

**MINUTES - TOWN COUNCIL MEETING
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
691 Water Street
JULY 18, 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, Councilman Tutka

Absent - Councilwoman Napolitani

Approval of Minutes:

A **motion** was made by Councilwoman Miers, seconded by Councilman Fitzgerald and carried to adopt the June 27, 2016 meeting minutes of the Bevidere Town Council.

Presentations:

On behalf of the Belvidere Ambulance Corps, Joseph Nunes presented a donation of a backboard and head blocks to the Belvidere Pool. Angela Hubert was present to accept.

Chief Dennis Riley, William Eppel and Warren County Prosecutor Richard Burke gave a presentation regarding software to be used for grid mapping. This system can be utilized by police, fire and rescue to reduce any area to a grid for response and rescue purposes. Warren County schools will be sharing the cost of the maintenance of the system and the Prosecutor's office is requesting a one-time fee from municipalities of \$1,200 to \$1,500.

Public Comment:

Jim Schickschneit - squad did not respond during tornado

Delmont Cole - updated Council on quotes for fire truck

Linda Stettler - requested Ordinance O2016x05 be read in full. Teresa Yeisley explained that the ordinance was too lengthy to read in full and copies would be made available for the public pursuant to State statute.

Committee Reports:

Councilman Tutka - update on pool activity. Training schedule conformation for September 14th. Reviewing electric billing with Stan Prater.

Councilman Fitzgerald - provided budget trial balance with review of six-month expenditures. Discussion ensued.

Councilwoman Miers - fireworks will follow National Night Out. Board of Education meets on July 20th.

Councilman Miller- Planning Board meeting for July canceled. Historical Commission ordered shelf sitters.

Councilman Makatura - PD had 320 calls for service in June. Two-hour parking going well.

Mayor Kennedy - Purple Heart ceremony scheduled for August 7th at 11:00 AM at the War Memorial. Senator Oroho meeting invitation regarding Transportation Trust Fund.

Correspondence:

A letter was received from White Township requesting consideration for White court to join Belvidere court. Councilman Makatura and Councilwoman Napolitani will research this matter.

Previous Business:

Teresa Yeisley advised that the Town has been approved for \$14,000+ in funding reimbursement from FEMA for costs incurred during Winter Storm Jonas.

New Business:

A **motion** was made by Councilwoman Miers, seconded by Councilman Makatura and carried to approving raffle license application RL201611 for the Belvidere Football Boosters.

Resolutions:

A **motion** was made by Councilwoman Miers, seconded by Councilman Fitzgerald and carried to adopt Resolution No. R2016x32.

RESOLUTION NO. R2016x32

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION EXTENDING THE GRACE PERIOD FOR PAYMENT OF THIRD QUARTER 2016 PROPERTY TAXES

WHEREAS, the annual tax bills were not mailed by the statutory date pursuant to N.J.S.A. 54:4-66 because the 2016 tax rate was not set by the Warren County Tax Administrator; and WHEREAS, the mailing of the annual tax bills occurred on or before July 19, 2016; and WHEREAS, pursuant to State Statute, no interest may be charged for 25 days after mailing; NOW, THEREFORE, BE IT RESOLVED that the Belvidere Town Council hereby extends the grace period for payment of the 2016 third quarter property taxes to August 12, 2016. Any payments not received by that time will accrue interest back to August 1, 2016.

Date: July 18, 2016
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. R2016x33.

RESOLUTION NO. R2016x33

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION TO APPOINT A VIOLATIONS CLERK FOR THE MUNICIPAL COURT

BE IT RESOLVED that the Belvidere Town Council hereby appoints the following individual as Violations Clerk for the Municipal Court effective July 19, 2016:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Coleen Hosterman	Violations Clerk	\$75.00 per session

Date: July 18, 2016
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

A **motion** was made by Councilwoman Miers, seconded by Councilman Fitzgerald and carried to adopt Resolution No. R2016x34.

