

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ,
January 3, 2017
7:00 p.m.

The Reorganization meeting of the Township Committee of Independence Township, Warren County, New Jersey was called to order by Committeeman Robert M Giordano. The following announcement was made: “Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a schedule of regular meetings to the Star Gazette and The Express – Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk.” The Pledge of Allegiance to the American Flag was led by Mayor Robert M Giordano

Mayor Robert M Giordano administered the Oath of Office to elected Township Committee Members Michael Pennington, for a three-year term expiring December 31, 2019.

Roll Call:

Carmen Feula, Bonnie Kelsey, Michael Pennington, Glenn Cogle, Robert Giordano

Nomination for Mayor: Mr. Feula made a motion to nominate Robert Giordano. Mrs. Kelsey seconded the motion with roll call as follows:

Roll Call:

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Pennington, Mr. Cogle, Mayor Giordano

Nays: None recorded

Motion carries with five (5) affirmative votes.

Nomination for Deputy Mayor: Mr. Feula made a motion to nominate Glenn Cogle as Deputy Mayor, Mrs. Kelsey seconded the motion with roll call as follows:

Roll Call:

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Pennington, Mr. Cogle, Mayor Giordano

Nays: None recorded

Motion carries with five (5) affirmative votes.

Areas of Responsibility:

Mayor Giordano made the following liaison appointments:

Board of Education – Michael Pennington
DPW – Glenn Cogle
Emergency Services–Mayor Giordano
Environmental – Glenn Cogle
Land Use Board-Carmen Feula/Glenn Cogle
Personnel – Mayor Giordano
Police Commissioner– Carmen Feula
Recreation – Bonnie Kelsey

Annual Appointments:

Mayor Giordano made the following appointments:

Payroll Clerk	Deborah Hrebenak
Deputy Treasurer	Deborah Hrebenak
Tax Search Officer	Patricia Noll
Assessment Search Officer	Deborah Hrebenak
Solid Waste Advisor	Environmental Commission
Recycling Coordinator	Nancy Mason
OEM	Sgt. Keith Aiello, Coordinator Ernest Kinney-Deputy Coordinator Kevin Finnegan-Deputy Coordinator
911 Coordinator	Deborah Hrebenak

Township Professionals:

Mayor Giordano made the following Professional Services appointments with the endorsement of the full Township Committee:

Attorney:	Gebhardt & Kiefer Law Firm
Engineer:	Finelli Consulting Engineers
Prosecutor:	Roger Skoog
Public Defender:	Scott M. Wilhelm
Auditor:	William Schroeder, Nisivoccia & Company
Bond Counsel:	Michael Israels
Planner:	David Banisch, Banisch Associates, Inc.
Insurance Agent:	Sharon Cooper, Charter Partners USA, Inc.

Boards and Commissions:

Land Use Board:

Carmen Feula Class I	1Yr. Term	Exp. 12/31/17
George Ulmer Class II	1Yr. Term	Exp. 12/31/17
Glenn Cogle Class III	1Yr. Term	Exp. 12/31/17

Recreation Commission:

Tracy Klimas	2Yr. Term	Exp. 12/31/18
Michael Hemberger	1Yr. Term	Exp. 12-31-17

Consent Agenda:

No. 17-01

Title or Subject: Cash Management Plan

Interest Rate on Delinquent Taxes and Municipal Charges

In accordance with RS: 4-67, the interest rate on delinquent taxes and municipal charges shall be as follows:

1. 8% per annum on the first \$1,500 of the delinquency
2. 18% per annum on any amount in excess of \$1,500

No interest shall be charged for a 10-day grace period; after the 10-day grace period, interest shall be calculated from the due date.

An additional penalty of 6% of the amount of the delinquency will be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay that delinquency prior to the end of the calendar year.

The Tax Collector is authorized to process or cancel without further action on part of the governing body, any property tax overpayment or delinquency of less than \$10.00. The Tax Collector is further authorized to conduct the annual sale of delinquent taxes for the calendar year 2016.

