

**INDEPENDENCE TOWNSHIP COMMITTEE**  
**Meeting held at the Municipal Building, Great Meadows, NJ,**  
**January 6, 2015**  
**7:00 p.m.**

**The reorganization meeting of the Township Committee of Independence Township, Warren County, New Jersey was called to order by Committeeman Robert M Giordano. The following announcement was made: “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 Committeeman Robert M Giordano**

Robert Giordano administered the Oath of Office to elected Township Committee members Bonnie Kelsey and Carmen Feula, for a three-year term expiring December 31, 2017.

**Roll Call:**

Carmen Feula, Bonnie Kelsey, Glenn Williams, Glenn Cogle, Robert Giordano

**Nomination for Mayor:** Glenn Williams made a motion to nominate Robert Giordano. Mrs. Kelsey seconded the motion with roll call as follows:

**Roll Call:**

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Williams, Mr. Cogle, Robert Giordano

Nays: None recorded

Motion carries with five (5) affirmative votes.

**Nomination for Deputy Mayor:** Mayor Giordano made a motion to nominate Glenn Williams as Deputy Mayor, Mr. Feula seconded the motion with roll call as follows:

**Roll Call:**

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

Nays: None recorded

Motion carries with five (5) affirmative votes.

**Areas of Responsibility:**

Mayor Giordano made the following liaison appointments:

Board of Education – Deputy Mayor Williams

DPW – Glenn Cogle

Emergency Services–Mayor Giordano

Environmental – Glenn Cogle

Land Use Board-Carmen Feula/Glenn Cogle

Personnel – Mayor Giordano

Police Commissioner– Carmen Feula

Recreation – Bonnie Kelsey

**Annual Appointments:**

Mayor Giordano made the following appointments:

Payroll Clerk

Deborah Hrebenak

Deputy Treasurer

Deborah Hrebenak

Tax Search Officer

Patricia Noll

Assessment Search Officer

Deborah Hrebenak

Solid Waste Advisor

Environmental Commission

Recycling Coordinator

Nancy Mason

OEM

Sgt. Keith Aiello, Coordinator

Ryan Aiello, Deputy Coordinator

911 Coordinator

Deborah Hrebenak

**Township Professionals:**

Mayor Giordano made the following Professional Services appointments with the endorsement of the full Township Committee:

Attorney:	Gebhardt & Kiefer Law Firm
Engineer:	Finelli Consulting Engineers
Prosecutor:	Roger Skoog
Public Defender:	Scott M. Wilhelm
Auditor:	William Schroeder, Nisivoccia & Company
Bond Counsel:	Michael Israels
Planner:	David Banisch, Banisch Associates, Inc.
Insurance Agent:	Sharon Cooper, Charter Partners USA, Inc.

**Boards and Commissions:**

**Land Use Board:**

<b>Carmen Feula</b>	<b>Class I</b>	<b>1Yr. Term</b>	<b>Exp. 12/31/15</b>
<b>George Ulmer</b>	<b>Class II</b>	<b>1Yr. Term</b>	<b>Exp. 12/31/15</b>
<b>Glenn Cogle</b>	<b>Class III</b>	<b>1Yr. Term</b>	<b>Exp. 12/31/15</b>
<b>Don Engels</b>	<b>Class IV</b>	<b>Unexp. Term of Nolan</b>	<b>Exp. 12/31/17</b>
<b>Tim Norton</b>	<b>Class IV</b>	<b>4Yr. Term</b>	<b>Exp. 12/31/18</b>

*Mayor Giordano stated there are four (4) openings on Land Use Board*

**Recreation Commission:**

<b>Donna Re</b>	<b>3Yr. Term</b>	<b>Exp. 12/31/17</b>
<b>Tony Russack</b>	<b>2Yr. Term</b>	<b>Exp. 12/31/16</b>
<b>David Sawicki</b>	<b>1Yr. Term</b>	<b>Exp. 12/31/15</b>

**Consent Agenda:**

**No. 15-01**

*Title or Subject: Cash Management Plan*

**Interest Rate on Delinquent Taxes and Municipal Charges**

In accordance with RS: 4-67, the interest rate on delinquent taxes and municipal charges shall be as follows:

1. 8% per annum on the first \$1,500 of the delinquency
2. 18% per annum on any amount in excess of \$1,500

No interest shall be charged for a 10-day grace period; after the 10-day grace period, interest shall be calculated from the due date.