RESOLUTION NO. R2016x34

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION TO AWARD A CONTRACT FOR THE FOLLOWING: “STAND-BY POWER GENERATOR FOR THE MUNICIPAL BUILDING”

WHEREAS, the Town of Belvidere received grant funding for the purchase and installation of generators for the Municipal Building and the Department of Public Works; and WHEREAS, on June 16, 2016 bids were received and opened for the project entitled “Stand-By Power Generator Installation for Municipal Building”; and

WHEREAS, the following bids were received and opened:

<u>Contractor</u>	<u>Base Bid Amount</u>
Wires Electrical Shop, Hackettstown NJ	\$54,400.00
Dee-En Electric, Linden NJ	\$57,295.00
Power w/Prestige, Newton NJ	\$59,700.00

NOW, THEREFORE, BE IT RESOLVED that the Belvidere Town Council hereby awards the bid for the project entitled “Stand-By Power Generator Installation for Municipal Building” to:

Wires Electrical Shop, Hackettstown NJ	\$54,400.00
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Date: July 18, 2016
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

Ordinance:

A **motion** was made by Councilman Fitzgerald and seconded by Councilwoman Miers to introduce Ordinance No. O2016x05.

ORDINANCE NO. O2016x05

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

ORDINANCE TO ESTABLISH A NEW CHAPTER 126 OF

THE CODE OF THE TOWN OF BELVIDERE

ENTITLED “PROPERTY MAINTENANCE”

BE IT ORDAINED By the Town Council of the Town of Belvidere, in the County of Warren, New Jersey, that a new Chapter 126 be and hereby is established as follows:

Section I.

CHAPTER 126

PROPERTY MAINTENANCE

§126-1. Findings.

It is hereby found and declared that there exist in the town structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance, and, further, that such conditions, including but not limited to structural deterioration, a lack of maintenance or upkeep of essential facilities and utilities and the existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the town. It is further found and declared that, by reason of a lack of maintenance and the ensuing progressive deterioration, certain properties have the further effect of creating blighting conditions and that, by reason of timely regulations and restrictions as herein contained, the growth of this blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced and the public health, safety and welfare protected and fostered. It is also found that there is a need to regulate and limit the number of vehicles and boats that can be parked or stored on properties to avoid undue congestion and enhance the streetscape and aesthetic appearance of the community.

§126-2. Purpose.

The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance and condition of the exterior of residential and nonresidential premises; to avoid, prevent and eliminate the maintenance of or creation of hazards to the public health and safety; to avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or

surrounding properties; to prevent the creation, continuation, extension or aggravation of blight; to regulate and limit the number of vehicles and boats that may be parked or stored on properties; to fix certain responsibilities and duties upon owners, operators and occupants of property, and to provide for the administration and enforcement of this chapter.

§126-3. Applicability.

A. All vacant or improved properties shall comply with the provisions of this code.

B. Every residential and nonresidential structure used for residential, commercial, business or industrial occupancy, including vacant structures, and the premises on which they are situated in the town, shall comply with the provisions of this code, whether or not such structure shall have been constructed, altered or repaired before or after the enactment of this code and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the structure or for the installation or repair of equipment or facilities prior to the effective date of this code.

§126-4. Higher standards to prevail.

In any case where the provisions of this code impose a higher standard than that set forth in any ordinance of the town or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but, if the provisions of this code impose a lower standard than any ordinance of the town or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

§126-5. Existing remedies.

Nothing in this chapter shall limit or impair any existing remedies of the municipality, or its officers or agencies, relating to the removal or demolition of any buildings or structures which are deemed to be dangerous, unsafe or unsanitary, enforcement of the brush, grass and weeds provisions set forth in Chapter 157, or the enforcement of the Vacant/Abandoned Properties provisions of Chapter 84.

§126-6. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, be defined as follows:

ENFORCEMENT OFFICER -- The zoning officer, the town engineer, and/or an officer of the police department, or other public officer appointed by resolution of the Town Council, as specified herein below.

NUISANCE -- Any physical condition that is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

OCCUPANT -- Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation, residing in, living or sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this chapter.

OPERATOR -- Any person, persons or entity, not the owner, who has charge, care or control of a structure or a part thereof, with or without the knowledge, consent or authority of the owner.

OWNER -- Any person, persons or entity who shall have legal or equitable title, in any form whatsoever, to any premises or part thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sub-lessee or assignee of a lessee of any part of or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over that portion of the premises so sublet, leased or assigned.

PREMISES -- A lot, plot or parcel of land, including the buildings, structures and improvements thereon which are exposed to public view or are visible from the streetscape or from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure erected thereon.

§126-7. Duties of owners, operators and occupants.

Owners, operators and occupants shall have all the duties, obligations and responsibilities prescribed in this chapter, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder, nor may any such person or entity assert as a defense against any charge made under this chapter that another owner, operator or occupant or any other third person or entity is also responsible therefore and in violation thereof.

§126-8. Maintenance standards.

