

**MINUTES - TOWN COUNCIL MEETING
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
691 Water Street
September 26, 2022**

Mayor Kennedy opened the regular meeting of the Belvidere Town Council with the Pledge of Allegiance and the following notice was read 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 Express Times NJ Zone and/or the Express-Times or Newark Star Ledger, filed in the Municipal Clerk's Office and posted in the Belvidere Town Hall, 691 Water Street, Belvidere NJ.

Councilwoman Napolitani requested the addition of an executive session to discuss contracts and personnel.

Roll Call:

Present - Mayor Kennedy, Councilman Matlock, Councilwoman Miers, Councilman Mitchell, Councilwoman Napolitani, Councilman Roth, Councilman Zmigrodski
Absent - None

Mayor Kennedy introduced the Town's newly appointed tax Assessor, Jennifer Carrabelli.

Adoption of Minutes:

A **motion** was made by Councilwoman Miers, seconded by Councilman Roth and carried to adopt the following meeting minutes of the Belvidere Town Council:

August 22, 2022 regular and executive session
September 13, 2022 special

Public Comment:

There was no public comment at this time.

Committee Reports:

Councilman Mitchell - Good Will Fire had 18 calls in August. There is a new municipal representative for JCP&L. We will be receiving an update on the LED project.

Councilman Roth - the downtown benches purchased through NPP have been installed by the DPW and two additional benches have been ordered. The Mill St. facade work has been completed. NPP has ordered the PA system. There has been discussion with the DEP and Fish and Wildlife regarding the riverfront properties and there has some resistance but they are interested.

There is interest in a grant from NJDOT for pedestrian safety, traffic control, period lighting throughout the downtown area, streetscaping and crosswalks.

The sharrow flyer has been distributed by mail and the grid has been laid out. Painting will commence soon.

Working in collaboration with NPP, the tree lighting will start at 3:00 PM with food, music, pet picks with elves, an ice rink, the trackless train and the high school coral group.

The summary of this year's Heritage Day was sent Council. The day was a success. Thanks to the executive committee.

The new air conditioner with a heat pump has been installed at the CCB. The CCB had 31 events in August and distributed sixty backpacks with school supplies.

The Scout Home grant application has been completed and submitted and the required presentation is scheduled.

Councilwoman Miers - expenditure reports were provided to Council and department heads. There is a balance of \$37,000 in CARES Act funding.

Councilwoman Napolitani - the court revenue report was sent to Council. The revenue currently stands at \$87,955. The court has processed 1,710 summons.

PD overtime is down for previous quarters.

Thank you to Eileen DeAngelo for planting 90 seedlings at the firing range.

Councilman Matlock - no report at this time.

Councilman Zmigrodski - paving notices have been distributed to Parker St. and the various streets under the resurfacing project. They will also be doing some alleys and crack filling on several streets.

Correspondence:

No correspondence was addressed at this time.

Previous Business:

Kevin Benbrook advised that Council will need to make a decision about the home elevation funding. Discussion ensued.

A motion was made by Councilwoman Miers, seconded by Councilwoman Napolitani and carried to authorize the execution of a contract with James Kyle as Special Redevelopment Planner.

New Business:

Lauren Walters presented information on the benefits of Belvidere becoming a “Bee City USA” community. A resolution will be presented at the next Council meeting along with a resolution to join Lower Delaware Wild and Scenic.

A motion was made by Councilman Zmigrodski, seconded by Councilman Matlock and carried approving raffle license RL2022-17 and RL2022-18 for Common Sense for Animals and RL2022-19 for BHS Project Graduation.

A motion was made by Councilwoman Miers, seconded by Councilwoman Napolitani and carried to approve the events application for Heritage Day 2023.

A motion was made by Councilman Zmigrodski, seconded by Councilman Matlock and carried to have one Council meeting next month on October 24th.

Resolutions:

A motion was made by Councilwoman Miers, seconded by Councilman Matlock and carried to adopt Resolution Nos. R2022x74 and R2022x75.

RESOLUTION NO. R2022x74

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING REFUND OF PREMIUM MONEYS (block 32, lot 6)

WHEREAS, Tax Sale Certificate 2021-013 dated October 27, 2021 on block 32, lot 6 was redeemed on August, 2022; and

WHEREAS, the premium paid at the sale in the amount of \$1,500.00 needs to be returned to US BANK CUST/PRO CAP8/FIRSTTRUST BANK 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 \$1,500.00 representing said refund.

US BANK CUST PRO CAP8/FIRSTTRUST BANK
50 SOUTH 16TH STREET - SUITE 2050
PHILADELPHIA, PA 19102

Date: September 26, 2022
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

**RESOLUTION NO. R2022x75
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
A RESOLUTION AUTHORIZING REFUND OF PREMIUM MONEYS (block 28, lot 14)**

WHEREAS, Tax Sale Certificate 2021-011 dated October 27, 2021 on block 28, lot 14 was redeemed on August 15, 2022; and

WHEREAS, the premium paid at the sale in the amount of \$13,000.00 needs to be returned to US BANK CUST/PRO CAP8/FIRSTTRUST BANK 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 \$13,000.00 representing said refund.