Investment of Funds

The Chief Financial Officer is hereby authorized to invest funds, as they shall become available, to attain the highest rate of return, provided that all investments are reported to the Township Committee at the next meeting subsequent to the making of the investments.

Official Depositories

In accordance with NJSA 40A: 5-15, all monies collected by taxation, received from any source by or on behalf of any local unit or any board or department shall be deposited or turned over to the Chief Financial Officer within 48 hours.

The following banks are designated as official depositories for checking and/or escrow funds for the Township for 2017, as well as savings funds and investment accounts:

First Hope Bank

Fulton Bank

Authorized Signatures

All withdraws against the foregoing accounts shall bear the signatures of two of the following officials: Mayor and Chief Financial Officer.

No. 17-02

Title or Subject: Official Newspapers

Be It Resolved, by the Township Committee of the Township of Independence, that the following newspapers be designated as official newspapers of the Township of Independence for the purpose of legal notices:

Star-Gazette (weekly)
Express-Times (daily)

No. 17-03

Title or Subject: Annual Meeting Notice

WHEREAS, on October 21, 1975, The Open Public Meetings Act (Sunshine Law) became the law of the State of New Jersey, which became law effective on January 19, 1976 and has from time to time been amended; and

WHEREAS, pursuant to the Act, requirements of notice to the Public are prescribed for meetings of the Mayor and Committee of the Township of Independence which notice shall occur at its annual reorganization meeting, but not later than January 10th of each year;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Independence Township, County of Warren, State of New Jersey, that the following days during 2015 are designated as the workshop and regular meetings of the Mayor and Committee of the Township of Independence:

Reorganization Meeting January 3, 2017 at 7:00PM

Township Committee Workshop Meeting

			July 5, 2017	Wed	7 p.m.
February 7, 2017	7 p.m.		August 1, 2017		7 p.m.
March 7, 2017	7 p.m.		September 5, 2017		7 p.m.
April 4, 2017	7 p.m.		October 3, 2017		7 p.m.
May 2, 2017	7 p.m.		November 8, 2017	Wed	7 p.m.
June 7, 2017	Wed 7 p.m.		December 5, 2017		7 p.m.

Township Committee Meeting

January 10, 2017	7 p.m.	July 11, 2017	7 p.m.
February 14, 2017	7 p.m.	August 8, 2017	7 p.m.
March 14, 2017	7 p.m.	September 12, 2017	7 p.m.
April 11, 2017	7 p.m.	October 10, 2017	7 p.m.
May 9, 2017	7 p.m.	November 14, 2017	7 p.m.
June 13, 2017	7 p.m.	December 12, 2017	7 p.m.

ALL MEETINGS WILL BEGIN AT 7:00 P.M. AT THE INDEPENDENCE TOWNSHIP ADMINISTRATIVE OFFICES, 286-B RT. 46, GREAT MEADOWS NEW JERSEY UNLESS OTHERWISE SPECIFIED.OFFICIAL ACTION MAY BE TAKEN AT ANY MEETING.

No. 17-04

Title or Subject: Temporary Budget

WHEREAS, 40A: 4-19 Local Budget Act provides that temporary appropriations be made for the purpose and amounts required in the manner and time therein provided: and

WHEREAS, the date of this resolution is within the first thirty days of January 2017 and

WHEREAS, the total appropriations in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of **\$ 3,807,615.13**; and

WHEREAS, 26.25% of the total appropriations in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2016 budget is the sum of **\$ 999,498.97**.

