

**MINUTES - TOWN COUNCIL MEETING
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
691 Water Street
FEBRUARY 26, 2018**

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.

Councilman Tutka requested that Council discuss snow emergency notification and the speed monitor at the March workshop meeting.

Mayor Kennedy acknowledged Stan Prater from JCP&L, Joseph Rossi, Zoning Official and Keith Wolfinger, Chief of the Good Will Fire Company.

Roll Call:

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

Absent - None

Discussion:

Zoning enforcement matter brought before Council at a previous meeting by Heather Stokes, 705 Pahaquarry Street:

Kevin Benbrook - Joseph Rossi, Zoning Official did not concur that Councilman Fitzgerald forced him to issue a notice of violation. Mr. Rossi felt no interference.

Joseph Rossi - if a resident complaint is received, he will investigate and try to speak with the potential offender prior to issuing a notice of violation.

Councilwoman Miers - got the feeling that Mr. Rossi was persuaded to issue a violation at 705 Pahaquarry Street.

Councilman Fitzgerald - did make a complaint to the Zoning Official regarding Mrs. Stoke's property but did not influence him in any way.

Kevin Benbrook - no issue with any member of Council or a resident making a complaint.

Cannot direct or use position on Council to influence Zoning Official. This matter has gone through the appropriate channels.

Councilwoman Miers - took MEL class on appropriate conduct of elected officials regarding planning and zoning matters. All Council should be sure to take this class to ensure that their actions are in accordance with the law.

Public Comment:

Heather Stokes read a prepared statement regarding Zoning violation notices that she has received for her property. Mrs. Stokes accused Councilman Fitzgerald of abusing his powers as Councilman and requested that he resign his position on Council.

Councilman Fitzgerald - stated he was not on Mrs. Stoke's property. Referred to Mrs. Stoke's family vacation that was posted on Facebook.

Councilwoman Miers - asked Mr. Rossi if he has had any complaints or concerns from people in the neighborhood of Mrs. Stoke's property. Mr. Rossi - no.

There were accusations back and forth between Mrs. Stokes and Councilman Fitzgerald.

Mayor Kennedy advised that this matter will be dealt with and that Council will review the current ordinance regarding motor homes and consider an amendment.

Rob Lagonera, ACO - addressed Council regarding a Trap/Neuter/Release (TNR) program. Cat population shelters are full and will not accept feral cats. TNR program most cost effective option in dealing with feral cats.

Committee Reports:

Councilman Tutka - gave an update on the Greenwich Street gas installation. Belvidere Ambulance Corps report for January with 102 total calls and 46 missed calls.

Councilman Fitzgerald - no report at this time.

Councilwoman Miers - attended initial Victorian Days meeting with new committee. Continuing to meet with CFO regarding 2018 budget.

Mayor Kennedy - Environmental Commission will be joining ANJEC. Thanked Tammy Koop for leading the Commission.

Councilwoman Napolitani - worked on the sewer budget. DPW repairing lawns that were damaged during snow plowing.

Councilman Makatura - working on contract. Speed monitor purchased as a mobile unit and will be moved from time to time. New police officer required to take PTC training and will be on full duty in May. State changing alcohol test at a cost of approximately \$30,000.

Councilman Zmigrodski - no report at this time.

Correspondence:

Belvidere Woman's Club will not hold "Belvidere in Bloom" this year.

Previous Business:

A **motion** was made by Councilwoman Miers, seconded by Councilwoman Napolitani and carried authorizing the close out of the Oxford Street project.

Councilman Tutka initiated a discussion regarding the installation of a pole with guide wire at 626 Water Street. Stan Prater from JCP&L advised that this would be the best scenario because the County has a 33' right-of-way from the center of Water Street. Kevin Benbrook advised that Council should defer to the expertise of JCP&L.

A **motion** was made by Councilman Tutka, seconded by Councilman Makatura and carried authorizing JCP&L to install a pole in the planting strip at 626 Water Street with a guide wire (withing the Warren County right-of-way as described above) on the property of 626 Water Street.

Councilman Tutka initiated a discussion regarding the video taping of Council meetings stating that Mrs. Gately, a teacher from Belvidere High School, along with a student would video tape, livestream and archive the Council meetings. Councilman Makatura stated that Council cannot stop anyone from video taping their meetings but they can establish guidelines. He had concerns about the use of the Town's network for livestreaming. Mayor Kennedy requested that Mrs. Gately and her student(s) make a presentation to Council.

Fire Truck purchase:

Councilwoman Miers advised that the purchase of a fire truck could move forward through a fully funded ordinance. All funds would need to be in place including the commitments from White Township and Good Will prior to the issuance of a PO. Funding would include \$200,000 from Belvidere, \$200,00 from White Township with the remainder coming from Good Will.

Councilman Zmigrodski - when would the Company be looking to make another truck purchase.
Dennis Riley - looking to refurbishment

Councilman Tutka - does the Company have adequate drivers.

Dennis Riley - yes and new drivers are being trained.

