

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ,
January 5, 2016
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 Committeeman Robert M Giordano

Deborah Hrebenak, Municipal Clerk/Administrator administered the Oath of Office to elected Township Committee Members Robert M Giordano and Glenn Cogle, for a three-year term expiring December 31, 2018.

Roll Call:

Carmen Feula, Bonnie Kelsey, Glenn Williams, 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, Deputy Mayor Williams, 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 Williams as Deputy Mayor, Mrs. Kelsey seconded the motion with roll call as follows:

Roll Call:

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, 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 – Deputy Mayor Williams

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/Carmen Feula

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

Ryan Aiello, Deputy Coordinator

Kevin Finnegan-Deputy Coordinator

Randy DeMark

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. 12/31/16
George Ulmer Class II	1Yr. Term	Exp. 12/31/16
Glenn Cogle Class III	1Yr. Term	Exp. 12/31/16
Ricardo Fernandez Class IV	4Yr. Term	Exp. 12/31/19
Geoffrey Cullen Alt. I	2Yr. Term	Exp. 12/31/17
Kevin Ginsberg Alt. I	2Yr. Term	Exp. 12/31/17

Recreation Commission:

Cathleen Rafalko	1Yr. Term	Exp. 12/31/16
Matthew DeGregoris	1Yr. Term	Exp. 12/31/16
Tracy Klimas	2Yr. Term	Exp. 12/31/16

(Unexp. Term Kitchen)

Consent Agenda:

No. 16-01

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 2015.

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 2016, 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. 16-02

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. 16-03

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 5, 2016 at 7:00PM

Township Committee Workshop Meeting

January 5, 2016	7 p.m.	Reorganization meeting	
		July 5, 2016	7 p.m.
February 2, 2016	7 p.m.	August 2, 2016	7 p.m.
March 1, 2016	7 p.m.	September 6, 2016	7 p.m.
April 5, 2016	7 p.m.	October 4, 2016	7 p.m.
May 3, 2016	7 p.m.	November 1, 2016	7 p.m.
June 8, 2016	Wed 7 p.m.	December 6, 2016	7 p.m.

Township Committee Meeting

January 12, 2016	7 p.m.	July 12, 2016	7 p.m.
February 9, 2016	7 p.m.	August 9, 2016	7 p.m.
March 8, 2016	7 p.m.	September 13, 2016	7 p.m.
April 12, 2016	7 p.m.	October 11, 2016	7 p.m.
May 10, 2016	7 p.m.	November 9, 2016	Wed 7 p.m.
June 14, 2016	7 p.m.	December 13, 2016	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. 16-04

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 2016 and

WHEREAS, the total appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of **\$3,705,432.57**; and

WHEREAS, 26.25% of the total appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2015 budget is the sum of **\$972,676.05**

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. 16-06

Title: RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE POSITIONS OF ENGINEER, PLANNER & AUDITOR FOR THE TOWNSHIP OF INDEPENDENCE CALENDAR YEAR 2014

WHEREAS, the Township of Independence has a need to acquire an Engineer, 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, Banisch Associates, Inc. and William Schroeder of Nisivoccia & 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, Banisch Associates, Inc. and Nisivoccia & Company have submitted proposals indicating they will provide the following services:

- a. Finelli Consulting Engineers – Engineering services;
- b. Banisch Associates, Inc.-Professional Planning Services
Nisivoccia & Company – review of 2015 financial records and preparation of annual audit.

WHEREAS, Finelli Consulting Engineers, Banisch Associates, Inc. and Nisivoccia & 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, Banisch Associates, Inc. and Nisivoccia & 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, Banisch Associates, Inc. and Nisivoccia & 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. 16-07

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 Fourth Class, at a rate of \$ 66, 910.31 per annum effective January 1, 2016.

No. 16-08

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 Sixth Class, at a rate of \$ 49,874.98 per annum effective January 1, 2016.

No. 16-09

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Brendan McGarry-Patrolman Sixth Class, at a rate of \$ 49,874.98 per annum effective January 1, 2016.

No. 16-10

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, 2016 and terminates on December 31, 2016.

No. 16-11

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. 16-12

Title or Subject: Municipal Alliance Grant

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Independence, County of _Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED by the Township of Independence, County of Warren, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Great Meadows Regional Municipal Alliance grant for fiscal year in the amount of:

DEDR	\$ 5,938.00
Cash Match	\$ 1,781.00
In-Kind	\$ 4,454.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

No. 16-13

Title or Subject: Safe and Secure Communities Program Grant 2016

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS the Township of Independence wishes to apply for funding of approximately \$ 30,000.00 with a match of -0- for an approximate project cost of -0- for funding for a project under the Safe and Secure Communities Program, and

WHEREAS, the Independence Township Committee has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Independence for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Independence Township Committee that Applicant's Governing Body

* As a matter of public policy the Township of Independence wishes to participate to the fullest extent possible with the Department of Law and Public Safety.