NOW, THEREFORE, BE IT RESOLVED, that temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

No. 16-05

Title: Tax Appeals and Other Action Involving the Warren County Tax Board

WHEREAS, the Mayor and Township Committee of Independence Township are aware that the Tax Assessor of the Township of Independence may be required from time to time to correct errors made in computing the tax assessments of properties located within Independence; and

WHEREAS, the Mayor and Township Committee are aware that the laws of New Jersey permit any taxpayer of Independence Township to file a Petition of Appeal with the Warren County Board of Taxation or the Tax Court of the State of New Jersey to adjust this valuation of property or to correct errors made therein; and

WHEREAS, the municipality must be represented at such hearings by its Tax Assessor and by the Municipal Attorney who by law shall be authorized to settle such appeals with taxpayers of Independence Township when it appears that such settlement is in the best interest of the Township and the taxpayer; and

WHEREAS, in the event a settlement is reached, the laws of the State of New Jersey require that a Stipulation of Settlement be prepared memorializing the agreement which was reached which Stipulation must then be filed with the Warren County Board of Taxation; and

WHEREAS, the Tax Assessor of the Township of Independence has requested the Mayor and Township Committee to enact a resolution specifically authorizing the Tax Assessor to enter into agreements with taxpayers of the Township of Independence to correct errors and to settle appeals including the authority to execute stipulations of Settlement with taxpayers and appellants.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Independence that the Tax Assessor is hereby authorized to adjust errors found in the tax assessments covering property within Independence Township, negotiate and enter into settlements of appeals by taxpayers of their tax assessments and in all respects the Tax Assessor is authorized by law including the signing of all such stipulations and settlement agreements.

BE IT FURTHER RESOLVED that the Township Attorney of the Township of Independence is hereby authorized to represent the Township in connection with all matters concerning the assessment of taxes including but not limited to negotiation of settlements, the preparation of settlement stipulations, and the signing of all documents as may be required by law on behalf of the Township of Independence;

AND BE IT FURTHER RESOLVED that the Tax Assessor and the Township Attorney be and the same are hereby authorized to appear on behalf of the Township of Independence before the Warren County Board of Taxation and the Tax Court of the State of New Jersey and to do and perform all lawful acts before such Board and Court on behalf of the Township of Independence as may be provided by law including the authority to enter into settlement agreements and judgments by consent.

NO. 17-06

**Title: RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE POSITIONS OF ENGINEER, BOND COUNSEL, PLANNER & AUDITOR FOR THE TOWNSHIP OF INDEPENDENCE
CALENDAR YEAR 2017**

WHEREAS, the Township of Independence has a need to acquire an Engineer, Bond Counsel, Planner and Auditor as a non-fair and open contract pursuant to the provisions of

N. J. S. A. 19: 44A-20. 5; and

WHEREAS, Finelli Consulting Engineers as Municipal Engineering Firm, Special Bond Counsel Michael Isreal s, Bani sch Associates, Inc. and William Schroeder of Nisi voccia & Company, C. P. A. , for Township Accountant / Auditor have determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of these contracts is one year; and

WHEREAS, Finelli Consulting Engineers, Attorney Michael Isreal s, Bani sch Associates, Inc. and Nisi voccia & Company have submitted proposals tracts indicating they will provide the following services:

- a. Finelli Consulting Engineers – Engineering services;
- b. Attorney Michael Isreal s- Special Bond Counsel
- c. Bani sch Associates, Inc. - Professional Planning Services
- d. Nisi voccia & Company – review of 2016 financial records and preparation of annual audit.

WHEREAS, Finelli Consulting Engineers, Attorney Michael Isreal s, Bani sch Associates, Inc. and Nisi voccia & Company have completed and submitted a Business Entity Disclosure Certification which certifies that the aforesaid have not made any reportable contributions to a political candidate or candidate for Township Committee in the previous one year, and that the contract will prohibit Finelli Consulting Engineers, Attorney Michael Isreal s, Bani sch Associates, Inc. and Nisi voccia & Company from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that there are funds available for the procuring of these services pursuant to N. J. A. C. 5: 30- 5. 4 pending approval by the Township Committee;

NOW THEREFORE, BE IT RESOLVED that the Mayor of the Township of Independence is authorized to enter into contracts with Finelli Consulting Engineers, Attorney Michael Isreal s, Bani sch Associates, Inc. and Nisi voccia & Company as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and,

BE IT FURTHER RESOLVED that Notice of this Resolution will be published in the *Star Gazette*, the official newspaper of the Township of Independence.

No. 17-07

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Scott Stocker-Patrolman Third Class, at a rate of \$74,565.71 per annum effective January 1, 2017.