An additional penalty of 6% of the amount of the delinquency will be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay that delinquency prior to the end of the calendar year.

The Tax Collector is authorized to process or cancel without further action on part of the governing body, any property tax overpayment or delinquency of less than \$10.00. The Tax Collector is further authorized to conduct the annual sale of delinquent taxes for the calendar year 2014.

**Investment of Funds**

The Chief Financial Officer is hereby authorized to invest funds, as they shall become available, to attain the highest rate of return, provided that all investments are reported to the Township Committee at the next meeting subsequent to the making of the investments.

**Official Depositories**

In accordance with NJSA 40A: 5-15, all monies collected by taxation, received from any source by or on behalf of any local unit or any board or department shall be deposited or turned over to the Chief Financial Officer within 48 hours.

The following banks are designated as official depositories for checking and/or escrow funds for the Township for 2013, as well as savings funds and investment accounts:

First Hope Bank  
Fulton Bank

**Authorized Signatures**

All withdraws against the foregoing accounts shall bear the signatures of two of the following officials: Mayor and Chief Financial Officer.

**No. 15-02**

*Title or Subject: Official Newspapers*

**Be It Resolved**, by the Township Committee of the Township of Independence, that the following newspapers be designated as official newspapers of the Township of Independence for the purpose of legal notices:

Star-Gazette (weekly)  
Express-Times (daily)

**No. 15-03**

*Title or Subject: Annual Meeting Notice*

**WHEREAS**, on October 21, 1975, The Open Public Meetings Act (Sunshine Law) became the law of the State of New Jersey, which became law effective on January 19, 1976 and has from time to time been amended; and

**WHEREAS**, pursuant to the Act, requirements of notice to the Public are prescribed for meetings of the Mayor and Committee of the Township of Independence which notice shall occur at its annual reorganization meeting, but not later than January 10<sup>th</sup> of each year;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Committee of the Township of Independence Township, County of Warren, State of New Jersey, that the following days during 2015 are designated as the workshop and regular meetings of the Mayor and Committee of the Township of Independence:

**Reorganization Meeting January 6, 2015  
At 7:00PM**

**WORKSHOP MEETINGS**

**REGULAR MEETINGS**

February 3, 2015  
March 3, 2015  
April 7, 2015  
May 5, 2015  
June 3, 2015(Wednesday)  
July 7, 2015  
August 4, 2015  
September 1, 2015  
October 6, 2015  
November 4, 2015(Wednesday)  
December 1, 2015

January 13, 2015  
February 10, 2015  
March 10, 2015  
April 14, 2015  
May 12, 2015  
June 9, 2015  
July 14, 2015  
August 11, 2015  
September 8, 2015  
October 13, 2015  
November 10, 2015  
December 8, 2015

ALL MEETINGS WILL BEGIN AT 7:00 P.M. AT THE INDEPENDENCE TOWNSHIP ADMINISTRATIVE OFFICES, 286-B RT. 46, GREAT MEADOWS NEW JERSEY UNLESS OTHERWISE SPECIFIED. OFFICIAL ACTION MAY BE TAKEN AT ANY MEETING.

**No. 15-04**

*Title or Subject: Temporary Budget*

**WHEREAS**, 40A: 4-19 Local Budget Act provides that temporary appropriations be made for the purpose and amounts required in the manner and time therein provided: and

**WHEREAS**, the date of this resolution is within the first thirty days of January 2015 and

**WHEREAS**, the total appropriations in the 2014 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of **\$ 3,659,265.17**; and

**WHEREAS**, 26.25% of the total appropriations in the 2014 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2014 budget is the sum of **\$ 960,557.11**

**NOW, THEREFORE, BE IT RESOLVED**, that temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

**No. 15-05**

***Title: Tax Appeals and Other Action Involving The Warren County Tax Board***

**WHEREAS**, the Mayor and Township Committee of Independence Township are aware that the Tax Assessor of the Township of Independence may be required from time to time to correct errors made in computing the tax assessments of properties located within Independence; and

**WHEREAS**, the Mayor and Township Committee are aware that the laws of New Jersey permit any taxpayer of Independence Township to file a Petition of Appeal with the Warren County Board of Taxation or the Tax Court of the State of New Jersey to adjust this valuation of property or to correct errors made therein; and