A. All premises shall be kept free from hazards and nuisances, which include but are not limited to the following:

(1) **DETERIORATED STRUCTURES** -- The condition of a structure or part thereof characterized by excessive holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical, blight, decay or neglect, lack of maintenance or excessive use including but not limited to, structurally unsafe or unsound buildings, structures or fences or abandoned, uncovered or structurally unsound walls, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations and abandoned septic tanks or cesspools.

(2) **FIRE HAZARD** -- Anything or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fires or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

(3) **GARBAGE** -- Animal and vegetable wastes, excluding garden composts, resulting from the handling, preparation, cooking and consumption of food.

(4) **INFESTATIONS** – Excessive insects, rodents, feral domestic animals, or other pests caused by the accumulation of garbage, rubbish, abandoned vehicles, or other nuisances, as defined in this chapter.

(5) **INOPERABLE VEHICLES** – The outside storage for more than 30 days of vehicles or parts thereof, regardless of whether licensed, titled or registered, that have been dismantled or in a state of visible disrepair or abandonment, including automobiles, trucks, vans, motorcycles, boats, trailers, mobile homes and recreational vehicles.

(6) **RUBBISH** -- All combustible and noncombustible waste materials, other than garbage and garden composts, including but not limited to the following: paper, rags, cartons, construction/demolition material, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and the residue from burning wood, coal, coke or other combustible material, discarded appliances and plumbing fixtures, and solid commercial and industrial waste.

(7) **UNSANITARY CONDITIONS** – Including but not limited to, recurring accumulations of storm water: stagnant surface or ground water accumulation which create or are likely to create insect breeding area, failing or failed septic systems, cesspools or sanitary conveyancing facilities.

B. Steps, walks, driveways and parking lots for commercial establishments. Steps, walks, driveways, parking areas, parking lots, parking spaces and similar areas for commercial establishments shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, or necessary repairs or replacement shall be performed promptly.

§126-9. Administrative provisions.

A. Enforcement Officer.

The Enforcement Officer shall be any Officer of the Belvidere Town Police Department, the Town Engineer, the Zoning Officer, or other public officer appointed by resolution of the Town Council.

B. Inspections:

- (1) The Enforcement Officer is authorized to enter upon any land at any reasonable time for the purpose of performing his duty, with the consent of the property owner.
- (2) In the event that a property owner refuses such consent, the Enforcement Officer is authorized to apply to the Judge of the Belvidere Town Municipal Court for an administrative entry order. The Judge may issue such order upon submission of information which is sufficient, in the determination of the Judge, to justify the issuance of the order.
- (3) No entry conducted pursuant to such administrative order shall take place other than during the hours of 8:00 a.m. to 6:00 p.m. unless the Enforcement Officer demonstrates that an emergency exists and that the public health, safety and welfare requires such search during earlier or later hours, as the case may be.
- (4) The inspections authorized hereunder are in addition to those which may be authorized by the laws of the State of New Jersey.

C. Enforcement procedure.

(1) In the case of an Officer of the Belvidere Town Police Department, enforcement shall take the form of a duly issued Summons reciting the provisions of this Ordinance that may be issued with or without prior warning.

(2) In the case of an Enforcement Officer other than an Officer of the Belvidere Police Department, upon determination that there is or has been a violation of any provision of this chapter, prior to the issuance of a Summons, the Enforcement Officer shall provide written notice sent by regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality, or if a copy thereof is handed to said person or persons or if a copy thereof is left with the occupant of the property if different from the owner of record. Notice shall be given as aforesaid within or without the municipality.

- (3) The notice, subject to the rights of appeal provided in §147-10 hereof, shall also state that, unless the violation is abated, removed, cured, prevented or desisted (collectively referred to herein as "abatement") within 30 days of the date of service of such notice (exclusive of the date of service), a complaint shall be issued for such violation in the Belvidere Town Municipal Court. The Enforcement Officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid 30 days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the thirty-day period, and, in such cases, the Enforcement Officer shall state such reasonably required extended period of notice, which shall then be applicable instead of the aforesaid 30 days. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said thirty-day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons shall be issued against the person, persons, entity or entities so notified.

