

**INDEPENDENCE TOWNSHIP COMMITTEE**  
**Meeting held at the Municipal Building, Great Meadows, NJ.**  
**February 9, 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 7:02 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:** Mayor Robert Giordano, Glenn Cogle, Carmen Feula, Deputy Mayor Glenn Williams, Bonnie Kelsey, and Debi Hrebenak. Also present Attorney Leslie Parikh and Township Engineer Michael Finelli .

**Absent:** None recorded.

**DEPARTMENT REPORTS:**

Tax Collector - Posted

Construction/Zoning – Reports were submitted.

Environmental – Mayor Giordano noted that the Township may be eligible for some relief from FEMA because of the last storm.

Treasurer – Budget meeting this Saturday.

Recreation/Green Acres – John Cummins submitted the Minutes from the last meeting. They have excess baseball equipment (both new and used) that they can sell if the Committee will give them authorization to do so. Sign-ups for softball have started. Booster participation has been discussed.

Discussion ensued concerning the excess sports equipment. Mr. Cogle made a motion for the donation/sale of the recreational items that are unneeded pending the attorney's notification on the proper procedure. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

It was noted that because of the spring thaw and vandalism, a cable has been put across the entrance to the Field of Dreams grassy areas.

Police – Report has been submitted. Mr. Feula stated that they are moving forward with the issue of our Chief's retirement. Mr. Cogle noted that he found a deer killed in the woods after hunting season had ended. He notified the authorities and asked that our police department be aware of this also.

Emergency Services – Keith Aiello discussed the progress with the generators.

DPW – Report was submitted. New parts have been installed on the truck. Mayor Giordano noted that discussion has ensued on employment and it appears that it would be beneficial to hire a full time person for the six (6) to nine (9) months to mow the grass at the Field of Dreams. The title and amount will be discussed at the next budget meeting.

Municipal Clerk: It has been busy in the office and there seems to be problems with the mail.

Land Use Board – Mr. Feula stated that the Board was in session until 11:30 pm last night discussing a conceptual application and a presentation on legal issues.

Seniors – Unidentified man gave a report. Better communication is needed.

Board of Education – Discussion ensued as to the Township's use the gym.

**PROFESSIONAL REPORTS:**

Attorney Parikh: Nothing to report.

**OLD BUSINESS:**

***Second reading of Ordinance 2016-02 – Public Hearing: IMUA Indemnification Ordinance***

Mr. Cogle made a motion to open up discussion on this ordinance to the Public. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mr. Cullen asked if there was any history of lawsuits and there is not. As there were no further comments, a motion was made by Mr. Cogle to close the public hearing. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

A motion was made by Mr. Cogle to adopt Ordinance 2016-2 as written. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

***NEW BUSINESS: Introduce/First Reading of Ordinance 2016-01: Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14.)***

Ordinance 2016-01

**CALENDAR YEAR 2016  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A.. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Township of Independence in the County of Warren finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

WHEREAS, the Governing Body hereby determines that a 3.5 percent increase in the budget

for said year, amounting to \$98,732.16 in excess of the increase in final appropriations otherwise Permitted by the Local Government Cap Law, is advisable and necessary;  
and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Independence, County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Independence shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$98,732.16, and that the CY 2016 municipal budget for the Township of Independence be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;  
and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote thereon, be filed with said Director within 5 days after such adoption.

Discussion ensued and it was noted that this has been done every year. Ms. Hrebenak will ask Bill Schroeder, Township Auditor, to explain this further in writing. A motion was made to introduce Ordinance 2016-1 by Mr. Cogle. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Second Reading and Public Hearing will be held at the March meeting.

**PUBLIC COMMENT:** None.

**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, Mrs. Kelsey, Mr. Cogle, Mr. Williams, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

**EXECUTIVE SESSION: 7:40 pm – 8:30 pm**

**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:

Legal issues

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. Williams to approve this Resolution at 7:40 p.m., seconded by Mr. Cogle and followed by a roll call of all ayes.

A motion was made by Mr. Feula at 8:30 p.m. to exit the executive session, seconded by Mr. Cogle followed by a roll call of all ayes.

Mayor Giordano stated that legal issues were discussed and no action will be taken at this time.

**ADJOURNMENT:** A motion was made by Mr. Williams to adjourn the meeting at 8:35 p.m. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, 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