**WHEREAS**, the municipality must be represented at such hearings by its Tax Assessor and by the Municipal Attorney who by law shall be authorized to settle such appeals with taxpayers of Independence Township when it appears that such settlement is in the best interest of the Township and the taxpayer; and

**WHEREAS**, in the event a settlement is reached, the laws of the State of New Jersey require that a Stipulation of Settlement be prepared memorializing the agreement which was reached which Stipulation must then be filed with the Warren County Board of Taxation; and

**WHEREAS**, the Tax Assessor of the Township of Independence has requested the Mayor and Township Committee to enact a resolution specifically authorizing the Tax Assessor to enter into agreements with taxpayers of the Township of Independence to correct errors and to settle appeals including the authority to execute stipulations of Settlement with taxpayers and appellants.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Township Committee of the Township of Independence that the Tax Assessor is hereby authorized to adjust errors found in the tax assessments covering property within Independence Township, negotiate and enter into settlements of appeals by taxpayers of their tax assessments and in all respects the Tax Assessor is authorized by law including the signing of all such stipulations and settlement agreements.

**BE IT FURTHER RESOLVED** that the Township Attorney of the Township of Independence is hereby authorized to represent the Township in connection with all matters concerning the assessment of taxes including but not limited to negotiation of settlements, the preparation of settlement stipulations, and the signing of all documents as may be required by law on behalf of the Township of Independence;

**AND BE IT FURTHER RESOLVED** that the Tax Assessor and the Township Attorney be and the same are hereby authorized to appear on behalf of the Township of Independence before the Warren County Board of Taxation and the Tax Court of the State of New Jersey and to do and perform all lawful acts before such Board and Court on behalf of the Township of Independence as may be provided by law including the authority to enter into settlement agreements and judgments by consent.

**NO. 15-06**

***Title: RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN***

**CONTRACT FOR THE POSITIONS OF ENGINEER, PLANNER & AUDITOR FOR THE TOWNSHIP OF INDEPENDENCE CALENDAR YEAR 2014**

**WHEREAS**, the Township of Independence has a need to acquire an Engineer, Planner and Auditor as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

**WHEREAS**, Finelli Consulting Engineers as Municipal Engineering Firm, Banisch Associates, Inc. and William Schroeder of Nisivoccia & Company, C.P.A., for Township Accountant/Auditor have determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

**WHEREAS**, the anticipated term of these contracts is one year; and

**WHEREAS**, Finelli Consulting Engineers, Banisch Associates, Inc. and Nisivoccia & Company have submitted proposals indicating they will provide the following services:

- a.** Finelli Consulting Engineers – Engineering services;
- b.** Banisch Associates, Inc.-Professional Planning Services  
Nisivoccia & Company – review of 2014 financial records and preparation of annual audit.

**WHEREAS**, Finelli Consulting Engineers, Banisch Associates, Inc. and Nisivoccia & Company have completed and submitted a Business Entity Disclosure Certification which certifies that the aforesaid have not made any reportable contributions to a political candidate or candidate for Township Committee in the previous one year, and that the contract will prohibit Finelli Consulting Engineers, Banisch Associates, Inc. and Nisivoccia & Company from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer has certified that there are funds available for the procuring of these services pursuant to N.J.A.C. 5:30-5.4 pending approval by the Township Committee;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor of the Township of Independence is authorized to enter into contracts with Finelli Consulting Engineers, Banisch Associates, Inc. and Nisivoccia & Company as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and,

**BE IT FURTHER RESOLVED** that Notice of this Resolution will be published in the *Star Gazette*, the official newspaper of the Township of Independence.

**No. 15-07**

**Title or Subject: RESOLUTION APPOINT J. EDWARD PALMER AS JUDGE OF INDEPENDENCE TOWNSHIP MUNICIPAL COURT**

**WHEREAS**, the Township of Independence has established a Municipal Court;  
and

**WHEREAS**, a Judge must be appointed to preside over same; and

**WHEREAS**, the J. Edward Palmer, Esq. a licensed New Jersey Attorney has heretofore served in that capacity; and

**WHEREAS**, it is necessary to adopt this resolution reflecting that fact;

**NOW, THEREFORE**, be it resolved on this 6<sup>th</sup>. day of January 2015 that pursuant to N.J.S.A. 2B:12-4(A) that J. Edward Palmer is hereby appointed as Judge of the Independence Township Municipal Court for a term of three (3) years effective January 1, 2015.

