

**MINUTES - TOWN COUNCIL WORKSHOP MEETING
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
691 Water Street
MARCH 13, 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

Budget Discussion:

Councilwoman Miers stated that all department heads have submitted their budgets and all requests have been incorporated into the preliminary budget worksheet.

John Mooney advised the following: ended 2016 with \$311,000 in fund balance which is down \$25,000 from the prior year, \$175,000 was used in the 2016 budget with the same being used in the 2017 preliminary budget. We are paying down bond principals and there is \$137,000 in the Capital Improvement Fund. We got through 2016 without tanking out a TAN. The Sewer Fund balance has increased and there is no debt in sewer. Without cuts the current increase to the tax rate would stand at \$.14. One tax point equals \$12,800.

Christine Rolef suggested using sewer surplus to offset DPW since a portion of their work is on the sewer. John Snyder will keep a log of all sewer expenses incurred by the DPW in 2017. Mr. Mooney increased the court revenue pursuant to the current contracts. Council advised to move the \$50,000 budgeted for improvements to the Town Hall to Capital and use \$26,000 from sewer surplus to offset DPW expenses incurred for sewer work.

Approval of Minutes:

A **motion** was made by Councilwoman Napolitani, seconded by Councilwoman Miers and carried to adopt the February 27, 2017 regular meeting minutes of the Belvidere Town Council.

Proclamations:

**Town of Belvidere Proclamation
Recognizing April as Parkinson's Awareness Month**

Whereas, more than seven million people worldwide are living with Parkinson's disease - a chronic, degenerative neurological disorder; and

Whereas, there are currently no known ways to prevent or accurately predict who will develop Parkinson's disease, but scientists believe that , of all the brain disorders, Parkinson's is the one closest to a cure; and

Whereas, in the United States, an estimated 60,000 new cases will be diagnosed this year alone; and

Whereas, there is no objective test for Parkinson's disease and the rate of mis-diagnosis can be high; and

Whereas, there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas, increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for

Parkinson's disease;

Now, Therefore, Be it Proclaimed that the Belvidere Town Council hereby proclaims April as Parkinson's Awareness Month in the Town of Belvidere and April 8, 2017 as Belvidere Fox Trot Day.

Town of Belvidere Proclamation
Recognizing the Future Farmers of America (FFA)

Whereas, the FFA and agricultural education provide a strong foundation for the youth of America and the future of the food, fiber and natural resource systems; and

Whereas, the FFA promotes premier leadership, personal growth and career success among its members; and

Whereas, agricultural education and FFA ensure a steady supply of young professionals to meet the growth needs in the science, business and technology of agriculture; and

Whereas, the FFA motto "learning to do, doing to learn, earning to live, living to serve" gives direction of purpose to these students who take an active role in succeeding in agriculture education; and

Whereas, the FFA promotes citizenship, volunteerism, patriotism and cooperation;

Now, Therefore, Be it Proclaimed that the Belvidere Town Council hereby recognizes the FFA and the leadership the youth of this organization brings to our community.

Approval of Raffles:

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried approving raffle license applications RA2017-11 and RA2017-12 for the Good Will Fire Company.

Public Comment:

There was no public comment at this time.

Matters to be Addressed:

Mayor Kennedy attended a meeting of the White Township Committee and invited them to take part in National Night Out.

An Earth Day celebration has been scheduled for April 22nd.

A request was made to allow a banner to be hung across Greenwich Street commemorating the accomplishments of bowler, Brent Tishuk. Council approved this request with no funding.

A **motion** was made by Councilman Makatura and seconded by Councilman Fitzgerald to introduce Ordinance No. O2017x01.

ORDINANCE NO. O2017x01

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

ORDINANCE TO REPEAL AND REPLACE CHAPTER 103 OF

THE CODE OF THE TOWN OF BELVIDERE

ENTITLED "JUNK AND JUNKED VEHICLES"

BE IT ORDAINED By the Town Council of the Town of Belvidere, in the County of Warren, New Jersey, that existing Chapter 103 entitled "Junk and Junked Vehicles" be and hereby is repealed in its entirety and replaced with a new Chapter 103 entitled, "Storage of Vehicles and Equipment" as

follows:

SECTION I.

CHAPTER 103 STORAGE OF VEHICLES AND EQUIPMENT

103-1. Definitions.

PERSON -- Includes any individual, firm, partnership, association, corporation, company, organization or entity of any kind, with the exception of duly organized fire, ambulance and rescue squads.

PRIVATE PROPERTY -- Includes all non-public residential and commercial real property within the Town of Belvidere, including residential lots, multi-family dwellings, condominiums and townhouses, retail establishments, office buildings and commercial/industrial buildings.

PUBLIC PROPERTY -- All property devoted to public use, including public roads, rights-of-way and property whereon public buildings are erected.

VEHICLE – With respect to private property, the term “vehicle” shall be defined to mean passenger automobiles, motorcycles, and commercial automobiles, as defined in The Motor Vehicles and Traffic Regulations on the State of New Jersey, N.J.S.A. 39:1-1 Vehicle shall also include all parts, tools, tires and other vehicle accessories and equipment. With respect to public property, the term “vehicle” shall be defined to mean every device in, upon or by which a person or property is or may be transported upon a highway, including trailers, as these terms are defined in The Motor Vehicles and Traffic Regulations on the State of New Jersey, N.J.S.A. 39:1-1.

103-2. Parking/Storage Prohibited.

A. No person shall park, abandon, leave, keep or otherwise store any vehicle on private property in the Town of Belvidere, for a period of more than 30 days, except in an enclosed garage, barn or other building, or behind a fence that prevents the vehicle from being visible to adjoining property owners or the public at large.