* The Attorney General will receive funds on behalf of the applicant.

* The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

* The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

No. 16-14

Title or Subject: RESOLUTION APPOINTING MUNICIPAL ATTORNEY

WHEREAS, there exists a need for the performance of legal services for Independence Township for the year 2016; 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 2016 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. 16-15

Title or Subject: Interlocal Agreement Between Great Meadows School District and the Township of Independence For Shared Services

No.16-16

Title or Subject: RESOLUTION AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF WASHINGTON AND THE TOWNSHIP OF INDEPENDENCE FOR THE PROVISION OF FIRE PREVENTION SERVICES INCLUDING SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR INSPECTIONS TO THE TOWNSHIP OF INDEPENDENCE

WHEREAS, the Township of Washington, County of Morris and the Township of Independence, County of Warren desire to renew a shared services agreement for the provision by Washington Township of Fire Prevention Office services to Independence Township; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65 -1 *et seq.*

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

- 1 That the Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement between the Township of Independence, Warren County and the Township of Washington, County of Morris, for Fire Prevention Office services for a term to commence January 1, 2016 and to terminate on December 31, 2016.
 - 2 A copy of the Agreement is on file in the office of the Township Clerk for inspection by the public.
 - 3 A copy of this Agreement shall be filed, for informational purposes, with the Department of Community Affairs, Division of Local Government Services, pursuant to rules and regulations promulgated by the Division.
- This resolution shall take effect immediately.**

No. 16-17

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

John Cummins-P/T Recreation Administrator/Senior Coordinator, at a rate of \$ 25.00 per hour, twenty-five (25) hrs. per week effective January 5, 2016.

No. 16-18

Title or Subject: APPOINTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointment is hereby made:

Dena Hrebenak, Deputy Registrar effective January 1, 2016.

Mr. Feula made a motion to approve the consent agenda Resolution 16-01 thru 16-18; Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mr. Cogle,
Mayor Giordano

Nays: None recorded

Motion carries with five (5) affirmative votes

New Business:

Chairman Jay Woodruff of the IMUA and Deborah Streeter Authority Member expressed the concerns the IMUA Members have with indemnification, the IMUA Board asked for an ordinance to be adopted by the Township, the Township Attorney has drawn an ordinance for introduction at the January 12, 2016 meeting which the IMUA Board reviewed and approved for introduction. Mayor Giordano stated that the Members are covered by the Township Insurance carrier and this would be an extra layer of protection.

Public Comment:

Chief James Simonetti of Roxbury Township, Morris County introduced himself; he is running for Warren County Sheriff this year.

John Cummins thanked the Mayor and Committee for his appointment, he expressed some of the items he will be managing this year for Recreation and the Seniors.

EXECUTIVE SESSION RESOLUTION

The following Resolution was approved at 7:30 p.m. to enter into Executive Session with a motion by Mr. Feula, seconded by Mrs. Kelsey and followed by a unanimous roll call.

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 Township Committee of the Township of Independence, County of Warren and State of New Jersey, as follows:

The public shall be excluded from discussion of and action upon the hereinafter specified matter.

The general nature of the subject matter to be discussed is as follows:

Personnel/Litigation

It is anticipated at this time that the above-stated matter will be made public at such time as deemed appropriate.

This resolution shall take effect immediately.

A motion was made by Mr. Cogle to come out of Executive Session at 8:25 p.m. and enter into regular session. Mr. Williams seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mr. Cogle,
Mayor Giordano

Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

Mayor Giordano stated no action taken during executive session.

Motion made by Mr. Cogle seconded by Mrs. Kelsey authorizing advertisement for P/T Deputy Clerk twenty (20) hours per week at \$ 17.00 per hour.

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mr. Cogle,
Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

Motion made by Mr. Feula seconded by Mr. Cogle authorizing Chief Riley to expend his budget to purchase riffles as approved in the 2015, due to a line item budget deficiency.

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mr. Cogle,
Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

Motion to Adjourn:

Motion made by Deputy Mayor Williams seconded by Mrs. Kelsey at 8:40pm to adjourn meeting.

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mr. Cogle,
Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

Respectfully Submitted,

Deborah M Hrebenak, RMC
Township Clerk/Administrator