

**MINUTES - TOWN COUNCIL MEETING  
TOWN OF BELVIDERE  
WARREN COUNTY, NEW JERSEY  
691 Water Street  
AUGUST 4, 2014**

Mayor Stettler opened the regular meeting of the Belvidere Town Council with the Pledge of Allegiance and 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 Stettler, Councilman Kennedy, Councilman Makatura, Councilwoman Miers (via conference call), Councilwoman Napolitani, Councilman Sebold  
Absent - Councilman Viglianco

**Approval of Minutes:**

**A motion** was made by Councilman Makatura, seconded by Councilwoman Napolitani with Councilwoman Miers and Councilman Sebold abstaining and all others voting "yes" to adopt the July 21, 2014 regular meeting minutes of the Belvidere Town Council.

**A motion** was made by Councilwoman Napolitani, seconded by Councilman Makatura with Councilwoman Miers and Councilman Sebold abstaining and all others voting "yes" to adopt the July 24, 2014 special meeting minutes of the Belvidere Town Council.

**Public Comment:**

**A motion** was made by Councilwoman Napolitani and seconded by Councilman Kennedy to change the order of the agenda moving the actionable items to be considered after public comment.

**Roll call:**

**Ayes - Councilman Kennedy, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani**

**Nays - Councilman Sebold, Mayor Stettler**

**Abstentions - None**

**Absent - Councilman Viglianco**

The following matters were commented on by the public:

Rheva Smickle - Belvidere Nutrition Center

**Councilman Viglianco joined the meeting at 7:06 PM.**

Nancy Brown - Chief position appointment historical time line

Ann Fleming - Chief position and treatment of Mayor disrespectful

Eileen Scott - Ordinance adoption procedure and Chief position

John Clemmer - Ordinances on agenda for first reading chipping away at separation of power

Janet Raheb - in agreement with John Clemmer, Council needs to work together

Howard Thompson - executive session and ordinances introduced when not in writing

**Correspondence:**

**A motion** was made by Councilman Sebold, seconded by Councilman Kennedy and carried approving a request from the Belvidere Lions Club to erect a sign on Mill Street referring to their beautification project and the planting of trees.

**A motion** was made by Councilman Kennedy, seconded by Councilwoman Napolitani and carried authorizing Dominick Santini to respond to a letter from Frank Tootle regarding possible Council conflicts of interest in police department appointments. Mr. Santini will request clarification on Mr. Tootle's allegations.

**New Business:**

A **motion** was made by Councilman Kennedy, seconded by Councilwoman Napolitani and carried to adopt Resolution No. R2014x76.

**RESOLUTION NO. R2014x76**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**A RESOLUTION DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES AND EXCHANGE COMMISSION**

WHEREAS, the Town of Belvidere (the “Government Entity”) has entered into continuing disclosure agreement(s) in connection with certain of its prior bond and/or note issuance(s) (the “Prior Issuances”), agreeing to file certain financial information and operating data and/or enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the “MSRB”) pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the “Rule”); and

WHEREAS, the Governmental Entity has made certain representations regarding its continuing disclosures in bond and note offering documents in connection with its Prior Issuances; and

WHEREAS, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations concerning compliance in bond and note offering documents, the Division of the Enforcement (the “Division”) of the U.S. Securities and Exchange Commission (the “Commission”) has set forth its Municipalities Continuing Disclosure Cooperative Initiative (the “MCDC Initiative”), attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

WHEREAS, pursuant to Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board, Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has recommended the undertaking of a Review (as herein after defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the “LFB Recommendation”);

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY, as follows:

Section 1. The Governmental Entity, through its Chief Financial Officer or e through the engagement of a third-party disclosure agent, is hereby directed to conduct a continuing disclosure review of its prior continuing undertakings (the “Review”), and the Governmental Entity hereby ratifies and such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity’s continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined), were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing obligations.

Section 2. The Governmental Entity, through its Chief Financial Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Chief Financial Officer after consultation Governmental Entity officials, it is deemed that the Governmental Entity may have made materially inaccurate statements in its bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances

issued during the period beginning five years prior to the date of submission of the Questionnaire.

- Section 3. The Chief Financial Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperative Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and to do and cause to be done and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, Including the Review, contemplated by this resolution
- Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.
- Section 5. This resolution shall become effective in accordance with applicable law.