**No. 15-08**

**Title or Subject: APPOINTMENTS/ADJUSTMENTS**

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

Scott Stocker-Patrolman Sixth Class, at a rate of \$ 62,154.91 per annum effective January 1, 2015.

**NO. 15-09**

**Title or Subject: RESOLUTION APPOINTING MUNICIPAL ATTORNEY**

**WHEREAS**, there exists a need for the performance of legal services for Independence Township for the year 2015; 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. Richard P. Cushing, Esq., and Leslie Parikh of Gebhardt & Kiefer, P.C., are hereby appointed to serve as Municipal Attorney for Independence Township during the year 2015 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.

**No. 15-10**

**Title or Subject: Approval of Kennel License-Happy Tails Inn, Pet Resort**

**BE IT RESOLVED** by the Township Committee of the Township of Independence, County of Warren and State of New Jersey, the Kennel license is hereby issued to Timothy Norton t/a Happy Tails Inn, Pet Resort, 69 Route 46 East, Hackettstown New Jersey, the license commences on January 1, 2015 and terminates on December 31, 2015.

**NO. 15-11**

**Title or Subject: DESIGNATING THE PUBLIC AGENCY COMPLIANCE OFFICER**

**WHEREAS**, in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as its Public Agency Compliance Officer or P.A.C.O;

and

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of The Township of Independence, (hereinafter "Public Agency") in the County of Warren and State of New Jersey, hereby designates Deborah M Hrebenak, R.M.C., as its Public Agency Compliance Officer;

**BE IT FURTHER RESOLVED**, that the Township Clerk forward a certified copy of this resolution to the New Jersey Department of Treasury, Division of Contracts Compliance and Equal Employment Opportunity in Public Contracts.

**No. 15-11(A)**

***Title or Subject: RESOLUTION APPROVING STANDARD OPERATING PROCEDURES FOR THE INDEPENDENCE TOWNSHIP POLICE DEPARTMENT***

**WHEREAS**, pursuant to Section 63-4 of the Code of the Township of Independence (the "Code :"), the Mayor and Township Committee have the power and authority to amend the Independence Township Police Department Rules and Regulations Manual by resolution; and

**WHEREAS**, according to the recommendation of the Chief of the Independence Township Police Department, there exists a need to amend the Police Manual of the Independence Township Police Department in order to be consistent with the New Jersey Attorney General Guidelines.

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

Rules and Regulations, entitled "Independence Township Department of Police, Police Manual," dated January 6, 2015, are hereby approved by the Township Committee as provided for in Section 63-4 of the Code of the Township of Independence.

**BE IT FURTHER RESOLVED**, that the revised Police Manual will be distributed to all employees.

**BE IT FURTHER RESOLVED**, that all managerial/supervisory employees will receive the updated Personnel Policies and Procedures Manual.

Mr. Cogle made a motion to approve the consent agenda Resolution 15-01 thru 15-11 with the exception of Resolution 15-07; Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mr. Cogle,  
Mayor Giordano  
Nays: None recorded  
Motion carries with five (5) affirmative votes

Mr. Williams made a motion to approve Resolution 15-07; Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mayor Giordano  
Nays: None recorded  
Abstain: Mr. Cogle  
Motion carries with four (4) affirmative votes

Mr. Feula made a motion to approve Resolution 15-12; Mr. Williams seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Deputy Mayor Williams, Mr. Cogle,  
Mayor Giordano  
Nays: None recorded  
Motion carries with five (5) affirmative votes

**Public Comment:** None

## EXECUTIVE SESSION RESOLUTION

The following Resolution was approved at 7:20 p.m. to enter into Executive Session with a motion by Mr. Williams, seconded by Mrs. 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 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:

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:

Personnel/Litigation

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

This resolution shall take effect immediately.

A motion was made by Mr. Cogle to come out of Executive Session at 7:35 p.m. and enter into regular session. Mr. Williams seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mayor Giordano stated no action taken during executive session.

### **Motion to Adjourn:**

Motion made by Deputy Mayor Williams seconded by Mrs. Kelsey at 7:40pm to adjourn meeting.

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Respectfully Submitted,

Deborah M Hrebenak, RMC  
Township Clerk/Administrator