US BANK CUST PRO CAP8/FIRSTTRUST BANK
50 SOUTH 16TH STREET - SUITE 2050
PHILADELPHIA, PA 19102

Date: September 26, 2022
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

A **motion** was made by Councilwoman Miers, seconded by Councilman Roth and carried to adopt Resolution No. R2022x78.

**RESOLUTION NO. R2022x78
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JENNIFER CARABELLI
AS TAX ASSESSOR FOR THE TOWN OF BELVIDERE**

WHEREAS, N.J.S.A. 40A:19-146 requires every municipality to provide for the appointment of a Tax Assessor; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Town of Belvidere hereby appoints Jennifer Carabelli as the Tax Assessor for the Town of Belvidere for the following term of office:

Appointment effective August 30, 2022 with subsequent appointment for a four-year term effective July 1, 2023 through June 30, 2027; and

BE IT FURTHER RESOLVED that the Tax Assessor will be available to the public by appointment; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the following:

1. Director, Division of Taxation
2. Administrator, Board of Taxation
3. Administrator of the Municipality
4. Tax Assessor

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 held on September 26, 2022.

A **motion** was made by Councilman Matlock, seconded by Councilwoman Napolitani and carried to adopt Resolution No. R2022x79.

RESOLUTION NO. R2022x79

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING THE APPOINTMENT OF ANDREW MELENDEZ AS ZONING CODE ENFORCEMENT OFFICIAL

BE IT RESOLVED, that the Governing Body of the Town of Belvidere hereby appoints Andrew Melendez as Zoning Code Enforcement Official effective August 30, 2022.

Date: September 26, 2022
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

A **motion** was made by Councilwoman Miers, seconded by Councilman Roth and carried to adopt Resolution No. R2022x80.

RESOLUTION NO. R2022x80

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION SETTING THE SALARY FOR THE TAX ASSESSOR AND ZONING CODE ENFORCEMENT OFFICIAL

BE IT RESOLVED that the Governing Body of the Town of Belvidere hereby authorizes the following salaries effective September 1, 2022:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Jennifer Carabelli	Tax Assessor	\$ 22,000 per annum
Andrew Melendez	Zoning Code Enforcement	35.00 per hr

Date: September 26, 2022
Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

A **motion** was made by Councilwoman Miers, seconded by Councilman Matlock and carried to adopt Resolution No. R2022x81.

RESOLUTION NO. R2022x81

TOWN OF BELVIDERE

WARREN COUNTY, NEW JERSEY

A RESOLUTION OPPOSING THE REASSIGNMENT BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION

WHEREAS, it has come to the attention of the Town of Belvidere ('Town') that the New Jersey Department of Environmental Protection ('NJDEP') intends to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities currently designated as 'Tier B'; and

WHEREAS, compliance with the Permit Program for a municipality designated Tier A is far more costly and more onerous than compliance for a municipality designated Tier B; and

WHEREAS, under the existing designation system ('EDS'), the Tier B designation was specifically created for municipalities that are located in more rural areas and non-coastal regions, while Tier A designation was created for municipalities that are located within the more densely populated regions of the state or along or near the coast; and

WHEREAS, the existing EDS makes logical sense, as the costly and onerous compliance required for municipalities designated Tier A is necessitated by the population densities and environmental concerns of Tier A municipalities; and

WHEREAS, the EDS makes logical sense also for municipalities designated Tier B, as Tier B municipalities generally do not have the population densities and environmental concerns of their Tier A counterparts; and

WHEREAS, many municipalities designated Tier B under the EDS simply do not have the resources to comply with Tier A designation, unlike their Tier A counterparts; and

WHEREAS, the State, however well-intentioned in its actions, continues to saddle municipalities with additional responsibilities via its unfunded mandates; and

WHEREAS, reassignment by the NJDEP to Tier A designation for all New Jersey municipalities currently designated Tier B under the EDS will result in a redistribution of these municipalities's limited resources, away from their crucial government functions; and

WHEREAS, the Town wholeheartedly supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State; and

WHEREAS, the Town simply views the NJDEP's Reassignment Plan as a costly, unfair and ineffectual approach to improving the well being of the State's waterways;

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

1. The Town hereby urges members of the New Jersey Assembly and Senate to support, co-sponsor and adopt legislation that would prevent the NJDEP from reassigning to Tier A designation under the Permit Program new Jersey municipalities that are currently designated Tier A.
2. The Town hereby urges the Governor of the State of New Jersey to sign and legislation adopted by the State Assembly and Senate which legislation would prevent the NJDEP from reassigning to Tier A designation under the Permit Program New Jersey municipalities currently designated Tier B.
3. A copy of this adopted resolution shall be furnished to the following: Senator Steven Oroho, Assemblyman Parker Space, Assemblyman Harold Wirths, the NJDEP, the NJSLOM and all Warren County Municipal Clerks.

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 Governing Body of the Town of Belvidere at a regular meeting held on September 26, 2022.

