

**MINUTES - TOWN COUNCIL MEETING
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
691 Water Street
JULY 24, 2017**

Mayor Kennedy opened the regular meeting of the Belvidere Town Council with the Pledge of Allegiance. Teresa Yeisley read the following notice in compliance with the Open Public Meetings Act: In accordance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of notice filed with the Star Gazette and/or the Express-Times, filed in the Municipal Clerk's Office and posted in the Belvidere Town Hall, 691 Water Street, Belvidere NJ.

Mayor Kennedy advised that the discussion regarding the DPW building will take place after the first public comment.

Roll Call:

Present - Mayor Kennedy, Councilman Fitzgerald, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Tutka

Absent - Councilman McAleer

Approval of Minutes:

A **motion** was made by Councilman Makatura, seconded by Councilwoman Napolitani with Councilwoman Miers and Mayor Kennedy abstaining and all others voting "yes" to adopt the June 26, 2017 regular and executive meeting minutes of the Belvidere Town Council.

Public Comment:

There was no public comment at this time.

DPW Building:

Councilwoman Miers provided Council with cost estimates and financing options for the DPW building. Kevin Benbrook advised that an estimated \$80,000 in work would be done in-house and is exempt from bidding, leaving the remainder at prevailing wage. Additionally, BJ Wauhopp could be appointed as a non-monetary employee for oversight of the project. Christine Rolef advised that concrete could be bid separately.

Councilman Fitzgerald - commented on a previous vote about the building and his "clothesline" approach to funding. Dedicate all of the library funds to this project. Should not "pay as you go".

Councilman Makatura - support work to the building and has no problem using the library funds for this purpose.

Councilwoman Napolitani - BJ Wauhopp has reduced the cost of the building by half and we need to use his expertise while he is still available.

Christine Rolef advised that the bid threshold is \$40,000 and only concrete would be bid separately.

John Snyder advised that the roof of the existing building will be patched and tarred.

Mayor Kennedy - corrected Councilman Fitzgerald's recollection of the May 8th vote. Concerned that we fought to build our capital and this plan will abolish that. We are borrowing on the future. We will have \$250,000 in additional expenses over the next couple of years plus salary increases.

A **motion** was made by Councilman Makatura and seconded by Councilman Fitzgerald to move forward with the \$375,000 plan for the DPW building using library funds and having BJ Wauhopp oversee the project. Kevin Benbrook advised on the motion and John Mooney advised on the funding. **Motion and second rescinded.**

A **motion** was made by Councilman Makatura and seconded by Councilman Fitzgerald to authorize bond counsel to prepare a bond ordinance for \$375,000 with 5% down payment coming from the Capital Improvement Fund. John Snyder stated that he will use the existing building as a repair shop. Advised that building is safe but will require new tin walls and roof.

Motion and second amended authorizing the \$390,000 building plan using \$50,000 of the library funds, 5% down payment coming from the Capital Improvement Fund and bond counsel to prepare a bond ordinance for \$340,000.

Roll call:

Ayes - Councilman Fitzgerald, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Tutka, Mayor Kennedy

Nays - None

Abstentions - None

Absent - Councilman McAleer

Christine Rolef advised that the audit recommendations regarding the pool operations have been addressed in the Corrective Action Plan and that the Pool Commission has been advised of same.

Committee Reports:

Councilman Tutka - review of BOE meeting. Pool Dip-n-Dance successful and donated \$116 for the fireworks. Update on Elizabethtown Gas hook-ups on Greenwich Street. JCP&L removed pole at Third Street School and new LED light will be installed at 117 Fourth Street.

Councilman Fitzgerald - no report at this time.

Councilwoman Miers - no report at this time.

Councilwoman Napolitani - review of DPW activities. Will attend meeting regarding Lions Club pavilion proposal.

A motion was made by Councilwoman Napolitani and seconded by Councilman Fitzgerald to amend the “no parking” regulations for the Oxford Street hill to include both sides of the street.

Motion and second rescinded.

Handicapped parking at pool has been upgraded. Town approved for GSA.

A motion was made by Councilwoman Napolitani, seconded by Councilwoman Miers and carried authorizing the purchase of a 2017 Mason Dump Ford F-550 with spreader and plow at \$79,500 with \$39,750 coming from Capital and \$39,750 coming from Sewer Capital. Purchase to be made from Route 23 Automall, 1301 Route 23, Butler NJ 07405 through Morris County Cooperative, contract #15-F.

Councilman Makatura - National Night Out is scheduled for August 1st with the Howard Thompson Memorial Fireworks following the event. Dashboard camera has been installed and is running. Electronic speed sign has been install on Oxford Street. Sign can be moved to a different location. Chief Scott looking at a smaller unit. 104 overweight truck summons have been issued so far this year. Acquired a cargo truck through 1033 program.

