

**MINUTES - TOWN COUNCIL MEETING
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
691 Water Street
SEPTEMBER 24, 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. The following will be added to the agenda: Resolution Nos. R2018x67 and R2018x68, Good Will Fire Company member approval and discussion of the resolution regarding the lower dam on the Pequest River.

Roll Call:

Present - Mayor Kennedy, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Roth, Councilman Tutka, Councilman Zmigrodski
Absent - None

Adoption of Minutes:

A **motion** was made by Councilwoman Miers, seconded by Councilman Roth and carried to adopt the following minutes of the Belvidere Town Council:

August 27, 2018 regular and executive meetings

September 9, 2018 workshop meeting

Councilman Tutka requested that his comments in response to Eileen Scott, during public comment, be added to the August 27, 2018 minutes.

Public Comment:

Linda Stettler sought clarification about the leaf pick-up schedule and brush acceptance at the pool.

Committee Reports:

Councilman Tutka - Environmental Commission member(s) attended ANJEC workshop on September 9th and will attend another ANJEC workshop in November. The Commission will submit a list of potential Green Team appointees to the Mayor. They have collected over 1000 pounds of plastic bags and will attend the DSM CAP meeting in October.

The Belvidere Planning Board is working on the Master Plan Reexamination Report and has two variance and one site plan/variance applications before them.

Councilman Roth - The Good Will Fire Company had 22 calls in August. The Belvidere Ambulance Corps had 90 calls in August that included 49 missed calls. The Squad will have a special meeting on September 19th to discuss their reorganization.

Councilwoman Miers - Belvidere Heritage has requested a list from Council with the "good and bad" for the recent Victorian Days event. Attended a meeting to discuss the sewer ordinance. Recreation Committee is sponsoring a motorcycle show on October 6th.

Councilman Zmigrodski - Pool Commission meeting scheduled for September 24th. Will have more information about the pool season at a future meeting.

Councilman Makatura - court contract renewal information has been sent to Liberty and Harmony Townships. Another court may be interested in coming to Belvidere. There has been no movement on the police contract. We are waiting for response from the PBA. Chief Scott advised that the server should be installed next week. Sharon Cooper advised that the cyber liability deductible is \$10,000 and there has been discussion with PAIC regarding our claim.

Mayor Kennedy thanked Belvidere Heritage for the great first year they had with Victorian Days. The Mayor also commended Tammy Koop and the Environmental Commission for the

exceptional work they are doing.

Councilman Tutka asked Chief Scott about office furniture that was purchased for the department, suggesting that they look into Habitat for Humanity for similar purchases. Chief Scott stated that all the squad room furniture was replaced and that the furniture that was purchase was second-hand.

Councilman Tutka asked John Snyder if zoning approval or construction permits were required for the work on the trailer and DPW building. Mr. Snyder stated that the municipality is exempt from these approvals.

Councilwoman Napolitani requested that questions regarding the department be directed to the Director or liaison and not the staff.

The Christmas Tree lighting is scheduled for December 1st from 5:00 to 7:00 pm with the tree being lit at 6:00 pm.

Jodi Liegel had a complaint about RV's in Town, in particular an RV next to her home where the owners of the RV are from out of Town and park the RV in their relative's driveway, next to her home, annually, for weeks at a time. Mrs. Liegel requested that the ordinance governing travel trailers be enforced. Kevin Benbrook advised that this ordinance needs to be updated and that the Town is trying to address any inadequacies in the ordinance, adding that the Town and the Zoning Official are not compelled to enforce ordinances. Councilman Makatura stated that this is the first time he has heard anything about Mrs. Liegel's issue and that we, as a Council, need time to address this problem. Mayor Kennedy advised that this matter went through the proper "chain of commend" and has been considered as soon as was possible. Mrs. Liegel also had complaints about the following issues: portable basketball nets at the curb with children playing in the street, wrong-way parking on the street, selective enforcement, how her tax dollars are being spent

Correspondence:

A motion was made by Councilwoman Miers, seconded by Councilman Zmigrodski and carried approving street closures for the Lions Club Halloween Parade scheduled for October 24th with a rain date of October 25th.

A motion was made by Councilman Makatura, seconded by Councilwoman Miers and carried to approve a closure of Parker Street on September 29th for a block party.

Previous Business:

No previous business was discussed at this time.

New Business:

A motion was made by Councilwoman Miers, seconded by Councilman Roth and carried to approve raffle license applications RL2018-15 and RL2018-16 for the Belvidere Lions Club.

