. We can look at them and say they are rotted but it is private property and we can't tell them to remove them.

Councilman Suarez said that is the way it should be. We can't tell residents to remove them. When I moved here there was a tree between my house and the neighbors house. It was dangerous and I paid for it. First I cut the top only and then later on took it down completely, I didn't want to get sued. Everyone is liable for their own stuff.

Councilman Lorenzo said but when it is a matter of safety then we have to say something about it. It's the same thing. If it is on their property we can't tell them what to do.

The Attorney said it is the responsibility of the homeowner. You don't go after their insurance, you go after the homeowner and they in turn will go to their insurance. The Attorney said if your neighbors trees are hanging over your property you can cut those branches. The Attorney said if it comes down to where we have to remove the tree ourselves then we bill back to the homeowner. It is the responsibility of the homeowner.

RESOLUTION FOR A TAX LIEN REDEMPTION - The Clerk said everyone has a copy of the Resolution. It is for Block 3 Lot 6 known as 22 Washington Avenue.

(See Resolution Next Page)

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

WHEREAS, the Tax Collector has received payment for redemption of Tax Title Lien #23-001 on **BLOCK 03 LOT 06** known as **22 Washington Ave.** in the name of **Marjorie Rivers, of.**

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

RIDGEBACK VENTURES, LLC
PO Box 503
MOUNT FREEDOM NJ 07970

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

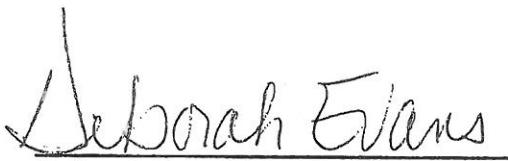
TAX TITLE LIEN: \$ 15,288.99
PREMIUM: 8,200.00

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 **\$23,488.99** made payable to:

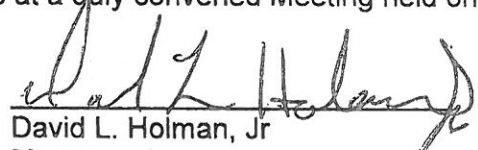
RIDGEBACK VENTURES, LLC
PO Box 503
MOUNT FREEDOM NJ 07970

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 March 26, 2024.



Deborah Evans
Borough Clerk



David L. Holman, Jr
Mayor

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

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

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

Jim Janone - Voucher # 3-28 for Ridgeback Venture what was that for? The lien redemption we just did. Is there any reason why the public can't have a copy of Resolutions or ordinances before you introduced or adopted? The Attorney said the Council will take that under consideration. All other towns do it. No they don't. Some do, most don't. The price for the new bucket for the machine how much was that? ASB was a cost of \$4,963.32. Skid Pro \$2,100.00. When you were talking about the General Code I think there is something in the Clerks duties that says it is up to the Clerk to do. No they don't. If you find it show it to me the Clerk said. Do we have anything in our Ordinance that says the property owner is responsible for their trees? No. So if you send that bill to the property owner and they say they don't see anything in the ordinance and they say they aren't paying it what do you do? The Attorney said it is a matter of law. It doesn't have anything to do with local laws it is common law. I have a suggestion about the trees since you have talked about them so much tonight. Other towns hire an arborist to check their trees. They inspect all the trees, in the towns right of way. An arborist, the Attorney said can tell you the condition of the tree but he can't tell you who owns the tree. No, that's true. The Attorney said he doesn't think there is an issue. The engineer let's us know when he gets the list from us if the trees are in the town right of way. If they are and they are rotten or broken where limbs are falling off the trees we take care of them. The Clerk said we have taken down many trees over the course of the last 10 or 15 years. They are all trees that have been in the town right of way. We continue every year to remove trees unlike many other towns that don't do it. If trees overhang the road way and they are a danger, then the town can cut the limbs or branches. As long as it is in the towns right of way we can trim it back.

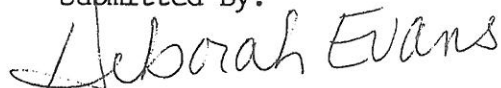
Councilwoman Montes asked if people need permits to take trees down? We have a paper for them to fill out at no cost. It's just to let us know how many trees they are cutting down and what type they are. The Construction Official is the one that gives the permission for them to do it.

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

Motion was made to go into closed session by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed. Closed session is for discussion on the RVRSA litigation and the Dover Board of Education litigation.

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