

**MINUTES - TOWN COUNCIL MEETING  
TOWN OF BELVIDERE  
WARREN COUNTY, NEW JERSEY  
691 Water Street  
FEBRUARY 16, 2016**

Mayor Kennedy opened the regular 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, Councilwoman Miers, Councilman Miller, Councilwoman Napolitani, Councilman Tutka

Absent - None

**Approval of Minutes:**

A **motion** was made by Councilwoman Miers, seconded by Councilwoman Napolitani with Councilman Fitzgerald abstaining and all others voting "yes" to adopt the February 1, 2016 workshop meeting minutes of the Belvidere Town Council.

**Public Comment:**

There was no public comment at this time.

**Committee Reports:**

Councilman Tutka - 1/21 attended JCP&L municipal meeting in Morristown headquarters. Overview of services, visited control center. May see rate reduction in future due to oil price drop. Using drones to patrol lines. Availability of First Energy Power Institute (lineman school).

Councilman Fitzgerald - will meet with Teresa Yeisley to work on budget. Then meeting with CFO and budget will go to auditor. Met with Frank VanHorn regarding purchase of fire truck. Will set up meeting with representatives from the Fire Department, Councilman Tutka and sales representative. Councilman Makatura asked if the ladder truck could be sold to purchase two smaller vehicles. Mayor Kennedy will meet with White Township Committee to discuss the truck purchase.

Councilwoman Miers - Recreation Committee met to discuss the Summer Recreation Program. The Pool Commission hired a CPO. The Sewer Appeals Committee met to address an appeal. The Councilwoman will attend the BOE meeting on March 2<sup>nd</sup>.

Councilman Miller - no business before the Planning Board for February. Shade Tree Commission inquiring about \$1,500 left from 2015 and enforcement of Shade Tree ordinances. The Historic Commission did not have a quorum.

Councilwoman Napolitani - submitted DPW activity report in Council packet. The dedication of the memorial bench for Gerald Metzgar will be held on March 9<sup>th</sup> at 5:00 PM. The Councilwoman attended the Library meeting.

Councilman Makatura - The PD had 363 calls for service in January and the department is now at full staff. Chief Scott is working on the drop-off and parking at the Third Street School. New court window will be delivered and installed within the next two weeks. Met with Chief Scott regarding Neighborhood Watch Program. Considering expansion and a comprehensive plan.

**Correspondence:**

Letters were received from the Scott family regarding the maintenance of Howell Street. Teresa Yeisley recommended that these letters be forwarded to municipal counsel for response.

A thank you letter will be sent to Jane Bullis for her service on the Environmental Commission.

Councilman Fitzgerald requested that a letter be sent to the BPU regarding the Elizabethtown Gas merger.

**Previous Business:**

**A motion** was made by Councilwoman Miers, seconded by Councilwoman Napolitani and carried to deny a sewer appeal for block 11, lot 27.

Councilman Miller reviewed the criteria for a revaluation and the process involved. The Councilman will review options with Kevin Benbrook and report at a future meeting.

**New Business:**

**A motion** was made by Councilman Makatura, seconded by Councilwoman Miers and carried authorizing Paul Sterbenz to proceed with the generator grant work at a proposed cost of \$7,500.

A letter was received from Chief Scott referencing new procedures for 5K races.

**A motion** was made by Councilman Makatura, seconded by Councilwoman Miers and carried to approve the following membership applications for the Good Will Fire Company: Thomas Schnezler, Matthew Frauen and Samantha Eppel

**A motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried to approve the following raffle license applications: RA2016-01 and RA2016-02 for Oxford Central School and RA2016-03 for American Legion Post 131.

Council will address the DPW building at the March 7<sup>th</sup> workshop meeting.

**Ordinances:**

**ORDINANCE NO. O2016x01**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO RELEASE, VACATE**

**AND EXTINGUISH ANY AND ALL**

**PUBLIC RIGHTS IN AND TO**

**THE SOUTHERLY PORTION OF HOWELL STREET**

Whereas, the Town Council of the Town of Belvidere in the County of Warren is of the opinion that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which said Town may have in and to the southerly portion of Howell Street.

Now, Therefore, Be it Ordained by the Town Council of the Town of Belvidere, County of Warren, State of New Jersey, as follows:

1. The public rights and interests in and to the southerly portion of Howell Street more particularly described in **Schedule A** attached hereto are vacated, abandoned and released.

2. All rights of public utilities and CATV companies are hereby expressly reserved and excepted from this vacation, including but not limited to:

Jersey Central Power & Light  
Centurylink  
New Jersey American Water Company  
Elizabethtown Gas  
Comcast Cable TV  
Pequest River Municipal Utilities Authority

3. This ordinance shall become effective after final passage and publication according to law and filing with the County of Warren as may be applicable.

This Ordinance shall become effective twenty (20) days after final publication in accordance with the law.