Mayor Kennedy - flag project a great idea but flags are getting caught on the poles and this needs to be addressed. Mayor suggested that the flags come down before the original date intended. Review of FEMA mitigation for houses on Water and Wall Streets.

Correspondence:

No correspondence was discussed at this time.

Previous Business:

A motion was made by Councilwoman Napolitani, seconded by Councilwoman Miers and carried to reject all bids for the DPW generator project.

New Business:

Teresa Yeisley advised about the League of Municipalities Conference in November, requesting that all those wishing to attend please respond to her at the next Council meeting.

There was discussion regarding a proposal for professional services submitted by Paul Sterbenz for the Second Street Improvement Project.

A motion was made by Councilwoman Napolitani, seconded by Councilman Fitzgerald and carried requesting that Mr. Sterbenz combine the Second Street and Hardwick Street improvement projects in one proposal for cost savings.

A motion was made by Councilman Makatura, seconded by Councilwoman Miers and carried

approving a town-wide clean-up in the fall with expenditures for same being funded through Clean Communities.

Kevin Benbrook advised Council on the proposed “Community Center Advisory Committee” ordinance.

A **motion** was made by Councilman Fitzgerald and seconded by Councilwoman Miers to introduce Ordinance No. O2017x07.

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

ORDINANCE NO. O2017x07

AN ORDINANCE ESTABLISHING A NEW CHAPTER 11

OF THE CODE OF THE TOWN OF BELVIDERE

ENTITLED “COMMUNITY CENTER ADVISORY COMMITTEE”

BE IT ORDAINED by the Town Council of the Town of Belvidere that a new Chapter 11 of the Code of the Town of Belvidere, known as “Community Center Advisory Committee,” is hereby established as follows:

Section I.

Chapter 11: COMMUNITY CENTER ADVISORY COMMITTEE

§11-1. Purpose: The provisions of this chapter are intended to establish an Advisory Committee for the purpose of making and implementing recommendations for the use by the residents of the Town of Belvidere for community activities of the former Belvidere Public Library building located at 301 Second Street, Belvidere, New Jersey (said building hereinafter referred to in this chapter as the “Community Center”).

§11-2. Community Center Advisory Committee Established.

A. There is hereby created a Community Center Advisory Committee (“Committee”) in order to carry out the responsibilities set forth in this Ordinance. The Committee may adopt written bylaws and procedures for the transaction of its business. The Committee shall be governed by Robert's Rules of Order. At least four (4) members of the Committee shall constitute a quorum for the transaction of its business.

§11-3. Membership.

- A. The Committee shall consist of seven regular members and two alternates, all of whom shall be residents of the Town of Belvidere.
- B. All members of the Board shall be appointed by the Mayor, with the advice and consent of the Council.
- C. At the initial organization of the Committee, the Mayor shall designate at the time of appointment the regular members and the alternate members as alternate number 1 and number 2.
- D. The initial term of three regular members shall be 3 years, the initial term of two regular members shall be 2 years, and the initial term of the final two regular members of the Committee shall be 1 year. The Mayor and Council shall designate, upon appointment, the initial term of each member, as provided herein. Following the initial term of each member, the term for all regular members shall be 3 years. The term for alternate members shall be 1 year.
- E. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term only.
- F. Members of the Committee may be members on one or more other Boards, Committees

or Commissions of the Town.

§11-4. Organization of Committee; voting; removal of members.

- A. The Committee shall elect a Chairman and a Vice Chairman from its members and shall elect a Secretary who may or may not be a member of the Committee or a municipal employee.
- B. Alternate members may participate in discussions of the proceeding but may not vote except in the absence or disqualification of a regular member.
- C. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.
- D. In the event that a choice must be made as to which alternate member is to vote, alternate number 1 shall vote.
- E. No member of the Committee shall be permitted to act in any matter in which the member has either directly or indirectly any personal or financial interest.
- F. A member of the Committee may be removed by the affirmative vote of a majority of the Town Council for any reason, in its sound discretion, subject to the rights of the Mayor, as provided in the Borough form of government.

§11-5. Staff and expenditures.

- A. The Town Council may provide for the Committee in its budget and shall appropriate such funds for the expenses of the Committee as the Town Council, in its sole discretion, shall determine. The Committee may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary, except that the Committee shall obtain legal counsel from the Town Attorney at the rate of compensation determined by the Town Council. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated, if any, by the Town Council for the Committee's use.
- B. The Committee shall not maintain a separate bank account. All gifts, grants and funds appropriated by the Town Council shall be maintained by the Town's Chief Financial Officer and Auditor. All disbursements shall be vouchered.

§11-6. Responsibilities of Committee.