A motion was made by Councilwoman Miers, seconded by Councilman Zmigrodski and carried to set Trick-or-Treat for October 31st from 5:00 to 7:00 pm.

Resolutions:

A motion was made by Councilwoman Miers, seconded by Councilman Roth and carried to adopt Resolution No. R2018x66.

RESOLUTION NO. R2018x66

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION CERTIFYING THAT THE TOWN OF BELVIDERE'S HIRING PRACTICES COMPLY WITH THE EEOC'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the

United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, “*as amended*, 42 U.S.C. §2000 *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Belvidere hereby states that it has complied with N.J.S.A. 40A4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Municipal Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Certification

I, Teresa A. Yeisley, Municipal Clerk/Administrator of the Town of Belvidere do hereby certify that the foregoing resolution was duly adopted by the Belvidere Town Council at a regular meeting held on September 24, 2018.

A motion was made by Councilwoman Miers, seconded by Councilman Zmigrodski with Councilman Tutka abstaining and all others voting “yes” to adopt Resolution No. R2018x67.

RESOLUTION NO. R2018x67

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING THE USE OF THE BELVIDERE POOL FOR A MOTORCYCLE SHOW WITH BRING YOUR OWN (BYO) ALCOHOL

WHEREAS, the Belvidere Recreation Committee has requested the use of the Belvidere Pool parking area and restroom facilities for a motorcycle show on October 6, 2018; and

WHEREAS, in addition the Recreation Committee will allow and control BYO on the facility grounds during the event;

NOW, THEREFORE, BE IT RESOLVED that the Belvidere Town Council authorizes the aforementioned use by the Belvidere Recreation Committee.

Date: September 24, 2018

Teresa A. Yeisley, RMC/CPM

Municipal Clerk/Administrator

A motion was made by Councilwoman Miers, seconded by Councilman Roth and carried to adopt Resolution No. R2018x68.

RESOLUTION NO. R2018x68

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FIFTH STREET PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Belvidere Town Council formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit and electronic grant application identified as MA-2019_Fifth Street Improvement Project-00359 to the New Jersey Department of Transportation on behalf of the Town of Belvidere;

BE IT FURTHER RESOLVED that the mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Belvidere and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certification

I, Teresa A. Yeisley, Municipal Clerk/Administrator of the Town of Belvidere do hereby certify that the foregoing resolution was duly adopted by the Belvidere Town Council at a regular meeting held on September 24, 2018.

A motion was made by Councilman Makatura, seconded by Councilwoman Miers and carried to approve a Good Will Fire Company member application for Nicholas Bocchino.

There was discussion about removal of the lower dam on the Pequest River and the possible purchase of repetitive loss properties.

Ordinances:

A motion was made by Councilwoman Miers and seconded by Councilman Roth to introduce Ordinance No. O2018x09.

Roll call:

Ayes - Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Roth, Councilman Tutka, Councilman Zmigrodski, Mayor Kennedy

Nays - None

Abstentions - None

Recusal - None

Absent - None

ORDINANCE NO. O2018x09

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

ORDINANCE TO AMEND CHAPTER 138 OF THE CODE, ENTITLED "MUNICIPAL STORM WATER CONTROL" TO ADDRESS NEW REQUIREMENTS IN THE TOWN'S TIER 'B' MUNICIPAL STORMWATER GENERAL PERMIT

WHEREAS, the Town of Belvidere has authorization to discharge stormwater in accordance with a Tier 'B' Municipal Stormwater Permit that was issued by the New Jersey Department of Environmental Protection ("NJDEP") on December 8, 2017; and

WHEREAS, the permit issued by the NJDEP on December 8, 2017 became effective on January 1, 2018; and

WHEREAS, the permit issued by the NJDEP on December 8, 2017 has a five (5) year term and shall expire on December 31, 2022; and

WHEREAS, the permit that became effective on January 1, 2018 replaced a permit that became effective on January 1, 2009; and

WHEREAS, the permit that became effective on January 1, 2018 contained several new requirements; and

WHEREAS, several of the new requirements require changes to the Code of the Town to revise certain documents to be submitted either as part of a subdivision plan or site plan submission or in accordance with an approved or recorded maintenance plan;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BELVIDERE IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY THAT THE CODE OF THE TOWN OF BELVIDERE IS AMENDED AS FOLLOWS:

Section One - Section 138-10B of the Municipal Stormwater Control Ordinance entitled "General Maintenance" shall be amended to read as follows:

