

May 14, 2024

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on May 14, 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, Councilman Glass, Councilwoman Hedgepath, Councilman Hale.

ABSENT: Councilman Lorenzo and Councilwoman Garcia Montes.

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

Motion to accept the minutes of 4/23/24 as received by Councilwoman Hedgepath, seconded by Councilman Hale and approved on verbal vote. None opposed.

CORRESPONDENCE:

LETTER FROM LEON HALL - Leon reviewed the two bids we received for the sewer cleaning and video inspection for Phase II. His comments and recommendations are as follows:

The bids ranged from a low of \$11,020.00 by Montana Construction Corp, Inc. to a high of \$30,131.50 .

Montana Construction Corp, Inc. appears to have the necessary experience and qualifications for this type of project.

Therefore, based on the above, it is my recommendation that the contract be awarded to Montana Construction Corp, Inc at your May 14, 2024 meeting, with their low bid of \$11,020.00 subject to the approval of the Borough Attorney.

Motion was made to approve the contract for Montana Construction Corp, Inc. in the amount of \$11,020.00. Motion made by Councilwoman Hedgepath, seconded by Councilman Hale and approved on roll call:

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes

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

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.

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

Councilman Suaarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes

(See Vouchers Next Page)

**VOUCHER REPORTS
COUNCIL MEETING
May 14, 2024**

Voucher #	Payable to:	Type of Service	Amount	Check #
05-01	Anderson Denzler associates	Engineering OE	\$ 2,371.63	
05-02	ATT Long Distance Service	Utilities	\$ 71.85	
05-03	Dover Bd Of Education	School Taxes	\$ 97,057.00	
05-04	Dover Court -Shared Services	Shared Court Services	\$ 1,655.83	
05-05	Eric M Bernstein	Planning Board	\$ 944.24	
05-06	Feintuch Porwich and Feintuch	Legal Services	\$ 2,204.22	
05-07	General Code	Clerk OE	\$ 1,195.00	
05-08	Home Depot	Buildings and Grounds	\$ 301.02	
05-09	JCPL Borough Hall	Utilities	\$ 679.92	
05-10	Leticia Diaz	Planning Board	\$ 90.00	
05-11	Metro Flags	Clerk OE	\$ 520.00	
05-12	Morris County MUA	Buildings and Grounds	\$ 200.00	
05-13	Nisivoccia	Annual Audit	\$ 19,500.00	
05-14	NJNG Borough Hall	Utilites	\$ 1,666.10	
05-15	NJNG fire House	Fire OE	\$ 275.00	
05-16	Office Concepts	Clerk OE	\$ 336.48	
05-17	Protective Measures Security	Fire OE	\$ 588.00	
05-18	R & L Data	Clerk OE	\$ 761.83	
05-19	RVRSA	RVRSA SHARES	\$ 13,561.00	
05-20	Verizon Borough Hall	Utilities	\$ 187.48	
05-21	Viking Pest Control	Buildings and Grounds	\$ 157.46	
05-22	Hector Lorenzo	Streets and Roads SW	\$ 2,564.32	
05-23	Leticia Diaz	Clerk SW	\$ 2,200.00	
05-24	Manuel Venereo	Streets and Roads SW	\$ 2,200.00	
TOTAL VOUCHERS			\$ 151,288.38	

NEW BUSINESS:

RESOLUTION SUPPORTING OPRA REFORM -

(See Resolution Next Pages)

RESOLUTION

CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

WHEREAS, in the 2002 "lame duck" session the Open Public Records Act (OPRA) was approved to make government records, "readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest" while protecting "a citizen's right to a reasonable expectation of privacy"; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney's fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don't want to lose their

NEW BUSINESS CONTINUED -
RESOLUTION SUPPORTING OPRA REFORM CONTINUED:

privacy and/or have their information tracked and monetized for commercial purposes;
and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

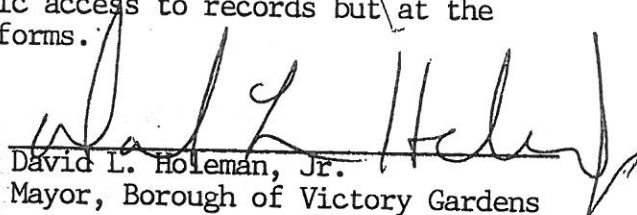
WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Victory gardens, in the County of Morris respectively request the adoption of much needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

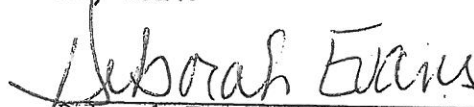
BE IT FURTHER RESOLVED as local leaders, we affirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms.

Adopted: _____

5/14/24


David L. Holeman, Jr.
Mayor, Borough of Victory Gardens

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Victory Gardens held on May 14, 2024.


Deborah Evans
Borough Clerk

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

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes

AWARD CONTRACT FOR AJM CONTRACTORS-SIDEWALKS AT BOROUGH HALL - Motion was made to award the contract for sidewalk repair at Borough Hall to AJM Contractors in the amount of \$16,962.50 .

Motion made by Councilwoman Hedgepath, seconded by Councilman Suarez and approved on roll call:

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes

NEW BUSINESS CONTINUED:

AWARD OF CONTRACT TO APPRAISAL SYSTEMS, INC FOR REASSESSMENT FOR BOROUGH -

Motion was made to approve the contract for Appraisal Systems Inc. in the amount of \$12,000. In total the reassessment should be \$24,000.

Motion made by Councilman Glass, seconded by Councilwoman Hedgepath and approved on roll call:

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes

OLD BUSINESS: NONE

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

Jim Janone - It looks like Dover school taxes will be an increase of \$5.75 per month. Are we paying debt service? The Attorney said that is what we are still in litigation over. Attorney will check out the new figures. Did we apply for any recreational improvements? No. Okay. The deadline passed on 4/16/24. Lead abatement program did we get any grant money for that? Not that I know of the Clerk said. Also, the towns are doing the inspections for the lead abatement and the homeowners are paying for it. Did we ever pass an Ordinance on this? No. The Attorney said it was state mandated and we didn't need an ordinance.

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

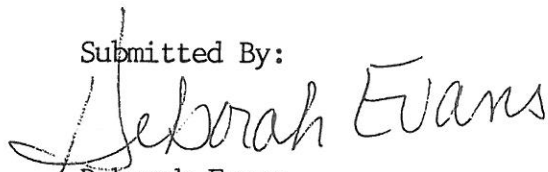
Councilman Glass said that we are going to reweld the bucket loader. We can't get parts. We bought a sweeper at the same time and it hasn't been used in 20 years. We need to put an ad in the paper to get rid of it and to sell it.

Motion was made by Council to put the ad in the paper and sell the sweeper. Motion made by Councilman Glass, seconded by Councilman Hale and approved on roll call:

Councilman Suarez	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Hale	Yes

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

Submitted By:


Deborah Evans
Borough Clerk