

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
November 1, 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, Mayor Robert Giordano and Debi Hrebenak. Also present was Attorney Leslie Parikh and Engineer Michael Finelli.

Absent: None recorded

MINUTES: The Minutes of the meeting of August 9, 2016 were approved as written by motion of Mayor Giordano. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mr. Williams, and Mayor Giordano

Nays: None recorded

Abstain: Mr. Cogle and Mrs. Kelsey because of absence.

Motion carries with three (3) affirmative votes.

The Minutes of the September 13, 2016, October 4, 2016, and October 11, 2016 were approved as written by motion of Mr. Cogle. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: Mr. Williams

Motion carries with four (4) affirmative votes.

CONSENT AGENDA:

Resolution 16-82: 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 2016 in the amount of

\$ 4,962.11 and wishes to amend its 2016 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 2016 in the sum of \$ 4,962.11 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 \$ 4,962.11 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 16-83: Appropriation Transfers

A motion was made by Mr. Cogle to approve Resolutions 16-82 and 16-83 as written.

Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

NEW BUSINESS:

Introduction of Ordinance 2016-06:

ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF INDEPENDENCE AND WOODMONT INDEPENDENCE URBAN RENEWAL, LLC, FOR PROPERTY KNOWN AS BLOCK 602, LOT 3 922-930, PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1 et seq.)

WHEREAS, the Independence Township Committee (the "Township Committee"), in its capacity as the redevelopment agency for the Township of Independence (the "Township"), is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (hereinafter referred to as the "Redevelopment Law"); and

WHEREAS, Woodmont Independence Urban Renewal, LLC (the "Redeveloper") is the owner of Block 6.02, Lot 3, consisting of approximately 12.28 acres (the "Property"), which property has failed to be developed despite a prior approval for residential development with an affordable housing component; and

WHEREAS, pursuant to Resolution 13-39 adopted on April 8, 2013, the Township Committee authorized an investigation to determine if the Property was in need of redevelopment; and

WHEREAS, the Planning Board, by way of Resolution, determined that the Property is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A: 12A-5; and

WHEREAS, based upon an investigation and recommendations of the Township Land Use Board, the Township Committee determined that the Property is in an area in need of redevelopment pursuant to the Redevelopment Law and adopted Resolution #13-53 on July 9, 2013; and

WHEREAS, the Township Committee adopted a Redevelopment Plan ("the Redevelopment Plan") for the Property; and

WHEREAS, the Redeveloper submitted a Concept Plan to the Township Committee for the redevelopment of the Property as a residential housing complex with an affordable housing component; and

WHEREAS, the Redevelopment Law authorizes the Township to arrange or contract with a redeveloper for the planning, construction, or undertaking or any project or redevelopment work in a redevelopment area; and

WHEREAS, the Township determined that the Concept Plan is consistent with and meets the goals of the Redevelopment Plan and is in the best interest of the community and, therefore, designated the Redeveloper as redeveloper for the Property; and

WHEREAS, the Mayor and Committee of the Township of Independence, negotiated and authorized the execution the Redeveloper's Agreement between the Township of Independence and the Redeveloper, dated 10.04.2014, which Redevelopment Agreement specifies the rights and responsibilities of the Township and the Redeveloper with respect to certain aspects of the Redevelopment Project, all in accordance with the Redevelopment Plan; and

WHEREAS, the Long Term Tax Exemption Law of New Jersey, *N.J.S.A. 40A:20-1 et seq.* ("Long Term Tax Exemption Law") permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments in lieu of taxes where the property is qualified; and

WHEREAS, the Redeveloper qualifies as an entity permitted to obtain a long-term tax exemption for the improvements to be constructed on the Property as part of the Redevelopment Plan in accordance with the Long Term Tax Exemption Law and, in connection therewith, and

WHEREAS, in accordance with the Long Term Tax Exemption Law, the Redeveloper submitted a written application ("Application") to the Township for approval of a tax exemption for the improvements to be constructed as part of the Redevelopment Project ("Improvements"); and

WHEREAS, the Mayor and Committee have heretofore determined that the Redevelopment Project would not have been constructed without a tax exemption for the Improvements; and

WHEREAS, as part of its Application for tax exemption, the Redeveloper submitted a form of Financial Agreement ("Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Resolution as Exhibit "A" which includes exhibits and schedules attached to the Financial Agreement; and