Ordinances:

A **motion** was made by Councilman Roth and seconded by Councilwoman Miers to introduce Ordinance No. O2022x03.

ORDINANCE NO. O2022x03

ORDINANCE TO ESTABLISH A NEW CHAPTER 212 OF THE CODE OF THE TOWN OF BELVIDERE ENTITLED "CANNABIS TRANSFER TAX"

BE IT ORDAINED By the Town Council of the Town of Belvidere, in the County of Warren, New Jersey, that there be and hereby is established a new Chapter 212 entitled, "Cannabis Transfer Tax," as follows:

Chapter 212

entitled **CANNABIS TRANSFER TAX**, is hereby created to read as follows:

SECTION I.

§212-1 Purpose.

It is the purpose of this article to implement the provision of New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, (signed into law February 22, 2021), which authorizes the governing body of a municipality to adopt an ordinance imposing a transfer tax at a uniform percentage rate not to exceed two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer located in the Township, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the dispensary.

§212-2 Adult Use Cannabis Transfer Tax.

The tax rate for each category of license shall be as follows:

- a. Cannabis Cultivator: Two percent of the receipts from each sale by a cannabis cultivator.
- b. Cannabis Manufacturer: Two percent of the receipts from each sale by a cannabis manufacturer.
- c. Cannabis Wholesaler: One percent of the receipts from each sale by a cannabis wholesaler.
- d. Cannabis Retailer: Two percent of the receipts from each sale by a cannabis retailer.

§212-3 Remission of Taxes.

Every cannabis business and/or licensee shall remit taxes collected and due and owing on a quarterly basis to the municipal chief financial officer, along with certified copies of sales receipts and product transfer ledgers or documentation. The dates of tax remission shall be on or before January 2, April 1, July 1 and October 1, or as established by the chief financial officer. Each licensee shall certify to the truth and accuracy of the receipts and product transfer ledgers or documentation, and shall remit a return in a form determined by the chief financial officer.

§212-4 Delinquent taxes.

All unpaid taxes as required under this Article shall be subject to the accrual of interest and penalties at rates and penalties set forth and established for delinquent ad valorem taxes within the Town of Belvidere.

§212-5. Liability for taxes owed.

Each cannabis establishment owner and/or licensee shall be personally liable for any and all taxes imposed under this Article and any interest and penalty accruing thereon. In addition, any unpaid balance and interest and penalties accruing thereon shall constitute a lien on the real property in which the cannabis establishment is located and such liens shall be enforced in the same manner as municipal tax liens.

§212-6. Audit.

Every cannabis establishment and/or licensee within the Town of Belvidere is subject to audit, no greater than once per annum, of the establishment's or licensee's business records, receipts and accounting books, such audit to be performed at the chief financial officer's discretion, by a certified public accountant. Every cannabis establishment and licensee shall be obligated to fully comply with the requirements of an auditor. Failure to cooperate with the audit, or any misrepresentation or fraud committed by the establishment or licensee, shall result in the immediate suspension of the license.

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 on September 26, 2022 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 October 24, 2022 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. or on the municipal website, belviderenj.net.

Roll call:

Ayes - Councilman Matlock, Councilwoman Miers, Councilman Mitchell, Councilwoman Napolitani, Councilman Roth, Councilman Zmigrodski, Mayor Kennedy

Nays - None

Abstentions - None

Recusal - None

Absent - None

A motion was made by Councilwoman Miers and seconded by Councilwoman Napolitani to introduce Ordinance No. O2022x04.

Discussion ensued. Motion and second withdrawn. Ordinance introduction will be tabled to a future Council meeting.

Appointments:

No appointments were made at this time.

Authorization to Pay Purchase Orders:

A motion was made by Councilwoman Miers, seconded by Councilman Matlock and carried to authorize the payment of the purchase orders as presented in the amount of \$498,918.17.

Public Comment:

Virginia Walton - payment for trackless train for the tree lighting

Marianne Meyer-Garcia - new PD car should be a color that is visible to the public.

Nancy Mason - street sweeping and BUR development

Linda Stettler - revisit vehicle and traffic ordinance amendment. Alleys need to be named for out-of town responders. NPP facade grants.

Marl Young - thanks for Race Street tree removal.

Mayor Kennedy stated that he was resigning his position as Mayor effective immediately and that this would be his last Council meeting. The Mayor thanked all the staff and professionals for their hard work.

Executive Session:

A motion was made by Councilwoman Napolitani, seconded by Councilman Matlock and carried to adopt Resolution No. R2022x82.

RESOLUTION NO. R2022x82

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

Date: September 26, 2022
Teresa A. Yeisley, R.M.C./C.P.M.
Municipal Clerk/Administrator

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

Kevin Benbrook advised that the Council discussed the status of the municipal court.

A motion was made by Councilwoman Napolitani, seconded by Councilman Roth with Councilman Zmigrodski voting “no” and all others voting “yes” to accept the resignation of Joseph Kennedy as Mayor effective immediately.

A motion was made by Councilman Matlock to adjourn the meeting of the Belvidere Town Council at 8:22 PM.

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