Certification

I, Teresa A. DeMont, Municipal Clerk/Administrator, Town of Belvidere, Warren County, New Jersey do hereby certify that the foregoing resolution was duly adopted by the Governing Body of the Town of Belvidere at a regular meeting held on August 4, 2014.

**A motion** was made by Councilman Kennedy, seconded by Councilwoman Miers and carried to approve a contract with Phoenix Advisors, LLC to perform a Continuing Disclosure Survey and serve as Continuing Disclosure Agent in compliance with the SEC's Municipalities Continuing Disclosure Cooperation Initiative.

**A motion** was made by Councilman Sebold, seconded by Councilwoman Miers and carried to approve a raffle license application for the Belvidere High School Football Booster Club.

**Ordinances:**

**ORDINANCE NO. O2014x07**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE AUTHORIZING THE VACATION OF A RIGHT OF WAY WHICH TRAVERSES THE PROPERTY KNOWN AS BLOCK 44, LOT 12**

WHEREAS, the Estate of Sadie V. Geis if the owner of property located at 540 Independence Street in the Town of Belvidere, Warren County, New Jersey, said property being located between Fifth Street and Independence Street; and

WHEREAS, there exists an old right of way which traverses the property now known as Block 44, Lot 12. See exhibit A attached hereto; and

WHEREAS, it appears that said right of way is no longer in public use; and

WHEREAS, the Owner has requested the Town of Belvidere vacate any of its right, title and interest in said right of way described in Exhibit A; and

WHEREAS, it being the intent of this Ordinance to vacate all of the right, title and interest of the Town of Belvidere in the right of way and vacate the same as a public right of way, but the Town of Belvidere expressly reverses and excepts from this vacation all rights and privileges possessed at the time of passage of this Ordinance of all existing utility facilities in, adjacent to, over or under the property being vacated;

NOW, THEREFORE, BE IT ORDAINED by the Town of Belvidere that any right, title and interest in the right of way as more particularly described is hereby abandoned and vacated as a right of way.

NOTICE

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on July 21, 2014 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 August 4, 2014 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, seconded by Councilman Makatura and carried to open the public hearing on Ordinance No. O2014x07.

**There was no public comment.**

**A motion** was made by Councilman Kennedy, seconded by Councilman Sebold and carried to close the public hearing on Ordinance No. O2014x07.

**A motion** was made by Councilwoman Miers and seconded by Councilman Sebold to adopt Ordinance No. O2014x07.

**Roll call:**

**Ayes - Councilman Kennedy, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Sebold, Councilman Viglianco, Mayor Stettler**

**Nays - None**

**Abstentions - None**

**Absent - None**

**A motion** was made by Councilwoman Napolitani and seconded by Councilman Makatura to introduce Ordinance No. O2014x08.

**ORDINANCE NO. O2014x08**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 43 OF THE CODE OF THE TOWN OF BELVIDERE ENTITLED "POLICE DEPARTMENT" SPECIFICALLY SECTION 43-3, "APPOINTMENT OF MEMBERS"**

BE IT ORDAINED that the Belvidere Town Council hereby authorizes the following amendment to the Code of the Town of Belvidere:

### **Chapter 43**

#### **Police Department**

#### **§ 43-3. Appointment of Members.**

All members of the Police Department shall be appointed by the Mayor with the advice and consent of Council to hold office as provided by law. If the Mayor fails to recommend an appointment to any available position within thirty (30) days to Council, or fails to get advice and consent from the Town Council, the Town Council may appoint *to the vacant position*, by majority vote, a qualified officer as provided by law under N.J.S.A 40A:14-118.

**Roll call:**

**Ayes - Councilman Kennedy, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani**

**Nays - Councilman Sebold, Councilman Viglianco, Mayor Stettler**

**Abstentions - None**

**Absent - None**

#### **NOTICE**

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on August 4, 2014 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 August 18, 2014 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 Councilman Kennedy and seconded by Councilwoman Miers to introduce Ordinance No. O2014x09.

