

May 27, 2025

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on May 27, 2025.

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, Councilwoman Garcia Montes.

ABSENT: Councilman Glass and Councilman Lorenzo.

Motion to accept the minutes of 5/13/2025 by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

CORRESPONDENCE:

ANDERSON & DENZLER - Leon sent our requests for quotations for the 3 doors at the firehouse. They have to submit their quotes by May 30, 2025. I have not received any yet.

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

VOUCHERS:

Voucher Reports  
Mayor and Board Council Meeting  
May 27, 2025

| Voucher # | Payable to:                            | Type of Service      | Amount       | Check # |
|-----------|--|----------------------|--------------|---------|
| 05-27     | Advanced Auto parts                    | Bldg and Grounds OE  | \$ 7.48      |         |
| 05-28     | ATT Long Distance service              | Utilities            | \$ 191.58    |         |
| 05-29     | Henry O Baker Insurance group          | Other Insurance      | \$ 158.00    |         |
| 05-30     | Home Depot Inc                         | Streets and Roads OE | \$ 468.54    |         |
| 05-31     | Interstate Waste Services              | Trash Removal        | \$ 14,014.48 |         |
| 05-32     | JCPL Firehouse                         | Fire OE              | \$ 187.63    |         |
| 05-33     | JCPL Streetlights                      | Streetlighting OE    | \$ 765.47    |         |
| 5-34      | Morris County MUA                      | Roads OE             | \$ 394.67    |         |
| 05-35     | Morris County MUA                      | Streets and Roads OE | \$ 79.35     |         |
| 05-36     | Navitend LLC                           | Clerk OE             | \$ 149.28    |         |
| 05-37     | Optimum Borough Hall                   | Utilities            | \$ 253.44    |         |
| 05-38     | State of NJ Dept of environmental Prot | Streets and Roads OE | \$ 1,050.00  |         |
| 05-39     | Vision Service Plan                    | Group Insurance      | \$ 138.74    |         |
| 05-40     | Wex Bank Shell                         | Roads OE             | \$ 203.57    |         |
| 05-41     | Hector Lorenzo                         | Streets and Roads SW | \$ 2,615.36  |         |
| 05-42     | Leticia Diaz                           | Clerk SW             | \$ 326.40    |         |
| 05-43     | Manuel Venereo                         | Streets and Roads SW | \$ 2,244.00  |         |

TOTAL VOUCHERS \$ 24,716.79

VOUCHERS CONTINUED:

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 pay the vouchers by Councilman Suarez, seconded by Councilman Hale and approved on roll call:

|                            |         |
|----------------------------|---------|
| Councilman Suarez          | Yes     |
| Councilwoman Hedgepath     | Yes     |
| Councilman Hale            | Yes     |
| Councilwoman Garcia Montes | Abstain |

DEPARTMENT REPORTS:

Building Department - No permits issued for this time period.

Registrar - There were 2 marriage license issued. Total collected: \$56.00

COMMITTEE REPORTS:

No reports. Mayor Holeman wanted everyone to know we had our Memorial Day Services yesterday. The Dover American Legion was here and also the Fire Department. Everything went well.

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

NEW BUSINESS:

GOVERNORS COUNCIL ON SUBSTANCE ABUSE DISORDER - The Clerk said that everyone has a copy of the Resolution.

The Mayor asked for a motion on the Resolution. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

|                            |     |
|----------------------------|-----|
| Councilman Suarez          | Yes |
| Councilwoman Hedgepath     | Yes |
| Councilman Hale            | Yes |
| Councilwoman Garcia montes | Yes |

(See Resolution Next Page)

Governor's Council on Substance Use Disorder  
Fiscal Grant Cycle October 2020-June 2026

**WHEREAS**, the Governor's Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Victory Gardens, County of Morris, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

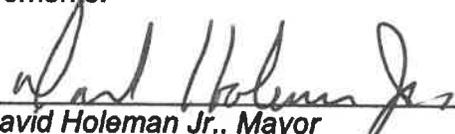
**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Substance Use Disorder through the County of Morris;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Victory Gardens, County of Morris, State of New Jersey hereby recognizes the following:

