

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
September 12, 2017 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: Mayor Robert Giordano, Deputy Mayor Cougle, Carmen Feula, Bonnie Kelsey, Mike Pennington, and Debi Hrebenak. Also present Attorney Leslie Parikh and Township Engineer Michael Finelli.

Absent: None

EXECUTIVE SESSION RESOLUTION

The following Resolution was approved at 7:03 p.m. to enter Executive Session with a motion by Mr. Feula, seconded by Ms. 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 believes 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:

Scheduling of Meeting

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 now that the above-stated matter will be made public when deemed appropriate.

A motion was made by Mr. Feula to come out of Executive Session at 7:10 p.m. and enter regular session. Deputy Mayor Cougle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mayor Giordano stated October 3, 2017 Township Workshop Meeting is cancelled and a joint Meeting with IMUA on October 17, 2017 is scheduled along with the Township meeting on October 10, 2017

Proclamation for National Domestic Violence Awareness Month, October 2017. Matt Hardy spoke about domestic violence awareness and upcoming events.

Minutes to be approved: 8.8.17

Deputy Mayor Cougle made a motion to approve 8.8.17 as written. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mr. Pennington and Mayor Giordano

Nays: None recorded

Abstain: Ms. Kelsey

Motion carries with four (4) affirmative votes.

Sharon Cooper – PAIC Insurance Agent. She gave the Township a check in the amount of \$9,418.00 from surplus of our policy. She is reviewing our coverage for next renewal.

Independence First Aid Squad – Mike Sickles spoke about increase in call. He submitted a report.

CY 2017/SFY 2018 Best Practices Inventory – The township meets the criteria.

Settlement Agreement and General Release – To be discussed in executive session.

Consent Agenda:

Resolution 17-63

Approval to submit a Grant application and execute a grant agreement with the New Jersey Department of Transportation for the Resurfacing of Russling Road, Section 2 project.

WHEREAS, Independence Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Independence,

NOW, THEREFORE, BE IT RESOLVED that Committee of the Township of Independence formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2018-Resurfacing of Russling Road Section 2 Project-00184** to the New Jersey Department of Transportation on behalf of the Township of Independence.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Independence and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 17-64

Approval to submit a Grant application and execute a grant agreement with the New Jersey Department of Transportation for the Mt. Rascal Road Resurfacing project.

WHEREAS, Independence Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Independence,

NOW, THEREFORE, BE IT RESOLVED that Committee of the Township of Independence formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2018-Mt. Rascal Road Resurfacing – 00183** to the New Jersey Department of Transportation on behalf of the Township of Independence.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Independence and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 17-65

**RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE MAKING
APPLICATION
TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-20 and 21**

WHEREAS, the Township of Independence desires to make application to the Local Finance Board for its review and/or approval of a proposed Ordinance authorizing the Conditional Dissolution if the Independence Municipal Utility Authority; and

WHEREAS, the member of the Committee of the Township of Independence believe:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1.

The application to the Local Finance Board is hereby approved, and the Township attorney, along with other representatives of the Township of Independence are hereby authorized to prepare such application and to represent the Township of Independence in matters pertaining thereto.

Section 2. The Clerk of the Township of Independence is hereby directed to prepare and file a copy of the proposed Ordinance authorizing the Conditional Dissolution of the Independence Municipal Utility Authority with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Resolution 17-66

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO TAKE THE
NECESSARY ADMINISTRATIVE ACTION TO CANCEL PROPERTY TAXES
ON BLOCK 1, LOT 67.07, COLIN PASKIK, 30A ROOSEVELT AVE,
A 100 PERCENT TOTALLY AND PERMANENTLY DISABLED
UNITED STATES VETERAN**

WHEREAS, NJSA 54:4-3.30 provides, in pertinent part, that the dwelling house and the lot whereas the same is erected of any citizen or resident of this State, now or hereafter honorable discharged from active service in time of war from any branch of the Armed Forces of the United States who has been or shall be declared by the United States Veterans Administration to be 100 percent permanently disabled may make claim for exemption from real estate taxation of such person's real and personal property; and