Mayor Kennedy - thanked Chief Wolfinger and the Company for all they do and for their patience with this purchase process.

New Business:

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried to approve raffle license applications RL2018-06 (Woman's Club of Belvidere) and RL2018-07 and RL2018-08 (Belvidere American Legion).

Resolutions:

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

adopt Resolution No. R2018x18.

RESOLUTION NO. R2018x18

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION REQUESTING THE BELVIDERE PLANNING BOARD PERFORM A PRELIMINARY INVESTIGATION OF THREE PROPERTIES TO DETERMINE IF THE SUBJECT PROPERTIES CONSTITUTES AREAS IN NEED OF REDEVELOPMENT WITHOUT THE USE OF THE POWER OF EMINENT DOMAIN PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., the governing body may direct the Planning Board to conduct an investigation and public hearing so that it may recommend if certain areas of the Town of Belvidere (Town) are or are not in need of redevelopment pursuant to the procedures set forth in N.J.S.A. 40A:12A-6, specifically subsection 6(a) that such determination shall authorize the Town to use all of those powers provided by the Legislature for use in a redevelopment area other than the use of Eminent Domain (Non-Condensation Redevelopment Area): and

WHEREAS, the Town is interested in pursuing said study at the following three locations:

BLOCK 2, LOT 8 (FKA LOTS 23.03, 8 AND 8.03)

BLOCK 1, LOTS 5 AND 5.01

BLOCK 47, LOT 10/BLOCK, 48 LOTS 7 AND 8/BLOCK 44, 12/BLOCK 5, LOTS 2, 3, 4, AND 5/BLOCK 46, LOTS 5, 6 AND 7/BLOCK 45, LOTS 1, 2 AND 3/BLOCK 42, LOT 9; and

WHEREAS, by Resolution No. R2017x63, dated September 11, 2017, the Town did authorize said study; and

WHEREAS, because Resolution No. R2017x63 did not indicate the Town's intent to avoid the use of condemnation, nor were block and lot details identified, this resolution does hereby supplement Resolution No. R2017x63; and

WHEREAS, the Governing Body of the Town of Belvidere therefore desires and re-authorizes the Belvidere Planning Board to conduct a preliminary investigation on the aforementioned parcels in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. And make recommendations as to whether or not the properties, or any part thereof, qualify as an area in need of redevelopment pursuant to the criteria for redevelopment set forth in N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Belvidere as follows:

1. The Town of Belvidere Planning Board is hereby authorized and directed to conduct preliminary investigations, hold public hearings and recommend to the Governing Body whether the three aforementioned parcels qualify as areas in need of redevelopment without the use of condemnation in accordance with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
2. The Planning Board is hereby directed to make its recommendations after giving public notice, including mailed notice to the owners of each parcel of property within the study areas, and conducting a public hearing as provided in N.J.S.A. 40A:12A-6.
3. After completing the public hearing, the Planning Board shall transmit to the Governing Body its recommendation as to whether the study areas, or any part thereof, should be determined, or not be determined, to be an area in need of

- redevelopment.
4. Said investigation will not begin until availability of funds have been determined by the Chief Financial Officer.

Certification

I, Teresa A. Yeisley, Municipal Clerk/Administrator, Town of Belvidere do hereby certify that the foregoing resolution was duly adopted by the Belvidere Town Council at a regular meeting held on February 26, 2018.

Appointments:

There were no appointments at this time.

Approval of Purchase Orders:

A **motion** was made by Councilwoman Miers, seconded by Councilman Zmigrodski with Councilman Tutka voting “no” and all others voting “yes” to authorize the payment of the purchase order as presented in the amount of \$29,847.21.

Public Comment:

Ann Skoog read a prepared statement regarding permits for her property at the corner of Mansfield and Front Streets. Mrs. Skoog stated that she had a confrontation with the Construction Official about the permits for this property and felt threatened by their discussion. She requested that the permit be issued. Kevin Benbrook advised that the Council cannot discuss the Construction Officials actions as an employee of the Town without first serving him with a “Rice Notice”. He also advised that Council has no authority to force the Construction Official to issue anything.

Mayor Kennedy asked Mrs. Skoog if she has been involved with the permitting at this property over the past 12 weeks and has she spoken to the Construction Official during that time regarding same. Mrs. Skoog responded “yes” that she has been involved and spoken with the Construction Official personally over that twelve-week period.

Rheva Smickle - regarding the recent incident at the school, the Town should be proud of all our officials behavior and the way they handled this situation.

Executive Session:

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried to adopt Resolution No. R2018x19.

RESOLUTION NO. R2018x19

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: Contracts
3. It is anticipated at this time that the above stated subject matter will be made public:
When Resolved.

Date: February 26, 2018

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.

Kevin Benbrook advised the public that Council discussed the DPW and PD contracts.

A motion was made by Councilwoman Miers to adjourn the meeting of the Belvidere Town Council at 9:20 PM.

Respectfully submitted,

Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator