

**MINUTES - TOWN COUNCIL WORKSHOP MEETING  
TOWN OF BELVIDERE  
WARREN COUNTY, NEW JERSEY  
691 Water Street  
JANUARY 9, 2017**

Mayor Kennedy opened the workshop meeting of the Belvidere Town Council with the Pledge of Allegiance and 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.

**Roll Call:**

Present - Mayor Kennedy, Councilman Fitzgerald, Councilman Makatura, Councilman McAleer, Councilwoman Miers, Councilwoman Napolitani, Councilman Tutka,  
Absent - None

**Approval of Minutes:**

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried to adopt the December 12, 2016 workshop and executive meeting minutes and the December 28, 2016 regular and executive meeting minutes of the Belvidere Town Council.

**Public Comment:**

There was no public comment at this time.

**Resolutions:**

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carries to adopt Resolution No. R2017x08.

**RESOLUTION NO. R2017x08**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**A RESOLUTION FOR AUTHORIZATION**

**AGREEMENT FOR PROFESSIONAL SERVICES**

**FOR THE TOWN OF BELVIDERE**

WHEREAS, there exists a need for a Municipal Attorney, Registered Municipal Accountant, Municipal Bond Counsel, Municipal Planner, Planning Board Attorney to conduct business of a qualitative nature for the Town of Belvidere, and;

WHEREAS, funds are available for this purpose, and;

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1) requires that the Resolution authorizing the awarding of contracts for "Professional Services" without competitive bids must be publicly advertised.

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

These contracts are awarded without competitive bidding as a "Professional Service" under the provisions of the Local Contracts Law because under 40A:11-2(b) it is established that the work is of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids and the Mayor or Department Heads have certified the reason why competitive bids, and the bidding was not possible.

BE IT FURTHER RESOLVED that the following appointments for the year 2017 have been made under the above mentioned Local Public Contracts Law:

Municipal Attorney:	Kevin Benbrook
Municipal Bond Counsel:	John Drakiewicz
Municipal Public Defender:	Scott Wilhelm
Registered Municipal Accountant:	Nisivoccia & Company
Municipal Planner	Maser Consulting
Planning Board Attorney	Steven Gruenberg

Teresa A. Yeisley, RMC/CPM

Municipal Clerk/Administrator

A **motion** was made by Councilman Makatura, seconded by Councilwoman Miers and carried to adopt Resolution No. R2017x09.

**RESOLUTION NO. R2017x09**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**A RESOLUTION TO APPOINT AN ACTING ZONING OFFICIAL**

BE IT RESOLVED that the Belvidere Town Council hereby appoints the following individual as Acting Zoning Official:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Patrick Stefanelli	Acting Zoning Official	\$ 300.00 per month

Date: January 9, 2017

A **motion** was made by Councilman Makatura, seconded by Councilman McAleer and carried to adopt Resolution No. R2017x10.

**RESOLUTION NO. R2017x10**

**TOWN OF BELVIDERE**

**WARREN COUNTY, STATE OF NEW JERSEY**

**A RESOLUTION TO PAY**

**POLICE OFFICERS OF THE TOWN OF BELVIDERE**

BE IT RESOLVED by the Town Council of the Town of Belvidere, County of Warren, State of New Jersey, that the following salaries be paid, pursuant to contract, to the Police Department officers of the Town of Belvidere effective January 1, 2017:

Section 2

<u>Name</u>	<u>Title</u>	<u>Salaries</u>
Joshua Wittmann	Patrolman Step 1-2 eff 2/1	\$50,341/54,183
Christopher Pappalardo	Patrolman Step 2-3 eff 3/1	\$54,183/58,026
David Mariani	Patrolman Step 7-8 eff 11/1	\$73,395/75,500
Matthew Frauen	Patrolman Step 10	\$85,895
	Corporal	\$88,331
Frank Tootle	Sergeant	\$90,768

Dated: January 9, 2017  
Teresa A. Yeisley, RMC/CPM  
Municipal Clerk/Administrator

A **motion** was made by Councilwoman Napolitani, seconded by Councilwoman Miers and carried to adopt Resolution No. R2017x11.

**RESOLUTION NO. R2017x11**

**TOWN OF BELVIDERE**

**WARREN COUNTY, STATE OF NEW JERSEY**

**A RESOLUTION TO PAY**

**DPW OF THE TOWN OF BELVIDERE**

BE IT RESOLVED by the Town Council of the Town of Belvidere, County of Warren, State of New Jersey, that the following salaries be paid (pursuant to contract) to the Department of Public Works employees of the Town of Belvidere effective January 1, 2017:

Section 2

<u>Name</u>	<u>Title</u>	<u>Salaries</u>
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Charles Beers	Laborer	\$25.61 per hour
Jason Stout	Driver/Laborer	\$23.64 per hour

January 9, 2017  
Teresa A. Yeisley, RMC/CPM  
Municipal Clerk/Administrator

A **motion** was made by Councilman Fitzgerald, seconded by Councilwoman Miers and carried to adopt Resolution No. R2017x12.

**RESOLUTION NO. R2017x12**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**A RESOLUTION GRANTING AUTHORITY TO VERIZON WIRELESS AND ITS SUCCESSORS AND ASSIGNS TO USE POLES ERECTED BY PARTIES THAT HAVE THE LAWFUL RIGHT TO MAINTAIN POLES WITHIN THE PUBLIC RIGHT-OF-WAY IN THE TOWN OF BELVIDERE**

WHEREAS, Allentown SMSA Limited Partnership d/b/a/ Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use poles erected within the public right-of-way in the Town of Belvidere; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

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

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Town of Belvidere, subject to the following:

- A. Verizon Wireless and its successors and assigns shall adhere to all applicable Federal, State and Local laws regarding safety requirements to the use of the public right-of-way.
- B. Verizon Wireless and its successors and assigns shall comply with all applicable Federal, State and Local laws requiring permits prior to beginning construction and shall obtain any applicable permits that may be required by the Town of Belvidere.
- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless and its successors and assigns shall indemnify, defend and hold harmless the Town of Belvidere, its officers, agents, and servants from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Town of Belvidere.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Town of Belvidere as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines or any surface or subsurface installations arising from its

construction, installation or maintenance of its facilities.

- F. Notwithstanding any provisions contained herein, neither the Town of Belvidere nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Town of Belvidere by the Town Council of the Town of Belvidere and attested to by the Municipal Clerk of the Town of Belvidere who shall affix the Town of Belvidere seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

Certification

I, Teresa A. Yeisley, Municipal Clerk, Town of Belvidere do hereby certify that the foregoing resolution was duly adopted by the Belvidere Town Council at a meeting held on January 9, 2017.

**A motion** was made by Councilwoman Miers, seconded by Councilman Fitzgerald and carried to adopt Resolution No. R2017x13.

**RESOLUTION NO. R2017x13**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**A RESOLUTION AUTHORIZING REFUND OF PREMIUM MONEYS (block 1, lot 37)**

WHEREAS, Tax Sale Certificate 2014-001 dated October 20, 2014 on block 1, lot 37 was redeemed on December 14, 2016; and

WHEREAS, the premium paid at the sale in the amount of \$1,200.00 needs to be returned to US BANK AS CUST FOR ACTLIEN HOLDING INC, 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 \$1,200.00 representing said refund.

US BANK AS CUST FOR ACTLIEN HOLDING INC  
50 S 16<sup>TH</sup> ST STE 1950  
PHILADELPHIA, PA 19102

Date: January 9, 2017  
Teresa A. Yeisley, RMC/CPM  
Municipal Clerk/Administrator

**Matters to be Addressed:**

Garbage Collection

Councilman Tutka initiated a discussion about the garbage collection in Town, suggesting that the Town contracting this service on behalf of the residents so that there would be only one hauler in Town. Discussion ensued. Kevin Benbrook suggested the Council consider an RFP. Mayor Kennedy requested that Councilman Tutka continue with research regarding this issue.

Junk Cars

Councilman Fitzgerald continued the review of the proposed ordinance regarding junk vehicles. Kevin Benbrook will provide the Council with a revised ordinance for their review.

BASF Property

Mayor Kennedy read a letter that was sent to Richard Krug, BASF Inactive Site Manager, in April of 2016 regarding the sale of the property. No response was received from BASF. Discussion ensued about applying for grant monies to purchase the property. Teresa Yeisley will

resend the original letter.

Councilwoman Miers advised that the Sewer Rate Assessment has been received and is being reviewed.

**Public Comment:**

Reverend Pamela Szurek from the Belvidere Presbyterian Church invited all interested to attend the community roundtable discussions to be held on the third Wednesdays of each month at the church.

Rheva Smickle - thanked Sergeant Tootle for attending the community luncheon.

Susan Beall - will provide list of conservancies offering grant monies to purchase open space land.

**Executive Session:**

**A motion** was made by Councilwoman Miers, seconded by Councilwoman Napolitani and carried to adopt Resolution No. R2017x14.

**RESOLUTION NO. R2017x14**

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

Dated: January 9, 2017

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

Municipal Clerk/Administrator

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

Kevin Benbrook advised that Council discussed new litigation regarding sewer overcharges and a personnel matter.

**A motion** was made by Councilwoman Napolitani, seconded by Councilman Fitzgerald and carried to adjourn the meeting of the Belvidere Town Council at 8:40 PM.

Respectfully submitted,

Teresa A. Yeisley, RMC/CPM

Municipal Clerk/Administrator