WHEREAS, Colin Pascik of 30A Roosevelt Avenue in the Township of Independence has submitted an application for real estate tax exemption as a 100 percent permanently and totally disabled veteran and has submitted documentation from the Department of Veterans Affairs office in Washington, DC confirming said 100 percent permanent and total disability as of August 2012; and

WHEREAS, Mr. Pascik's aforementioned real estate has been deemed totally exempt as of November 30, 2016, the date of purchase of his residence in the Township of Independence, as a result of the foregoing by the Township of Independence Tax Assessor; and

WHEREAS, the Tax Collector, Patricia Noll, has requested that the necessary administrative action be taken to cancel the taxes on this property from November 30, 2016 through December 31, 2017 in the amount of \$9965.57 to the Township of Independence from November 30, 2016 through the calendar year 2017; and

WHEREAS, the request was duly considered by the Township Committee at its regular meeting held on September 12, 2017 at which time the Township Committee deemed the recommendation to be proper and justified;

NOW, THEREFORE, BE IT RESOLVED on this 12 day of September, 2017 that the request of the Tax Collector, Patricia Noll, has been granted to make the necessary administrative action to cancel the taxes on this property from November 30, 2016 through December 31, 2017 in the amount of \$9965.57 to the Township of Independence for calendar year 2017, for Colin Pascik, a 100 percent totally and permanently disabled veteran; and

BE IT FURTHER RESOLVED that the Township Tax Collector is hereby authorized to process the cancellation in said amount following receipt of a true copy of this resolution.

Deputy Mayor Cougle made a motion to approve Resolution 17-63, 17-64, 17-65 and 17-66 as written. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mr. Pennington Ms. Kelsey and Mayor Giordano
Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mr. & Mrs. Ciba – 14 Barkers Mill Road- complain about the run off from the pipe and the rock and debris washing away her lawn. They spoke with DPW Supervisor. Mr. Cougle and Mr. Feula will check out the situation.

DEPARTMENT REPORTS:

Tax Collector – Report submitted. New program up and running. Credit cards are being used on line.

Construction/Zoning – Report submitted.

Environmental – None

Recreation/Green Acres – Report Submitted.

Police – Report submitted. Security at the school and township building discussed.

Emergency Services – Mike Sickle gave and submitted a report for the first aid squad.

Assistant Chief gave a report on the fire department.

DPW – Report submitted.

Municipal Clerk: Report submitted

Land Use Board – Report submitted. Woodmont application approved

Board of Education –Report submitted.

PROFESSIONAL REPORTS:

Attorney Parikh: Report submitted.

Engineer Mike Finelli: Report submitted.

Executive sessions items

OLD BUSINESS:

None

NEW BUSINESS:

NJLM Annual Conference – Atlantic City November 14-16, 2017

Mayor Giordano and Mr. Pennington will be attending

Correspondence from Liberty Township – Support to Assembly Bill 4532/Senate Bill 3049 – Amending the OPRA Bill.

Resolution 17-68

RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 4532/SENATE BILL NO. 3049 AMENDING THE OPEN PUBLIC RECORDS LAW

WHEREAS, Assembly Bill No. 4532, would exempt certain personal information from the open public records law and bar attorney's fee awards is denied in certain circumstances; and

WHEREAS, said Bill was unanimously approved by the General Assembly on 23 March 2017; and

WHEREAS, identical legislation, Senate Bill No. 3049, await action in the Senate; and

WHEREAS, the Mayor and Township Committee has reviewed the proposed legislation and wishes to support said Bill which would protect the privacy of the residents of New Jersey, as well as relieve the financial burden to municipalities; and

BE IT RESOLVED that the Mayor and Township Committee of the Township of Independence, in the County of Warren and State of New Jersey herby supports Assembly Bill No. 4532, and urges State Senate to adopt the companion legislation.

