

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
June 13, 2017 6:00 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 6:00 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: Mayor Robert Giordano, Deputy Mayor Cogle, Carmen Feula, Mike Pennington, Bonnie Kelsey, and Debi Hrebenak. Also present Attorney Leslie Parikh and Township Engineer Michael Finelli. IMUA: Chairman Re, Angelo Bolcato, Mr. Pace and Mr. Woodruff

Absent: None recorded.

EXECUTIVE SESSION RESOLUTION

The following Resolution was approved at 6:02 p.m. to enter into Executive Session with a motion by Deputy Mayor Cogle, seconded by Mr. Feula 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:

Litigation

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:

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

A motion was made by Mr. Feula to come out of Executive Session at 6:30 p.m. and enter into regular session. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mayor Giordano stated that litigation issues were discussed during the session resulting in no action to be taken.

Approval of Minutes: 3.16.17, 4.4.17, 4.11.17

Deputy Mayor Cogle made a motion to approve Minutes 3.16.17, 4.4.17, and 4.11.17 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Chief Riley presented the following awards:

Life Saving Award – Patrolman Julius Somogyi

Outstanding Achievement Award – Patrolman/Detective Christopher Prell

Oath of Office Police Chief Keith Aiello

Oath of Office Provisional Sergeant Christopher Prell

Mayor Giordano and the Township Committee presented Retiring Chief Riley a Plaque, acknowledging the Chief’s work with the Township.

Consent Agenda:

Resolution 17-48

RESOLUTION ACCEPTING BID AND AWARDING A LAND LEASE FOR THE CONSTRUCTION OF A CELL TOWER AND EQUIPMENT TO WIRELESS EDGE

WHEREAS, the Township of Independence (the “Township”) owns the property located at 286B Route 46 West, Great Meadows, New Jersey, 07840 on which the Township Municipal Building is located; and

WHEREAS, pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) the Township solicited bids for the lease of space on such property for the installation, operation, and maintenance of a wire communications tower and associated equipment (the “Project”); and

WHEREAS, on June 8, 2017, bids were received, opened and read for the Land Lease for the Construction of a Cell Tower and Equipment, in accordance with the plans and specifications; and,

WHEREAS, one bid was received from Wireless Edge with the following payment terms:

Annual Lease	\$27,312 per year (\$2,276 per month); Increasing 3% per year
Co-Location Leases.	50% revenue share Plus \$5,000 signing bonus

WHEREAS, pursuant to the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 *et seq.*) the award of such lease agreement for this Project must be made to the highest responsive bidder; and

WHEREAS, the Township Engineer and Township Attorney have reviewed and approved the bid of Wireless Edge; and

WHEREAS, such lease agreement is awarded conditioned upon the submission of Wireless Edge of all documents required by the bidding instructions.

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

1. The lease agreement for the Project is hereby awarded to Wireless Edge as the highest responsive bidder; and

2. The Mayor and Clerk are hereby authorized and directed to execute a lease agreement with Wireless Edge in a form substantially similar to that attached to the bidding instructions.

Resolution 17-51

RESOLUTION AUTHORIZING THE HIRING OF HEARING OFFICER

WHEREAS, there exists a need for the performance of services of a Hearing Officer for the Township of Independence (“Township”) in connection with a personnel matter; 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 engaging a Hearing Officer without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contracts be available for public inspection;

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

1. **THOMAS PORELLI, ESQ.**, is hereby appointed to act as a Hearing Officer for the Township in connection with a personnel matter for the Township at a rate of \$1,200.00 Hearing date June 13, 2017, also Pre-Hearing Conference with Attorneys for Parties at a rate of \$ 150.00.
2. The Mayor and Clerk are authorized to execute a mutually agreeable written agreement with said Special Counsel consistent with the terms of the Proposal within thirty (30) days of the date of this Resolution, subject to the Chief financial Officer certifying there are adequate funds in the Township’s budget to fund the agreement.
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 17-52

Title or Subject: Revised Salaries 2017
Effective Date: July 1, 2017

Public Safety	
Chief of Police	\$ 100,000.00

Resolution 17-53

Title or Subject: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159, P.L. 1948

WHEREAS, N.J.S. 40A:4-87, Chapter 159, P.L. 1948 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, Independence Township has received a Clean Communities Grant for 2017 in the amount of \$ 15,023.76 and wishes to amend its 2017 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Independence, Warren County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$ 15,023.76 to be received as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
Public and Private Revenues Offset with Appropriations:
Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$ 15,023.76 be appropriated under the caption of:

General Appropriation
(A) Operations Excluded from "Caps"
Public and Private Programs Offset by Revenues:
Clean communities Grant

BE IT FURTHER RESOLVED that one (1) certification form be sent to the Director of the Division of Local Government Services for their approval.

Resolution 17-54

Title or Subject: 2017-2018 Renewal Liquor Licenses

WHEREAS, the renewal applications for the following liquor licenses have been submitted to the Municipal Clerk with the proper fees, and

WHEREAS, Clearance certificates from the State Division of Taxation have been received by the Municipal Clerk for all of the licenses, and

WHEREAS, the Chief of Police has not indicated the need for special restrictions on any of the establishments,

NOW, THEREFORE, BE IT RESOLVED by the Independence Township Committee, that the following liquor licenses be renewed for the period of July 1, 2017 thru June 30, 2018:

Club:	
Independence Twp Vol Fire Dept	2112-31-010-001
Retail:	
Zoey's LLC	2112-33-001-012
Nykuns Store Inc	2112-33-004-002
Top Of The Hill Entertainment LLC	2112-33-003-005
Grow With Map	2112-44-009-003
Stage Dolls Inc	2112-33-006-009
133 Route 46 LLC	2112-32-002-007

Resolution 17-55

Title or Subject: Extension of Third Quarter Taxes

WHEREAS, the date of the mailing of the Independence Township tax bills cannot be determined at this time, and

WHEREAS, **NJSA 54:4-66.3** provides that no interest shall be charged for a minimum of 25 days after tax bills are mailed or otherwise delivered,

NOW, THEREFORE BE IT RESOLVED by the Independence Township Committee as follows:

No interest shall be charged on 3rd quarter taxes, due August 1, 2017, if payment of said taxes is received by Independence Township on or before the 25th day after the date of a mailing as certified by the Tax Collector to the Municipal Clerk and provided further, however, that if any such payment is not received on or before the 25th day, interest at the usual rate will be charged from August 1, 2017.

Resolution 17-56

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Erik Novack, position of part time summer worker, at a rate of \$ 15.30 per hour total hours per week not to exceed 28 hours, effective June 14, 2017.

Deputy Mayor Cogle made a motion to approve Resolution 17-48, 17-51, 17-52, 17-53, 17-54, 17-55, and 17-56 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Resolution 17-49

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Keith Aiello-Police Chief, at a rate of \$ 100,000.00 per annum effective July 1, 2017.

Mr. Pennington made a motion to approve Resolution 17-49 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Resolution 17-50

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Christopher Prell-Provisional Police Sergeant First Class, with a one- time \$ 1,000.00 stipend until such time the Sergeant's exam is taken and the list is certified, effective date is July 1, 2017.

Deputy Mayor Cogle made a motion to approve Resolution 17-50 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

DEPARTMENT REPORTS:

Tax Collector – Report submitted

Construction/Zoning – Report submitted.

Environmental –Report submitted

Recreation/Green Acres – Report Submitted. Camp to run at the field of dreams was discussed. Camp will be held at the school via PTO. Sending letter regarding field usage with no insurance certificate.

Police – Report submitted.

Emergency Services – No Report

DPW – Report submitted. Complaint letter was received from resident on Mt. Rascal Road regarding the height of the trees. The trees are hitting the top of the trailer.

Municipal Clerk: Report submitted

Land Use Board – Report submitted

Board of Education –No Report.

.PROFESSIONAL REPORTS:

Attorney Parikh: Report submitted.

Engineer Mike Finelli: Report submitted. No DOT funding for township roads.

OLD BUSINESS:

Second reading of Ordinance 2017-08

AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF INDEPENDENCE, SPECIFICALLY "LAND USE, CHAPTER 255" OF THE GENERAL ORDINANCES OF TOWNSHIP PERTAINING TO "DEFINITIONS," "PERMITS," "PRINCIPAL BUILDING HEIGHT," AND "ACCESSORY STRUCTURES."

Deputy Mayor Cogle made a motion to open up discussion on this ordinance to the Public. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

As there were no comments, a motion was made by Deputy Mayor Cogle to close the public hearing. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

A motion was made by Deputy Mayor Cogle to adopt Ordinance 2017-08 as written.
Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

PUBLIC COMMENT: None

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

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

ADJOURNMENT: A motion was made by Deputy Mayor Cogle to adjourn the meeting at 7:45 p.m. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC
Municipal Clerk/Administrator