#### NOTICE

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on January 18, 2016 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 February 16, 2016 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.

Teresa A. Yeisley, RMC  
Municipal Clerk/Administrator

#### Schedule "A"

Description of a portion of an unimproved street known as, "Howell Street", which lies between the original southerly line situated in the Town of Belvidere, Warren County, New Jersey; said unimproved right of way is known as Block 10-Lot 45, as shown on the Town of Belvidere tax map.

Beginning at an iron pin found in the original southerly line of Water Street which marks the intersection of said original southerly line of Water Street with the westerly line of Howell Street; said iron pin also marks the point of beginning in a deed to Jeffrey T. Berezny and Traci Berezny, h/w, dated August 5, 2009, recorded at the Warren County Clerk's Office in Book 2272 on Page 167; and running,

- 1) Along the original southerly line of Water Street, North 88 degrees 24 minutes East, 52.80 feet, to an iron rod (with E. Allen cap) set; thence,
- 2) By line of a parcel of land of unknown ownership, South 01 degree 47 minutes 22 seconds East, 148.18 feet, to a point near the westerly edge of the Pequest River and being in line of Block 10-Lot 3 conveyed to the State of New Jersey Department of Environmental Protection by deed dated March 16, 2000, recorded at the Warren County Clerk's Office in Book 1677 on Page 232, etc.; thence
- 3) Approximately along the westerly edge of the Pequest River and by line of said Block 10-Lot 3, South 25 degrees 09 minutes 56 seconds West, 116.48 feet, to a point; thence
- 4) By a line which departs from the Pequest River and at first by line of Block 10-Lot 42 conveyed to Virginia Walton by deed dated February 27, 2013, recorded at the Warren County Clerk's Office in Book 2477 on Page 147 and then by line of Block 10-Lot 44 conveyed to said Jeffrey T. and Traci Berezny, h/w, North 01 degree 47 minutes 22 seconds West, 252.18 feet, to the point of beginning.

All bearings being in accordance with the fifth course in a deed to Jeffrey T. and Traci Berezny, h/w dated August 5, 2009, recorded at the Warren County Clerk's Office in Book 2272 on page 167 and the parcel or tract contains a calculated area of 0.242 acre of land, more or less, as surveyed during September of 2014 by Eldon D. Allen, Professional Land Surveyor, New Jersey license number 14457.

Subject to whatever rights of the public may exist within the above described property known as Block 10-Lot 45.

Subject to the flood plain along the Pequest River and subject to New Jersey stream encroachment regulations.

Subject to all current state, county and Town of Belvidere zoning regulations.

The existence and locations of any subsurface facilities on Block 10-Lot 45 are not known by the surveyor hereon. Prior to any excavation on or in the vicinity of Lot 45, call 1-800-272-1000 for a utility line mark-out.

Subject to conditions as shown on a map entitled in part "Property and Location Survey on a Portion of Howell Street which is located between Water Street and the Pequest River", dated October 22, 2014, prepared by Eldon D. Allen, New Jersey Professional Land Surveyor.

Being the southerly portion of Howell Street as shown on a map entitled in part, "Map of the Town of Mercer", on file at the Warren County Clerk's Office in Vol. 2 of Maps on Page 40 and as shown on the Town of Belvidere tax map as Block 10-Lot 45.

Above description prepared by:

Eldon D. Allen

N.J. P.L.S. #14457

**A motion** was made by Councilman Makatura, seconded by Councilwoman Miers and carried to open the public hearing on Ordinance No. O2016x01.

Jeffrey Berezny stated that he has a legal right to the property and will pursue that right.

**A motion** was made by Councilman Makatura, seconded by Councilwoman Miers and carried to close the public hearing on Ordinance No. O2016x01.

**A motion** was made by Councilwoman Napolitani and seconded by Councilman Makatura to adopt Ordinance No. O2016x01.

**Roll call:**

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

**Nays - None**

**Abstentions - None**

**Absent - None**

**A motion** was made by Councilwoman Miers and seconded by Councilman Miller to amend Ordinance No. O2016x02 to allow overnight parking in Lots 1 and 2.

**Roll call:**

**Ayes - Councilman Fitzgerald, Councilwoman Miers, Councilman Miller, Councilman Tutka**

**Nays - Councilman Makatura, Councilwoman Napolitani, Mayor Kennedy**

**Abstentions - None**

**Absent - None**

**ORDINANCE NO. O2016x02**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 155**

**"VEHICLES AND TRAFFIC" ARTICLE IIA, "MUNICIPAL PARKING LOTS" OF THE CODE OF THE TOWN OF BELVIDERE**

WHEREAS, the Town of Belvidere has recently taken title to the parking area located at Riverside Park and has negotiated a lease for the "Skoogy's" parking area in the downtown section of Belvidere; and

WHEREAS, the Belvidere Town Council wishes to revise the parking restrictions to create uniform restrictions for all parking lots; and

