

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
October 11, 2016 7:00 p.m.

This is a regular meeting of the Township Committee of Independence Township, Warren County, New Jersey. This meeting was called to order by Mayor Robert Giordano at 7:00 p.m. with the following announcement: "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 Giordano.

ROLL CALL:

Present: Glenn Cogle, Carmen Feula, Bonnie Kelsey, Deputy Mayor Glenn Williams (7:10 pm), Mayor Robert Giordano and Debi Hrebenak. Also present was Attorney Leslie Parikh and Engineer Michael Finelli.

Absent: None recorded

PROCLAMATION: Eagle Scout Award to Nathan Jakub – Mayor Giordano read the proclamation into the record.

CY2016/SFY2017 Municipal Best Practices Inventory: The document was received. The Township scored 26 and 22 was needed to pass. This is to show the status of the Township's qualification for State Aide.

CONSENT AGENDA:

Resolution 16-77: Rescind Renewal of 2016-2017 Liquor License of YasyL Osadtsia 2112-32-002-006 Which was Approved on 9/13/16, Resolution 16-69.

Title or Subject: 2016-2017 Renewal Liquor License

RESCIND RENEWAL OF 2016-2017 LIQUOR LICENSE OF VASYL OSADTSIA-2112-32-002-006 WHICH WAS APPROVED ON 9.13.2016, RESOLUTION 16-69

Resolution 16-78: Resolution of the Township of Independence, County of Warren, State of New Jersey Setting Forth a Policy Requiring the Tax Assessor to Notify the Chief Financial Officer and Governing Body of all Tax Appeals Filed by June 1st of Each Year.

Title or Subject: NOTIFICATION OF TAX APPEALS

WHEREAS, active monitoring management of a municipality's ratable base is fundamental in helping ensure fiscal stability; and

WHEREAS, it is important for the Governing Body and Chief Financial Officer to be kept apprised of all tax appeals filed against a municipality in a given year; and

NOW, THEREFORE, BE IT RESOLVED that the Tax Assessor of the Township of Independence, County of Warren, State of New Jersey shall inform the Chief Financial Officer and the Governing Body of all tax appeals filed for that year before June 1st of each year.

Resolution 16-79: Resolution Appointing Municipal Special Tax 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. Martin Allen, ESQ. of Di Francesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C. are hereby appointed to serve as Municipal Special Tax 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.

Resolution 16-80: Resolution Approving Proposed Driveway Plans.

WHEREAS, Eric Cross (“Applicant”) is the owner of a property located at 96 Asbury Road, known as Block 11, Lot 1.13 on which he wishes to construct a single-family house; and

WHEREAS, the Applicant require the issuance of a driveway permit in order to be able to access Asbury Road; and

WHEREAS, the Applicant’ prepared and submitted to the Township of Independence (“Township”) a driveway permit application; and

WHEREAS, the driveway permit application was reviewed by the Township Engineer who raised questions regarding certain sight distance requirements on Asbury Road where the driveway is to be located; and

WHEREAS, the Township Engineer observed that in order to meet the standard sight distance requirements for the location, it would be necessary to substantially rebuild portions of Asbury Road in the vicinity of the Applicants’ property at great expense to the Applicants; and

WHEREAS, the Applicants then hired an Engineer, James G. Glasson, of Civil Engineering, Inc., 1 Cove Street, Budd Lake, New Jersey 07828 (“Glasson”) who prepared a set of plans entitled “Proposed Driveway Plans for Lot 1.13, Block 11 (96 Asbury Road)” (“Driveway Plans”) dated June 1, 2016 with a last revision date of June 27, 2016, which plans laid out the design for the Applicants’ driveway, including a plan for the establishment of a 36-inch unbreakable round convex mirror and certain signage as more specifically delineated on Sheet 5 of 5 of the Driveway Plans; and

WHEREAS, the Township Engineer, Michael Finelli, P.E. prepared reports on the driveway permit application dated August 4 and September 9, 2016; and

WHEREAS, the Applicants and Glasson appeared before the Township Committee on September 13, 2016 in order present the plan to address the sight plan issues for the site; and

WHEREAS, the Township Engineer, Michael Finelli, P.E. was present and presented comments with respect to the proposal; and

WHEREAS, it was reported that because of the shape and topography of the property there was no other alternate location for the driveway other than the one sought by the Applicants; and

WHEREAS, both engineers recommended to the Township Committee that the driveway plan presented by the Applicants was the most reasonable solution to a difficult site issue that would allow Applicants to construct a driveway for their property in such a way that it minimized the risk to the motoring public; and

WHEREAS, after reasonable consideration of the pros and the cons of the application, the Township Committee felt it was the most fair and reasonable approach to a difficult situation, subject to certain conditions.

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

1. The driveway permit sought by the Applicants is hereby approved subject to the following conditions:
 - A. Compliance with all requirements of the Township Engineer.
 - B. Applicants obtain from the property owner, on which the driveway mirror and any necessary signage is to be located, a recordable instrument authorizing the location of the mirror on that property owner's property and authorizing the Applicants or their successors to take such reasonable steps as determined by the Township Engineer to clear any brush or other obstructions on that property owner's property so that the mirror can fulfill its function regarding sight distance.

BE IT FURTHER RESOLVED that subject to fulfillment of the above conditions, the Township consents to the location of any required signage and any part or all of the driveway mirror as shown on the Driveway Plans in the Township Right of Way, subject to the right of the Township to require, at the Applicants', or their successors' expense, the relocation or removal of the driveway mirror and required signage, if the Township constructs or reconstructs Asbury Road or removal or relocation of the sign(s) or driveway mirror is otherwise required for public safety and health considerations.