- A. Make recommendations to the Mayor and Town Council with respect to the maintenance, repair and renovation of the Community Center.
- B. Facilitate and coordinate the use of the Community Center by the residents of the Town of Belvidere, including, but not limited to, senior citizens, youth, and other community organizations and groups, subject to approval by the Mayor and Town Council.
- C. Make recommendations to the Mayor and Town Council concerning the purchase and/or installation of items for the use and enjoyment of the Community Center by residents, including, but not limited to, furniture, equipment, computers, televisions, electronics, books, newspapers and magazines, videos and games.
- D. Advising the Town Council on the relative merits of proposals for the Community Center, including the preparation of a long-range plan, thereby securing state, federal and other grants and aid to assist therein and monitoring such projects once underway.
- E. Any additional responsibilities not specifically set forth herein, as may be delegated from time to time by the Mayor and Town Council, through appropriate motion or Resolution.

§11-7. Effect on other provisions.

- A. No duties or powers of the Committee shall supersede or infringe on the powers of the Mayor and Town Council or any other Town Boards or Committees.

Section II.

- A. All other ordinance provisions which are inconsistent with the terms of this Ordinance are hereby declared null and void and repealed.
- B. If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof, which shall remain in full force and effect to the extent severable from such determination.
- C. All ordinances and all provisions thereof inconsistent or conflicting with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency.
- D. This chapter shall take effect upon final adoption after publication thereof in accordance with the law.

Section III.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

NOTICE

The foregoing ordinance was introduced at a meeting of the Belvidere Town Council held on July 24, 2017 and was read for the first time. This ordinance will be further considered for final adoption by the Belvidere Town Council at a meeting to be held on August 14, 2017 at Belvidere Town Hall, 691 Water Street, Belvidere, NJ at 7:00 P.M. or at any time and place to which said meeting may be adjourned. All interested persons will be given the opportunity to be heard concerning said ordinance at that time. Any member of the general public can obtain a copy of said ordinance at no cost at the Municipal Clerk's Office, 691 Water Street, Belvidere, Monday through Friday from 9:00 A.M. to 4:30 P.M.

Roll call:

Ayes - Councilman Fitzgerald, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Tutka, Mayor Kennedy

Nays - None

Abstentions - None

Absent - Councilman McAleer

Councilwoman Miers initiated a discussion about salary increases for non-contractual, full-time employees.

A motion was made by Councilwoman Miers and seconded by Councilwoman Napolitani authorizing a salary increase of 2% to the non-contractual, full-time employees.

Mayor Kennedy reviewed the salary increases for the prior four years and stated that the Municipal Clerk is the only non-contractual, full-time employee that is underpaid in comparison to other Clerks in Warren County, adding that the other four titles involved in this scenario are currently receiving an adequate salary. The Mayor suggested that the Clerk be brought up to par. The Mayor supported an increase for the Municipal Clerk, but no increases for the other non-contractual titles. Councilman Fitzgerald stated that the Municipal Clerk should be given an increase commensurate with the salary of other Clerks in Warren County. Councilman Tutka stated that the economy is the same for the tax payers as it is for the employees and that people can't afford to live here anymore. The economy is not better and people are out of work.

Motion and second were amended to the following: a 2% salary increase for the DPW Director, Assistant DPW Supervisor, Court Administrator and Administrative Assistant and a \$4,000 salary increase for the Municipal Clerk all retroactive to January 1, 2017.

Roll call:

Ayes - Councilman Fitzgerald, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani

Nays - Councilman Tutka, Mayor Kennedy

Abstentions - None

Absent - Councilman McAleer

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried approving raffle license application RL2017-15 for Project Graduation.

Resolutions:

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried to adopt Resolution Nos. R2017x47, R2017x48, R2017x49, R2017x50 and R2017x52.

RESOLUTION NO. R2017x47

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION CERTIFYING THAT THE

TOWN COUNCIL OF THE TOWN OF BELVIDERE

HAS REVIEWED THE ANNUAL REPORT OF AUDIT

FOR THE YEAR 2016 FOR THE TOWN OF BELVIDERE

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 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

WHEREAS, the Local Finance Board has promulgated 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 , at a minimum, the sections of the entitled: “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, at 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, a 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 (Director of Local Government Services), 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 Town Council of the Town of Belvidere,

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.

Certification

I, Teresa A. Yeisley, Municipal Clerk/Administrator, Town of Belvidere, Warren County, New Jersey do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Town Council of the Town of Belvidere on July 24, 2017.

**RESOLUTION NO. R2017x48
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
A RESOLUTION AUTHORIZING REFUND OF PREMIUM MONEYS (block 10, lot 10)**

WHEREAS, Tax Sale Certificate 2014-013 dated October 20, 2014 on block 24, lot 13 was redeemed on June 30, 2017; and

WHEREAS, the premium paid at the sale in the amount of \$1,400.00 needs to be returned to FNA JERSEY BOI LLC, lienholder of the aforementioned certificate;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Belvidere hereby authorizes the CFO to make payment in the amount of \$1,400.00 representing said refund.