WHEREAS, the Belvidere Town Council has determined that Chapter 155 “Vehicles and Traffic, Article IIA of the Code of the Town of Belvidere shall be amended, revised and supplemented a follows:

Section 1:

Chapter 155, “Vehicles and Traffic, “Article IIA, “Municipal Parking Lots” shall be deleted in its entirety and replaced with the following:

**Chapter 155  
Vehicles and Traffic**

**Article IIA  
Municipal Parking Lots**

**§ 155-9.2 Establishment**

- A. A municipal parking lot designated as “Parking Lot 1” is hereby established at 236 Water Street, Block 14, Lot 10 as shown on the Official Tax Map of the Town of Belvidere, more commonly known as “Riverside Park”.
- B. A municipal parking lot designated as “Parking Lot 2” is hereby established at a location east of Greenwich Street on the easterly end of South Water Street, Block 11, Lot 30 as shown on the Official Tax Map of the Town of Belvidere.
- C. From time to time, the Town may lease additional parking lots from private land owners. These parking lots shall be herein referred to as “Leased Parking Lots” and a list of all such lots shall be kept on file with the Belvidere Municipal Clerk. All regulations for municipal parking lots shall apply to the leased parking lots.

**§ 155-9.3 Use of parking lots, exemptions**

- A. All municipal parking lots (owned and leased) shall be available for daytime parking during the hours of 8:00 Am to 8:00 PM for use by the public.
- B. Parking during the day shall be for a two-hour term.
- C. Overnight parking is permitted in Parking Lots 1 and 2 as described in 155-9.2 from 8:00 PM to 7:00 AM. Overnight parking is prohibited in any Leased Lots as described in 155-9.2.
- D. The Town shall be permitted to exempt certain spaces and/or vehicles from the municipal parking lot time restrictions as part of the lease with an owner of a privately owned parking lot. The Town shall provide a Police Department approved placard to the landlord for such exempt vehicles. It shall be the sole responsibility of the owner of the vehicle to display his/her exempt placard in the front windshield of the vehicle at all times while parking in the leased municipal lot.

**§ 155-9.4 Signs**

Signs designating the parking area for members of the general public shall be placed in the parking lot designating the hours of operation, parking limits and designated handicapped parking spaces.

**§ 155-5 Violations**

Unless another penalty is expressly provided by statute, any persons convicted on said violation shall be punished by a fine not to exceed \$50.00 per day. This includes, but is not limited to, overnight parking ad abandoned vehicles. Vehicles in violation will be impounded and towed at the owners expense in accordance with N.J.S.A. 39:4-56. The Town of Belvidere Police Department and its agents shall have the authority to enforce this Chapter.

NOTICE

The foregoing ordinance was introduce at a regular meeting of the Belvidere Town Council held

on January 18, 2016 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 February 16, 2016 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.

#### NOTICE

Notice is hereby given that the forgoing ordinance was approved for final adoption by the Belvidere Town Council at a regular meeting held on February 16, 2016.

**A motion** was made by Councilman Miers, seconded by Councilman Makatura and carried to open the public hearing on Ordinance No. O2016x02.

**The ordinance brought no public comment.**

**A motion** was made by Councilwoman Napolitani, seconded by Councilman Miller and carried to close the public hearing on Ordinance no O2016x02.

**A motion** was made by Councilman Makatura and seconded by Councilwoman Napolitani to adopt Ordinance No. O2016x02.

**Roll call:**

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

**Nays - None**

**Abstentions - None**

**Absent - None**

**Resolution:**

**A motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried to adopt Resolution No. R2016x15.

**RESOLUTION NO. R2016x15**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**A RESOLUTION AUTHORIZING AN EXPENDITURE FOR PARTICIPATION IN THE MUNICIPAL ALLIANCE PROGRAM FY17(7/1/16-7/1/17)**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate the engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities in New Jersey; and

WHEREAS, the Belvidere Town Council recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED, that the Belvidere Town Council hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Regional Municipal Alliance grant for fiscal year 2016-2017 in the amount of:

DEDR	\$	3,852.00
Cash Match	\$	1,156.00
In-Kind	\$	<u>2,889.00</u>

\$ 7,897.00

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Certification

I, Teresa A. Yeisley, Municipal Clerk/Administrator, Town of Belvidere, Warren County, New Jersey do hereby certify that the foregoing resolution was duly adopted by the Belvidere Town Council at a regular meeting on February 16, 2015.

**Appointments:**

The Council had no appointments at this time.

**Approval of Purchase Orders:**

A **motion** was made by Councilman Fitzgerald, seconded by Councilman Makatura and carried to authorize the payment of the purchase orders in the amount of \$30,640.25.

**Public Comment:**

There was no public comment at this time.

A **motion** was made by Councilman Miller, seconded by Councilman Fitzgerald and carried to adjourn the meeting of the Belvidere Town Council at 8:42 PM.

Respectfully submitted,

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