D. Emergency conditions. Whenever the Enforcement Officer finds that an emergency condition in violation of this chapter exists, which condition requires immediate attention in order to protect the public health, welfare or safety, he may issue an order to correct by service of notice as set forth in Subsection C above, reciting the existence of such an emergency condition and requiring that such action be taken by the violator as soon as is reasonably necessary to meet the emergency. Notwithstanding any other provision of this chapter to the contrary, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, and, upon objection, in writing, to the Enforcement Officer, any such person shall be afforded a hearing before the Town Council at the next scheduled regular meeting. After such

a hearing and decision by the Town Council as to the existence or nonexistence of the emergency condition, the Town Council may continue such order in effect or modify or withdraw it, subject to the issuance of a summons or complaint for violation thereof if such order is continued.

§126-10. Appeal of violations notice and for special circumstances.

A. Any owner, occupant or operator who receives a violations notice from the Enforcement Officer as provided for in §126-9, other than an emergency notice, shall have a right to appeal the Enforcement Officer's findings and determinations to the Town Council by filing a written notice of appeal with the Town Clerk within 15 days of receipt of the violations notice. The Town Council shall hear any appeal at a regularly scheduled meeting, or at the option of the Council, at a special meeting on a date to be established by the Council. At the hearing, the aggrieved party, by himself or herself or through counsel, may present competent evidence that the Enforcement Officer's findings and determinations are incorrect and that his or her property is not in violation of this code. The Enforcement Officer and his or her authorized representatives and witnesses shall likewise be entitled to present competent evidence in support of their findings and determinations.

B. The Town Council shall render its decision with respect to the appeal within 30 days after the close of the hearing and shall memorialize its findings and determinations in a written resolution to be adopted within 45 days thereafter. In its decision, the Town Council may approve, reverse or modify the findings and determinations of the Enforcement Officer. A certified copy of said Resolution shall be mailed by the Town Clerk to the aggrieved party and the Enforcement Officer within 10 days of the adoption.

C. The time frame for abatement as set forth in this chapter and in the violations notice shall be automatically extended during the pendency of the appeal and a summons with the Municipal Court shall not be issued until a decision is rendered by the Town Council.

D. In adjudicating any appeal, the Town Council shall have the discretion to modify any compliance timeframes and to extend compliance for a reasonable period of time, if satisfied that there are special circumstances justifying such extension.

§126-11. Abatement of Nuisance, Correction of Defect by the Town.

The Town Council, by Resolution, may authorize the abatement of any hazard or nuisance regulated by this chapter and put any premises in proper condition such as to comply with the provisions of this chapter, at the cost of the owner, operator and/or occupant, any municipal funds expended for such purpose shall be charged against the premises and the amount thereof, as determined by the Town Council, shall be a lien against the premises and shall be added to and become and form a part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes.

§126-12. Violations and penalties.

A. Any person or entity who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, after a summons is issued under the terms hereof, be subject to the following:

- (1) For a first offense, a minimum fine of \$100.00, not to exceed \$1,250.00, in the discretion of the Municipal Court Judge.
- (2) For a second and subsequent offense, in any 12 month period, a minimum fine of \$250.00, not to exceed \$1,250.00, in the discretion of the Municipal Court Judge.

B. For the purposes of this section, each and every calendar day on which a violation exists may be considered to be a separate and distinct violation, subject to a fine.

§126-13. Applicability of Zoning Ordinance.

Nothing contained in this code or any requirement of compliance herewith shall be deemed to alter, impair or affect the application of the Zoning Ordinance or zoning laws of the municipality.

Section II

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

Section III

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

Roll call:

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

Nays - None

Abstentions - None

Absent - Councilwoman Napolitani

NOTICE

Please take notice that the foregoing ordinance was introduced and passed on first reading at a meeting of the Belvidere Town Council on July 18, 2016. Said ordinance will be taken up for final consideration at a regularly scheduled meeting of the Belvidere Town Council to be held on August 15, 2016 at 7:00 PM at Belvidere Town Hall, 691 Water Street, Belvidere NJ and all interested parties will have an opportunity to be heard at that time. Copies of the foregoing ordinance are available free of charge at the Municipal Clerk's Office, Belvidere Town Hall, 691 Water Street, Belvidere NJ during regular business hours.

Appointments:

There were no appointments at this time.

Approval of Purchase Orders:

A motion was made by Councilman Fitzgerald, seconded by Councilman Miller and carried to authorize the payment of the purchase orders in the amount of \$209,191.35.

Public Comment:

Eileen Scott - DPW building, revaluation, revenue for this year

A motion was made by Councilman Fitzgerald, seconded by Councilwoman Miers and carried to adjourn the meeting of the Belvidere Town Council at 8:33 PM.

Respectfully submitted,

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