**ORDINANCE NO. O2014x09**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF THE TOWN OF BELVIDERE ENTITLED "ADMINISTRATION" SPECIFICALLY ARTICLE IV, "COMMITTEES"/SECTION 5-9, "APPOINTMENT"**

BE IT ORDAINED that the Belvidere Town Council hereby authorizes the following amendment to Chapter 5, Article IV, Section 5-9 of the Code of the Town of Belvidere:

**Chapter 5**

**Administration**

**ARTICLE IV**

**Committees**

**§ 5-9. Appointment.**

All appointments shall be made by a majority vote of the Town Council.

**Roll call:**

**Ayes - Councilman Kennedy, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani**

**Nays - Councilman Sebold, Councilman Viglianco, Mayor Stettler**

**Abstentions - None**

**Absent - None**

**NOTICE**

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on August 4, 2014 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 August 18, 2014 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 Councilman Kennedy and seconded by Councilman Makatura to introduce Ordinance No. O2014x10.

**ORDINANCE NO. O2014x10**

**TOWN OF BELVIDERE**

**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 160 OF THE CODE OF THE TOWN OF BELVIDERE ENTITLED "ZONING, SPECIFICALLY ARTICLE III, SECTION 160-22 A.(1) ENTITLED "FENCES"**

BE IT ORDAINED that the Belvidere Town Council hereby adopts the following amendment to the Code of the Town of Belvidere:

**Chapter 160**

**ZONING**

**ARTICLE III**

**General Regulations**

**§ 160-22 Fences.**

A. Fences are permitted in residential zones according to the following regulations:

- (1) The maximum height limit for fences for the rear yard and the side yard shall be six (6) feet. These fences shall be erected at least fifteen (15) feet back from the front facade of the main house or building located on the property (not including porches).

**Roll call:**

**Ayes - Councilman Kennedy, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Sebold, Councilman Viglianco, Mayor Stettler**

**Nays - None**

**Abstentions - None**

**Absent - None**

**NOTICE**

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on August 4, 2014 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 August 18, 2014 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.

**Old Business:**

A **motion** was made by Councilwoman Miers and seconded by Councilman Sebold to approve a contract with Eldon Allen, Surveyor to survey the portion of Howell Street southerly of Water Street.

**Roll call:**

**Ayes - Councilman Kennedy, Councilman Makatura, Councilwoman Miers, Councilwoman Napolitani, Councilman Sebold, Councilman Viglianco, Mayor Stettler**

**Nays - None**

**Abstentions - None**

**Absent - None**

Gena DiMaio stated that matters involving Howell Street need to be resolved and questioned fuel pumps, drainage and contamination.

John DiMaio stated that this issue goes beyond just Howell Street, particularly changes to the impervious coverage.

**Committee Reports:**

Councilman Makatura reported on the Planning Board and Environmental Commission meetings.

Councilwoman Napolitani reported on the activities of the DPW.

A **motion** was made by Councilwoman Napolitani and seconded by Councilman Makatura to move forward with the purchase of a new motor for the leaf machine contingent upon guidance from the Chief Financial Officer.

**Roll call:**

**Ayes - Councilman Kennedy, Councilman Makatura, Councilwoman Miers,  
Councilwoman Napolitani, Councilman Sebold, Councilman Viglianco, Mayor Stettler**  
**Nays - None**  
**Abstentions - None**  
**Absent - None**

Councilman Sebold reviewed the PD budget for the first half of 2014. The Councilman is working on the reverse 911 system and coordinating the snow ordinance committee.

Councilwoman Miers had no report at this time.

Councilman Kennedy reported on the activities of the Library and the Pool Commission. The Recreation Committee has scheduled a Harvest Festival for October 12<sup>th</sup>.

Councilman Viglianco had no report at this time.

John Snyder reported on the repair of a sink hole on Hardwick Street.

Mayor Stettler reminder everyone about National Night Out scheduled for August 5<sup>th</sup>.

**Appointments:**

Mayor Stettler had no appointments at this time.

**Approval of Purchase Orders:**

**A motion** was made by Councilman Makatura, seconded by Councilman Sebold with Councilwoman Miers abstaining and all others voting “yes” to authorize the payment of the purchase orders in the amount of \$625,571.91.

**Public Comment:**

Desmond Fitzgerald commented on Howell Street.

**A motion** was made buy Councilwoman Napolitani to adjourn the meeting of the Belvidere Town Council at 9:20 PM.

Respectfully submitted,

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