BE IT FURTHER RESOLVED pursuant to N.J.S.A. 59:4-6 the Township Committee hereby approves the Driveway Plans, including those with a revised date of October 11, 2016.

Resolution 16-81: Resolution of the Township of Independence, County of Warren, State of New Jersey Amending and Updating the Personnel Policies and Procedures Manual Which Incorporates the Employee Handbook Therein.

WHEREAS, the Township of Independence Is a member of the New Jersey Municipal Excess Liabilities Fund (MEL); and

WHEREAS, every two years, the MEL distributes a model personnel policies and procedures manual and encourages Its members to update their policies and procedures; and

WHEREAS, the Township of Independence seeks to update its Personnel Policies and Procedures Manual to conform with the MEL's standards.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Independence, in the County of Warren, that the Township of Independence Policies and Procedures Manual is updated as follows:

1. Modification to Anti-Discrimination Policy/American's with Disabilities Act Policy (Section One of the Manual) to comply with the New Jersey Pregnant Worker's fairness Act, which amended the law to prevent discrimination based upon pregnancy, childbirth or pregnancy medical-related condition. It also requires employers to provide reasonable accommodations.
2. Modification to the Social Media Policy portion of the Communication Media Policy (Section Two of the Manual) to reflect changes in technology and practices of governing.
3. Addition of Employee Dating Policy to Section Two of the Manual. This policy is adopted as an optional policy to require supervisor/subordinate dating to notify human resources.
4. Addition of 19 Language to Employment Procedure in Section Five.
5. Modification to Open Public Meetings Act Procedures concerning Personnel Matters.
6. Model Employment Application to be Compliant with Ban the Box Legislation in March of 2015 which prohibits employers from asking on an employment application about a candidate's criminal background.
7. Remove outdated CEPA notice and replace with most current version.

BE IT FURTHER RESOLVED that a copy of the updated Township of Independence Personnel Policies and Procedures Manual is on file with the Clerk's office; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Township Administrator for distribution to all Township employees.

A motion was made by Mr. Cogle to approve Resolutions 16-77 through and including 16-81 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded – Mr. Williams was not yet present.

Motion carries with four (4) affirmative votes.

Mayor Giordano made the following announcements: The Committee is invited to attend Family Promise of Warren County on Oct. 19th from 12 – 6 pm. A meeting has been scheduled on Oct. 17th with the DEP to explain what they want to do with the Kenco property. This meeting will be advertised as a joint meeting with the LUB.

DEPARTMENT REPORTS:

Tax Collector - Posted

Construction/Zoning – Report has been issued.

Environmental – Nothing to report.

Treasurer – Posted

Recreation/Green Acres – John Cummins gave a report. Shared services program is working very well. Update was given on the Booster Club.

Police – Report has been submitted.

Emergency Services – Several fund raising activities are being planned.

DPW – Allen Shimchook gave a report.

Municipal Clerk: Ms Hrebenak stated the November meeting is being moved up one week to November 1st.

Land Use Board – Mr. Feula reminded everyone of the meeting on October 17th.

Seniors – Mr. Cummins stated that there are 8 members at this time. Cards are played on Thursdays.

Board of Education – Mr. Williams stated that the meeting last week at Liberty Township was informative. Discussion ensued concerning a newspaper article that would show Great Meadows Regional would get less aid under the new funding plan.

PROFESSIONAL REPORTS:

Attorney Cushing: The Employee Handbook has been finalized.

Engineer Finelli: Have not heard anything concerning Liberty Square. Transportation Trust Fund: Engineer Finelli called his contact at the DOT and was advised that we are going to be notified concerning projects that are on hold. He has not received any such notification as of yet.

OLD BUSINESS:

Land Use Board meeting – Monday, October 17th. Mr. Feula discussed the main focus of the LUB's concerns. Mr. Cogle discussed the increased rabies issue threat with raccoons.

PUBLIC COMMENT:

Steve Wiseman is opposed to Resolution 16-80 as he feels it is a dangerous driveway situation. Ms Hrebenak noted that there was an incident at the site that the excavator was involved in and he has apologized. John Cummins asked the status of litigation with a Township officer. Mayor Giordano stated that a Resolution dealing with this incident has been passed and is available to the public.

BILLS: A motion was made by Mr. Feula to pay the bills as presented. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

EXECUTIVE SESSION:

WHEREAS: N.J.S. 2:4-12, Open Public Meetings Act, 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, State of New Jersey, as follows:
The public shall be excluded from discussion of the hereinafter specified subject matters;
The general nature of the subject matter to be discussed is as follows:

Litigation

It is anticipated at this time that the above matter will be made public upon completion of the matter discussed. This Resolution shall take effect immediately.

A motion was made by Mr. Feula to approve this Resolution at 7:20 pm., seconded by Mr. Cogle and followed by a roll call of all ayes.

A motion was made by Mr. Feula at 8:40 p.m. to exit the executive session, Mr. Cogle seconded by followed by a roll call of all ayes.

Mr. Giordano stated that the executive session was to discuss litigation and no action will be taken at this time.

ADJOURNMENT: A motion was made by Mr. Cogle to adjourn the meeting at 8:45 p.m. Mr. Williams seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR
Municipal Clerk