WHEREAS, the Mayor and Committee has heretofore determined that exemption from taxation of the Improvements pursuant to the Financial Agreement and receipt by the Township of annual service charges in lieu of taxes allows maximum redevelopment of the Property and is, therefore, in the best interest of the Township and is in accordance with the provisions of the Long Term Tax Exemption Law and the public purposes pursuant to which the redevelopment has been undertaken; and

WHEREAS, the Mayor and Committee now deem it to be in the best interest of the Township to adopt an Ordinance authorizing the Township to enter into the Financial Agreement with the Redeveloper on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein, including *inter alia* the granting of a tax exemption:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of Township of Independence, Warren County, State of New Jersey, that the Township will enter into

a Financial Agreement with the Redeveloper on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein:

1. The Mayor and Committee make such determinations and findings by virtue of and pursuant to and in conformity with the Long Term Tax Exemption Law.

2. The development of the Redevelopment Project is hereby approved for the grant of a tax exemption under the Long Term Tax Exemption Law by virtue of, pursuant to and in conformity with the provisions of the same.

3. The Financial Agreement and all exhibits and schedules thereto are hereby authorized and approved.

4. The Improvements shall be exempt from real property taxation and in lieu of real property taxes, the Redeveloper shall make payments to the Township of an annual service charge during the term and under the provisions set forth in the Financial Agreement.

5. Upon adoption of this Ordinance and execution of the Financial Agreement, a certified copy of this Ordinance and the Financial Agreement shall be transmitted to the Department of Community Affairs, Director of the Division of Local Government Services.

BE IT FURTHER ORDAINED that the Mayor of the Township of Independence is hereby authorized to execute the Financial Agreement and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Financial Agreement.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

Take notice, the foregoing Ordinance was introduced and passed on first reading by the Independence Township Committee at the regular monthly meeting on November 1, 2016 which Ordinance shall be given further consideration for final passage following a public hearing to be conducted thereon at its regular monthly meeting to be held on December 6, 2016 at The Independence Township Administrative Offices, 286-B Route 46, Great Meadows, New Jersey 07838.

A motion was made by Mr. Williams to introduce Ordinance 2016-06 on First Reading as written. Mr. Cogle seconded the motion and discussion ensued. Mr. Williams noted that the Committee was given a copy of the revised concept plan. The first concept plan was submitted in July of 2010. It has taken six (6) years to get to where we are today. Buildings were combined and nice amenities were included. Mr. Williams also commended the work of Attorney Parikh and Rick Hernandez. At this point roll call was recorded as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Williams, Mr. Cogle, 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 December 6, 2016 meeting.

DEPARTMENT REPORTS:

Tax Collector – Report Posted

Construction/Zoning – An ordinance change has been suggested dealing with non-conforming lots.

Environmental – Clean Communities Grant received - \$4900.

Treasurer – Report is posted.

Recreation/Green Acres – John Cummins gave a report and noted a lack of coaches for basketball.

Police – Report has been submitted. Chief Reily stated that he will be above grade again this year for his budget. He has finished, at all three schools, installing the 3-M film on the windows.

Emergency Services – Several fund raising activities are being planned.

DPW – Report was submitted. They have finished the patching of the roads and are getting the trucks ready for winter weather.

Municipal Clerk: Ms Hrebenak stated that the rabies clinic will be held on Saturday.

Land Use Board – Joint meeting was held with the Township Committee to listen to a presentation from the DEP in reference to converting some properties into a state park. No conclusions were reached. A meeting will be held at the Independence Township Municipal Building on Nov. 4th at 10:30 a.m. with the 24th District representatives.

Seniors – Mr. Cummins stated that cards are played on Thursdays.

Board of Education – Mr. Williams stated that there is nothing new to report. Veterans have been invited to the school for breakfast next Friday.

PROFESSIONAL REPORTS:

Attorney Parikh: She will hold her discussion for Executive Session.

Engineer Finelli: Very quiet. Key item is the Transportation Trust Fund which was reinstated last month. The new gas tax was discussed and the trickle-down effect that it will cause.

PUBLIC COMMENT: None

Chief Reily reminded everyone about the Toy and Food Drive to be held on December 2nd at the firehouse.

Note: Mr. Williams has left the meeting (7:30 p.m.)

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, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) 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 7:35 pm., seconded by Mrs. Kelsey and followed by a roll call of all ayes.

A motion was made by Mr. Cogle at 8:10 p.m. to exit the executive session, Mr. Feula 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. Feula to adjourn the meeting at 8:25 p.m. Mr. Cougle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR
Municipal Clerk