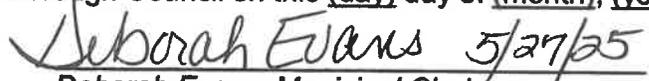
1. The Borough Council does hereby authorize submission of a strategic plan for the Dover/Victory Gardens Municipal Alliance grant for fiscal year 2026 in the amount of:
 

|             |            |
|-------------|------------|
| GCSUD Grant | \$9,778.00 |
| Cash Match  | \$2,444.50 |
| In-Kind     | \$7,333.50 |
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED:   
David Holeman Jr., Mayor

**CERTIFICATION**

I, Deborah Evans, Municipal Clerk of the Borough of Victory Gardens, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this (day) day of (month), (year) .

  
Deborah Evans, Municipal Clerk

QUOTE FOR NEW SERVER DRIVE - Jason looked this over and he is good with it. We will put it in for the next meeting for payment if Council agrees.

|                           |          |
|---------------------------|----------|
| 2 TB Server Hard Drive    | \$201.25 |
| Removal of old hard drive | 140.00   |
| Total                     | \$346.25 |

NEW BUSINESS CONTINUED:

Motion to approve the cost of the server drive. Motion made by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on roll call:

|                            |     |
|----------------------------|-----|
| Councilman Suarez          | Yes |
| Councilwoman Hedgepath     | Yes |
| Councilman Hale            | Yes |
| Councilwoman Garcia Montes | Yes |

QUOTE FROM AUDITORS FOR FORENSIC AUDIT - I haven't received this yet. We will hold off and do for the next meeting.

OLD BUSINESS: NONE

\*\*\* Attorney Feintuch said he wants to talk about the RVRSA and Jersey City lawsuit. This can be done

The Attorney said that the trial itself was over a year ago. It was a mixed decision. We and Jersey City filed appeals. I received the Appellate Court decision on 5/22/2025. I think it is a good thing for us to review the history of this case for anyone who may have forgotten and/or forthose that are new to the Council.

This has been ongoing for many, many years. it started with a contract in 1899. It was between the Township of Parsippany and the Jersey City Water Supply Company. It allowed 70 million gallons of water from the reservoir on the land owned by Jersey City located in Parsippany to pipe the water from the reservoir to Jersey City. The land was owned by Parsippany.

In 1904 this ran thru a number of towns and Boroughs and Jersey City had to get permits from all those towns and Boroughsfor the water line.

In addition, there was a concern about the sewage in the Rockaway River. So as a result, Jersey City designed a sewage treatment plan and a companion interceptor. This would gather and treatthe sewage from Morris County municipalities and then discharge the treated stuff into the Rockaway River.

In 1916 Jersey City and Dover entered into an agreement which Jersey City agreed at its own expense to build and construct and maintain for a period of 40 years or as much longer as the waters are used for potable purposes. The sewer and sewage collection system and the interceptor.

Between 1924 and 1966 Jersey City entered into seperate agreements with each of the remaining municipalities. I wasn't around when Victory Gardens joined but it is somewhere between those years.

The original plan was built at a cost of 2 1/2 million dollars and commenced operations in 1928 with the capacity of 2 million gallons per day.

In 1953 Jersey City expanded the plant to 5.4 million gallons per day with a maximum of 71/2 million gallons per day.

In 1967 the Department of Health found problems with the plant and they directed Jersey City to repair the plant.

In 1968 Jersey City sued the municipalities and in 1971 a settlement agreement with Jersey City that they would be responsible for the operations, maintenance and repairs for the first 41/2 million gallons a day and the municipalities would be responsible for the flow from 41/2 million up to 6 million.

In 1982 Jersey City filed another complaint suing the RVRSA and it's municipalities seeking to set aside certain portions ofthe agreement of 1971. By this time, Jersey City was realizing that because of Federal Regulations the cities themselves had to clean their act up.

In 1984 a settlement was reached. On January 7, 2010, Jersey City again sued the RVRSA and its municipalities seeking to void the 1984 agreement and for money damages. In other words, they wanted to get out of the RVRSA.They claimed that the Authority breeched its contract with Jersey City.

On October 31, 2018 the case went to trial. The court found that Jersey City had a continuing obligation to pay for RVRSA repair, operations and maintenance and any other means of upkeep. They then filed a separate trial to fixed damages that the authority suffered as a result of Jersey City's failure to pay certain sums. Both parties appealed.