B. General Maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. Maintenance plans.
 - a. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 - b. Stormwater facilities shall be constantly maintained by the owner or association to assure continual functioning of the system at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. Maintenance responsibilities, inspection schedules and tasks will be clearly shown in the proposed plan. In no case shall water be allowed to remain in any facility long enough to trigger a mosquito breeding disease or cause any other type of health problem. The maintenance plan must include inspection routines to reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts, including inspection checklists. Inspection checklists may address such items as:
 - (1) Obstruction of inlet or outlet devices by trash and debris;
 - (2) Evidence of erosion, sedimentation or instability;
 - (3) Malfunctioning of valves, gates, locks, access hatches or equipment;
 - (4) Deteriorated conduit outlet or seepage around outlet;
 - (5) Cracks or other deterioration of inlets, outlets, pipes, and conduits;
 - (6) Inadequate draining, clearing or clogging of control devices;
 - (7) Trimming, cutting or mowing of vegetation as required;
 - (8) Erosion and debris in emergency spillways and/or filter strips;
 - (9) Deterioration of downstream channels/conduits;
 - (10) Invasive or noxious weeds out of character with those specified;
 - (11) Saturated conditions or standing water;
 - (12) Animal burrowing; and
 - (13) Vandalism or other non-specified occurrences.
1. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
2. If the person responsible for maintenance identified under Subsection 2a above is not a public agency, the maintenance plan and any future revisions based on Subsection 7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
3. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
4. The person responsible for maintenance identified under Subsection 2a above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of

all inspections and copies of all maintenance-related work orders.

5. The person responsible for maintenance identified under Subsection 2a above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
6. The person responsible for maintenance identified under Subsection 2a above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections 6 and 7 above. Beginning on January 31, 2019, persons responsible for maintenance under Subsection 2a above shall make annual submissions to the municipality, by January 31st, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the calendar year that just ended for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance related work orders.
7. The requirements of Subsections 3 and 4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. Where the ordinance requires the facility to be dedicated to the municipality, certain aspects of the maintenance and repair plan may be deleted, but otherwise should require the posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Guidelines for developing a maintenance and inspection program are provided in the New Jersey Stormwater Best Management Practices Manual and the NJDEP Ocean County Demonstration Study, Stormwater Management Facilities Maintenance Manual, dated June 1989, available from the NJDEP, Watershed Management Program.
8. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.

Section Two - Section 138-9 of the Municipal Stormwater Control Ordinance entitled "Requirements for a Site Development Stormwater Plan" shall be revised to add a new Section 138-9C(8) entitled "Major Development Stormwater Summary Form" that shall read as follows:

Completed "Major Development Stormwater Summary Form" that is contained within Attachment D in the Town's Tier 'B' Municipal Stormwater General Permit for each stormwater management basin that is proposed on the project.

Section Three - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Four- This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

NOTICE

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on September 24, 2018 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 October 22, 2018 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.

A motion was made by Councilwoman Miers and seconded by Councilwoman Napolitani to introduce Ordinance No. O2018x010.

Roll call:

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

Nays - None

Abstentions - None

Recusal - Councilman Zmigrodski

Absent - None

ORDINANCE NO. O2018x10

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

AN ORDINANCE APPROPRIATING THE SUM OF NOT MORE THAN \$25,000 FOR ADDITIONAL ROAD IMPROVEMENTS AND ENGINEERING SERVICES FOR SECOND AND HARDWICK STREET

WHEREAS, the Council of the Town of Belvidere has determined that it needs to appropriate the sum up to \$25,000.00 from the Capital Fund Balance for Additional Road Improvements and Engineering Services for Second and Hardwick Street;

NOW, THEREFORE, BE IT ORDAINED, by the Belvidere Town Council that:

1. There are funds available in the Capital Improvement Fund of the General Capital Fund for costs attributable to said Additional Road Improvements and Engineering Services for Second and Hardwick Street.
2. There is hereby appropriated that sum of up to \$25,000.00 from the Capital Improvement Fund Balance of the General Capital Fund for the aforementioned purpose.
3. There is no debt authorized by this ordinance.
4. This ordinance shall take effect upon passage following a public hearing to be conducted thereon and publication of notice of final passage with the requirements of the law.

NOTICE

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on September 24, 2018 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 October 22, 2018 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, and Monday through Friday from 9:00 A.M. to 4:30 P.M.

Appointments:

There were no appointments at this time.

Authorization to Pay 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 orders in the amount of \$13,299.86.

Public Comment:

Jodi Liegel commented on the authorization and cost of an advertisement in the Busy Peach for Victorian Days.

A **motion** was made by Councilman Makatura to adjourn the meeting of the Belvidere Town Council at 8:44 pm.

Respectfully submitted,

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