No. 17-08

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Gregory Varina-Patrolman Fifth Class, at a rate of \$ 64,665.97 per annum effective January 1, 2017.

No. 17-09

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Julius Somogyi-Patrolman Fifth Class, at a rate of \$ 64,665.97 per annum effective January 1, 2017.

No. 17-10

Title or Subject: Approval of Kennel License-Happy Tails Inn, Pet Resort

BE IT RESOLVED by the Township Committee of the Township of Independence, County of Warren and State of New Jersey, the Kennel license is hereby issued to Timothy Norton t/a Happy Tails Inn, Pet Resort, 69 Route 46 East, Hackettstown New Jersey, the license commences on January 1, 2017 and terminates on December 31, 2017.

No. 17-11

Title or Subject: DESIGNATING THE PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as its Public Agency Compliance Officer or P.A.C.O; and

NOW, THEREFORE, BE IT RESOLVED that the governing body of The Township of Independence, (hereinafter "Public Agency") in the County of Warren and State of New Jersey, hereby designates Deborah M Hrebenak, R.M.C., as its Public Agency Compliance Officer;

BE IT FURTHER RESOLVED, that the Township Clerk forward a certified copy of this resolution to the New Jersey Department of Treasury, Division of Contracts Compliance and Equal Employment Opportunity in Public Contracts.

No. 17-12

Title or Subject: RESOLUTION APPOINTING MUNICIPAL ATTORNEY

WHEREAS, there exists a need for the performance of legal services for Independence Township for the year 2017; and

WHEREAS, funds are, or will be made, available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of an attorney without competitive bidding providing that the

Resolution authorizing the award of contracts for "Professional Services" without competitive bidding and the contract itself be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of Independence Township, Warren County, New Jersey, as follows:

1. Richard P. Cushing, Esq., and Leslie Parikh of Gebhardt & Kiefer, P.C., are hereby appointed to serve as Municipal Attorney for Independence Township during the year 2017 in order to provide legal services for Independence Township.
2. The Mayor and Committee shall enter into a mutually agreeable written compensation agreement with said Attorney within thirty (30) days of the date of this Resolution.
3. This Agreement is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

No. 17-13

**Title: RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR THE POSITIONS
OF SPECIAL TAX COUNSEL FOR THE TOWNSHIP OF
INDEPENDENCE CALENDAR YEAR 2017**

WHEREAS, the Township of Independence has a need to acquire a Special Tax Counsel as a non-fair and open contract pursuant to the provisions of N. J. S. A. 19: 44A-20.5; and

WHEREAS, Martin Allen Esq., as Special Tax Counsel have determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of these contracts is one year; and

WHEREAS, Martin Allen Esq. has submitted a proposal indicating he will provide the following services of Special Tax Counsel

WHEREAS, Martin Allen Esq. have completed and submitted a Business Entity Disclosure Certification which certifies that the aforesaid have not made any reportable contributions to a political candidate or candidate for Township Committee in the previous one year, and that the contract will prohibit Martin Allen Esq. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that there are funds available for the procuring of these services pursuant to N. J. A. C. 5:30-5.4 pending approval by the Township Committee;

NOW THEREFORE, BE IT RESOLVED that the Mayor of the Township of Independence is authorized to enter into contract with Martin Allen Esq. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and,

BE IT FURTHER RESOLVED that Notice of this Resolution will be published in the *Star Gazette*, the official newspaper of the Township of Independence.

Deputy Mayor Cougle made a motion to approve the consent agenda Resolution 17-01 thru 17-13; Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Pennington, Deputy Mayor Cougle
Mayor Giordano

Nays: None recorded

Motion carries with five (5) affirmative votes

New Business: NONE

Public Comment: NONE

Motion to Adjourn:

Motion made by Deputy Mayor Cougle seconded by Mr. Feula at 7:15pm to adjourn meeting.

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Pennington, Deputy Mayor Cougle,
Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Respectfully Submitted,

Deborah M Hrebenak, RMC
Township Clerk/Administrator