FNA JERSEY BOI, LLC
575 ROUTE 70, 2ND FLOOR
BRICK, NJ 08723

Date: July 24, 2017
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

**RESOLUTION NO. R2017x49
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
A RESOLUTION AUTHORIZING REFUND OF PREMIUM MONEYS (block 38, lot 1)**

WHEREAS, Tax Sale Certificate 2013-029 dated October 16, 2013 on block 38, lot 1 was redeemed on June 30, 2017; and

WHEREAS, the premium paid at the sale in the amount of \$22,000.00 needs to be returned to SKYVIEW INVESTORS LLC, lienholder of the aforementioned certificate;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Belvidere hereby authorizes the CFO to make payment in the amount of \$22,000.00 representing said refund.

SKYVIEW INVESTORS, LLC
184 S. LIVINGSTON AVE. STE 9-152
LIVINGSTON, NJ 07039

Date: July 24, 2017
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

**RESOLUTION NO. R2017x50
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
A RESOLUTION TO HIRE AND PAY
EMPLOYEES FOR THE SUMMER RECREATION PROGRAM**

BE IT RESOLVED that the Mayor and Town Council hereby authorizes that the following employees be hired and paid for the Summer Recreation Program:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Sendgikoski, Ashley	Counselor	8.44 per hr
Rose, Veronica	Counselor	8.44
Kokawski, Ryan	Counselor	10.38
Anglum, Susan	Director	2,000 per annum
Walter, Saige	Volunteer	
Starck, Megan	Volunteer	

Date: July 24, 2017
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

**RESOLUTION NO. R2017x52
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
A RESOLUTION EXTENDING PAYMENT OF THIRD QUARTER TAXES**

WHEREAS, the annual tax rate certification was received on July 18, 2017 and the annual tax bill were not mailed by the statutory mailing date pursuant to N.J.S.A. 54:4-66; and

WHEREAS, the mailing of the annual tax bills occurred on July 25, 2017; and

WHEREAS, pursuant to Statute, no interest may be charged for 25 days after mailing;

NOW, THEREFORE, BE IT RESOLVED by the Belvidere Town Council that the third installment of the 2017 tax bill shall be due and payable without penalty by August 21, 2017. Any payments received after that date will accrue interest back to August 1, 2017.

Date: July 24, 2017
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

Appointments:

A motion was made by Councilwoman Miers, seconded by Councilwoman Napoltani and carried authorizing the following appointment:

Kerry Zmigrodski - Pool Commission term expires 12/31/2019.

A motion was made by Councilwoman Miers, seconded by Councilman Makatura and carried authorizing the following appointment:

Jack Southwell - Historic Commission, Class A term expires 12/31/2018.

Approval of Purchase Orders:

A motion was made by Councilwoman Miers, seconded by Councilwoman Napolitani with Councilman Tutka abstaining and all others voting "yes" authorizing the payment of the purchase orders in the amount of \$594,552.13.

A motion was made by Councilman Fitzgerald, seconded by Councilwoman Miers and carried to discontinue the Cintas service for first aid supplies.

Public Comment:

Susan Beale - salary of Municipal Clerks runs the gamut in Warren County. Dealt with all the Clerks and Teresa does her job but her salary is lacking. Should appreciate what you have.

Rheva Smickle - Belvidere Ambulance Corps could provide first aid supplies.

Executive Session:

A motion was made by Councilwoman Miers, seconded by Councilman Makatura and carried to adopt Resolution No. R2017x51.

RESOLUTION NO. R2017x51

TOWN OF BELVIDERE

WARREN COUNTY, STATE OF NEW JERSEY

A RESOLUTION FOR AN EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings act, Chapter 231,P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Belvidere, County of Warren and State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter; and
2. The general nature of the subject matter to be discussed is:
Subject: Personnel
3. It is anticipated at this time that the above stated subject matter will be made public:
When Resolved.

Dated: July 24, 2017

Teresa A. Yeisley, R.M.C./C.P.M.

Municipal Clerk/Administrator

A motion was made by Councilwoman Miers, seconded by Councilwoman Napolitani and carried to return to regular session.

A motion was made by Councilwoman Miers, seconded by Councilman Fitzgerald and carried to appoint Joseph Rossi as Zoning Official at an annual salary of \$5,000 effective August 1, 2017.

A motion was made by Councilwoman Miers, seconded by Councilman Fitzgerald and carried to advertise on the municipal website and in the Busy Peach for a part-time Violations Clerk for the Municipal Court.

A motion was made by Councilman Fitzgerald to adjourn the meeting of the Belvidere Town Council at 9:59 PM.

Respectfully submitted,

Teresa A. Yeisley, RMC/CPM

Municipal Clerk/Administrator