BE IT IS FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, the Speaker of the New Jersey State Assembly, the President of the New Jersey State Senate, all municipalities with the 24th Legislative District and the Assemblypersons and Senator representing the Township of Independence urging their support of this legislation.

Mr. Feula made a motion to approve Resolution 17-68 as written. Deputy Mayor Cougle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Ordinance 2017-10

See attached Ordinance

A motion was made to introduce Ordinance 2017-10 by Mr. Feula. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, 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 October 17, 2017 meeting.

Ordinance 2017-11

See attached Ordinance

A motion was made to introduce Ordinance 2017-11 by Mr. Feula. Deputy Mayor Cougle second the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, 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 October 17, 2017 meeting.

Ordinance 2017-12

See attached Ordinance

A motion was made to introduce Ordinance 2017-12 by Mr. Feula. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, 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 October 17, 2017 meeting.

PUBLIC COMMENT: Mr. Cullen regarding IMUA sale and properties. Mrs. Neuman asked about Roosevelt Avenue, Zabava Restaurant, and Barkers Mill Road. Mr. Neuman asked about the backup generator and the security system.

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

Ayes: Mr. Feula, Mr. Cougle, Mr. Pennington, Mrs. Kelsey and Mayor Giordano
Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

EXECUTIVE SESSION RESOLUTION

The following Resolution was approved at 8:23 p.m. to enter Executive Session with a motion by Mrs. Kelsey, seconded by Deputy Mayor Cougle 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 believes 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/Personnel

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 now that the above-stated matter will be made public when deemed appropriate.

A motion was made by Deputy Mayor Cougle to come out of Executive Session at 9:40 p.m. and enter regular session. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mr. Cougle, Mr. Pennington, Mrs. Kelsey and Mayor Giordano
Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mayor Giordano stated that Settlement agreement needs to be approved and signed were discussed during the session.

A motion was made to sign the settlement agreement by Mr. Feula. Deputy Mayor Cougle seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano
Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mayor Giordano stated that a letter needs to reappoint PAIC Insurance.

A motion was made to send a letter by Mr. Feula. Deputy Mayor Cougle second the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mayor Giordano stated that a Resolution is needed for the Mount Laurel Litigation

RESOLUTION #17-67

RESOLUTION AUTHORIZING AMENDED SETTLEMENT OF MOUNT LAUREL LITIGATION

WHEREAS, the Township of Independence has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, in furtherance of the Supreme Court's March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

WHEREAS, the Township has engaged in good faith settlement discussions with interested party, Fair Share Housing Center ("FSHC"); and

WHEREAS, said negotiations resulted in a comprehensive Settlement Agreement between the Township and FSHC which resolves all litigation between the parties and resolves and settles all issues related to the Township's affordable housing obligations defined by COAH for the Third Round; and

WHEREAS, the Township recognizes that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, at this time and at this particular point in the process resulting from the Supreme Court decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need, instead of doing so through plenary adjudication of the present and prospective need; and

WHEREAS, pursuant to Resolution 16-91 passed by the Township Committee on December 6, 2016, the Township agreed to settle the above-referenced litigation and setting the Township's Third Round affordable housing obligations at 25 credits; and

WHEREAS, since such time, the terms of the settlement have been changed, reducing the Township's Third Round affordable housing obligations to 16 credits.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Independence, County of Warren, State of New Jersey, hereby authorizes the settlement of the above referenced litigation substantially in accordance with the terms set forth in the proposed settlement documentation which is attached hereto and was reviewed by the Mayor and Township Committee.

BE IT IS FURTHER RESOLVED that counsel and all other appropriate Township officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.

Mr. Feula made a motion to approve Resolution 17-67 as written. Deputy Mayor Cougle seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mr. Pennington, Mrs. Kelsey and Mayor Giordano
Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

ADJOURNMENT: A motion was made by Mayor Giordano to adjourn the meeting at 9:45 p.m. Deputy Mayor Cougle seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mr. Pennington, Mrs. Kelsey 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