B. No person shall park, store, abandon or otherwise keep any motor vehicle on public lands, except as expressly permitted by parking regulations or as authorized by an officer of the Belvidere Police Department.

103-3. Exceptions.

The prohibition on the outdoor storage of vehicles on private property as set forth in Section 103-2 (A) shall be subject to the following exceptions:

A. Vehicles that have a current registration and display proper license plates such as to be operable on the public highways in the State of New Jersey.

B. Any vehicle that is unregistered, or whose registration is expired, provided that said vehicle is owned by the owner or occupant of the property where stored and (1) is properly covered with a car cover, tarpaulin or other appropriate cover suitable for the type of vehicle in question; (2) the area around where the vehicle is stored is properly maintained and kept clear of brush, grass and weeds; (3) is not be kept in the front yard; (4) is set back at least 10 feet from any property line; and (5) all parts, tools, tires, or other vehicle accessories and equipment are properly covered.

C. Vehicles properly registered as historic vehicles pursuant to the rules and regulations of The New Jersey Division of Motor Vehicles.

D. Vehicles utilized in conjunction with a designated commercial farm as defined in the

Right to Farm Act.

E. New or used automobile dealers that are licensed by the State of New Jersey for the purpose of displaying vehicles for sale to the general public and have received zoning approval will be exempt from this article as long as they hold a current dealer's license and do not retain vehicles on their lot that are not salable vehicles.

F. Licensed service stations (repair garages) and auto body repair shops will also be exempt from the provisions of this article as long as they are licensed by the State of New Jersey for the type of business they are conducting and have received zoning approval for the area where they are operating. They shall maintain a neat and orderly lot and limit the number of vehicles that are being kept on the lot for repairs, according to the size of the available space. No vehicle shall be kept on the lot for more than 30 days awaiting repairs.

103-4. Enforcement.

A. The agencies and officers in the Town of Belvidere that shall be charged with the enforcement of this Chapter are the Zoning Officer, the Belvidere Police Department and its Police Officers and the County Board of Health or its designated representative. These agencies or officers may act individually or in conjunction with one another in the enforcement of this Chapter.

B. When a violation is observed, other than on municipal property or a public street, the enforcing officer or agency may, in the exercise of discretion, provide reasonable notice and an opportunity to abate the violation to the owner or occupant of the property that a violation occurs. Notice may be verbal or in writing and under no circumstances shall notice be a precondition for the issuance of a Summons or Complaint.

103-5. Violations on Public Property.

Whenever a violation of this Chapter occurs on town property or any public roads or right of ways within the Town Belvidere, enforcement of this Chapter shall be exclusively by the Belvidere Police Department, in accordance with the following standards:

A. If a vehicle constitutes or may constitute a traffic hazard to the public, it may be removed by a licensed towing operator to the place of business of the tow operator until the owner shall come to claim it.

B. If a vehicle is not creating a traffic hazard, the police department shall endeavor to make a good faith effort to contact the registered owner of the vehicle and arrange for its removal prior to having the same removed by a licensed towing operator.

C. If a vehicle is parked on public property due to it becoming mechanically disabled during operation, the owner/operator shall be afforded a reasonable opportunity to arrange for its removal by a towing service of the owner's choice, provided the owner timely alerts the Belvidere Police Department when the vehicle becomes inoperable, and the same is not creating a hazard.

D. The owner or person entitled to possession of any vehicle removed from public property shall be responsible for all reasonable costs of removal and storage in conjunction with recovering possession of the vehicle.

E. If the vehicle is not claimed by the owner or other person entitled thereto, or if the cost of removal, storage, fine and/or Court costs remain unpaid, the Chief of Police may cause the vehicle to be sold or disposed of, as provided by N.J.S.A. 39:10A-1, et seq.

F. Enforcement as set forth in this section with respect to violations on public property shall be in addition to the authority of the Police Department to issue Summonses for any applicable violations of the motor vehicle laws of the State of New Jersey.

103-6. Violations and Penalties.

A. Any person who shall violate any provision of the restrictions on the parking and storage of vehicles on private property as set forth in this Chapter, shall upon conviction thereof, be subject to the following penalties:

1. A fine of not more than \$100.00 for a first offense.
2. For a second offense, the fine shall be not less than \$100.00 nor exceed \$500.00.
3. For a third and subsequent offense, the fine shall be \$1,000.00 or imprisonment for a term of not more than 90 days, or both.

B. The imposition of a penalty or penalties for any violation shall not excuse or be deemed to permit to continue, and all such persons convicted shall be required to correct or remedy such violations within a reasonable time. If said violations are not corrected within 10 days following conviction, the prohibited condition shall be deemed a separate offense hereunder.

103-7. Effect of Other Provisions.

This Chapter shall not be deemed to limit any other remedy or enforcement of remedy provided by state statute or local ordinance.

SECTION II.

All ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

SECTION III.

This ordinance shall be in full force and take effect immediately after final passage and publication, as required by law.

NOTICE

The foregoing ordinance was introduced at a meeting of the Belvidere Town Council held on March 13, 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 April 10, 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.

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

Roll call:

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

Nays - None

Abstentions - None

Absent - None

Kevin Benbrook advised Council that the COAH settlement has been approved by Judge Miller with no objectors.

Appointments:

There were no appointments at this time.

Approval of Purchase Orders:

A **motion** was made by Councilwoman Miers, seconded by Councilwoman Napolitani and carried authorizing the payment of the purchase orders in the amount of \$436,549.42.

Public Comment:

Ben Ritter - street sweeping notification

A **motion** was made by Councilwoman Napolitani to adjourn the workshop meeting of the Belvidere Town Council at 8:02 PM.

Respectfully submitted,

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