On May 20, 2025 the court upheld the lower courts findings with one significant exception. Thisis where I think the court went haywire. At this point we should realize that the major case was won and that Jersey City had to contribute what has been determined to be their fair share.

Of course, Jersey City says it isn't their fair share. I think we can expect an appeal to the Supreme Court.

However, the one thing WE DID NOT WIN, was the back monies that they were holding back from them paying us. The reason they did this, and it may be a little technical, the early settlement was that Jersey City would pay its assessments predicated upon an average daily flow. which meant at the end of every year whatever was owed would be paid by Jersey City.

However, the authority started to bill Jersey City on figures for a 3 year period. and thus billed not on a yearly flow but on the average of a 3 year flow. So, Jersey City would still get a bill but it would be predicated on the last three years as opposed to getting a yearly bill.

I don't have the bills in front of me. I don't think it was a big difference. I suspect not. The court said they billed on a 3 year flow that RVRSA breeched the contract and they they had no authority to bill that way and they would not be entitled to pay those bills. It is a substantial amount of money when you predicate it on approximately 10 years that this trial was going on.

I have a meeting this week with the other towns to figure how we want to proceed. This gives you a history going back all those years, with the lawsuits every several years. I think this has been put to rest and there shouldn't be any other lawsuits because it is finally established that Jersey City has to continue to pay maintenance, repair and upkeep at the site.

They only have to pay on the 12 million gallons per day basis. Anything over that, the other municipalities will have to pay.

Councilwoman Montes asked how much over would be have to pay? The attorney doesn't know. RVRSA bills you every month. In the meeting we have this week the numbers will come up because we have to make a decision if to appeal it or not, because the Attorneys may say if we appeal it them Jersey City will appeal it. The continuing obligation for Jersey City may end if the Supreme Court reverses. So that is the decision that the Attorneys will have to make when we meet.

The Clerk asked if we will be getting any monies back? The money that was said we weren't getting back was the money we thought we would be getting. I originally thought we would get it back but when I read the decision, I saw that any monies that we claimed were owed for the flow, we would not be getting back.

Jersey City has to continue paying their 43%. They tried getting out so they wouldn't have to pay anything. They are saying they don't need it anymore. the towns have their own collections systems and they should be able to pay it themselves. everything remains the same. Jersey City will still have to pay their 43%. If there is another appeal, it could go on for another 18 months.

One of the arguments in this case is that they started the case in Hudson County and we moved to have it sent to Morris County where it belongs. They thought that a Superior Court Judge in Hudson County would be more favorable to Hudson County than a Morris County Judge. That motion was defeated right away.

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

Jim Janone - Thank you for the history lesson on the RVRSA. I didn't know all that information. All the towns that are in the RVRSA are doing a lot of building. We can't build anything. How is it going to affect us if the RVRSA has to upgrade the plant because of all the building in other towns? We will still pay our share. Why should we have to pay if all these other towns are building? Because we are all a part of the RVRSA. Maybe RVRSA bills according to the sewage by each town. If they bill on gallonage it shouldn't hurt us. You said 2 words that I thought were very important and I hope we use it with Dover. Unjust Enrichment. The money we pay them I feel is unjust enrichment. Yes, we have used that. I am waiting for Jason to get back to me with figures. I had one figure and he is telling me something different on the monies that we are holding. The server drive estimate you have is it one or more? Just one. This number seems to low. Jason talked to them and he is good with the estimate. Who is putting the mulch in the playground? Our DPW.

PUBLIC PORTION CONTINUED:

Jim Janone Continued - For the Attorney, being that there is another school yearcoming up, is there anyting saying that the Borough can't have the residents come here to give us the names of the children going to Dover schools before they register with Dover? The Attorney checked into that and we don't have the authority to do that. All the addresses that we were given are all here in Victory Gardens.

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

The Clerk said as a reminder there is no meeting on June 10th due to the election day being moved. We will only have 1 meeting in June and that will be June 24th.

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

Submitted By:

A handwritten signature in cursive script that reads "Deborah Evans".

Deborah Evans  
Borough Clerk