

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
October 10, 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 Deputy Mayor Glenn Cougle 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 Deputy Mayor Cougle.

ROLL CALL:

Present: Deputy Mayor Cougle, Carmen Feula, Bonnie Kelsey, Mike Pennington, and Debi Hrebenak. Also present Attorney Leslie Parikh and Township Engineer Michael Finelli.

Absent: Mayor Robert Giordano

Thank you letter from Camp Merry Heart regarding the donation of sports equipment from Director Kim Minerley.

Correspondence from the 24th District Legislative Officers Meeting on November 1 at Allamuchy Municipal Building at 10:30 am.

Minutes to be approved: 9.12.17

Mr. Feula made a motion to approve 9.12.17 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mr. Pennington and Ms. Kelsey

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

Consent Agenda:

Resolution 17-69

Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Township of Independence urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblyman Parker Space, Assemblywoman Gail Phoebus, Senator Steven Oroho, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

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.

Resolution 17-70

Title or Subject: APPOINTMENT

BE IT RESOLVED by the Township Committee of the Township of Independence that the following appointment is hereby made:

Amy Monahan-Certified Tax Collector Temporary P/T position, rate of \$ 50.00 per hour effective October 10, 2017.

Resolution 17-71

Title or Subject: Tax Refund

WHEREAS, the Tax Collector recommends to the Township Committee that the necessary administrative action be taken to authorize a refund of the following:

NOW, THEREFORE BE IT RESOLVED by the Independence Township Committee, that the following refunds be made:

Block	Lot	Name/Address	Reason	Total
1	67.07	Corelogic Centralized Refunds PO Box 9202 Coppell, TX 75019	Credit due to totally exempt veteran	\$ 7,593.37
6.01	904 C0601	Carrington Mortgage Services c/o Lereta 1123 Park View Dr Covina, CA 91724	Duplicate payment	\$ 1,344.02
Total to be refunded				\$ 8,937.39

Resolution 17-73

Title or Subject: Approval of Fire Department Member (Michael Harcher)

WHEREAS, there is a need for members on the Independence Volunteer Fire Department; and

Whereas, *Michael Harcher* has made application for membership to the Fire Department and has been approved by the Membership Committee; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, that *Michael Harcher* is hereby approved as a member of the Independence Volunteer Fire Department.

Resolution 17-74

Title or Subject: Approval of Fire Department Member (Jake Paul DeYong)

WHEREAS, there is a need for members on the Independence Volunteer Fire Department; and

Whereas, *Jake Paul DeYong* has made application for membership to the Fire Department and has been approved by the Membership Committee; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, that *Jake Paul DeYong* is hereby approved as a member of the Independence Volunteer Fire Department.

Mr. Feula made a motion to approve Resolution 17-69, 17-70, 17-71, 17-73 and 17-74 as written. Mrs. Kelsey seconded the motion with roll call as follows:

- Ayes: Mr. Cogle, Mr. Feula, Mr. Pennington, and Mrs. Kelsey
- Nays: None recorded
- Abstain: None recorded

Motion carries with four (4) affirmative votes.

EXECUTIVE SESSION RESOLUTION

The following Resolution was approved at 7:05 p.m. to enter Executive Session with a motion by Mr. Feula, seconded by Mr. Pennington 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

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 7:15 p.m. and enter regular session. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

Resolution 17-72

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”) owners the property located at 286B Route 46 West, Great Meadows, New Jersey, 07838 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 and subject to review by the Township Attorney.

Mr. Feula made a motion to approve Resolution 17-72 as written. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

DEPARTMENT REPORTS:

Tax Collector – Report submitted. Tax Collector resigning effect November 1, 2017

Construction/Zoning – Report submitted.

Environmental – None. Deputy Mayor

Cogle talked about the Kenco property

Recreation/Green Acres – Report Submitted. John reported his report field hockey, soccer, basketball sign up and field closure

Police – Report submitted. Chief talked about DWI box, drug drop off box, and Narcan save. Recruit are doing good. Graduation November 30

Emergency Services – Captain Mike Sickle gave and submitted a report for the first aid squad. Assistant Chief Adam Cavanagh gave a report on the fire department.

DPW – Report submitted.

Municipal Clerk: Report submitted. Township Meeting moved to November 8 due to election and league meeting (Nov 14-16)

Land Use Board – Report submitted.

Board of Education – Report submitted. November 21 Board of Education Meeting regarding the study.

PROFESSIONAL REPORTS:

Attorney Parikh: Report submitted.

Engineer Mike Finelli: Report submitted.

Executive sessions items

OLD BUSINESS:

Mr. & Mrs. Ciba – Barkers Mill Road. After reviewing the situation, it is not Township responsibility. It is a private matter between neighbors.

NEW BUSINESS:

Stamp Out Abuse seminar with Deputy Mayor and Chief.

PUBLIC COMMENT: Mr. Cullen regarding Board of Education Meeting regarding Hackettstown and Great Meadows schools.

Jonathan Swack introduced him as he is on Democrat Ballot for Township Committee

Gary Whyte – Committee to adopt a resolution for FOP.

A motion was made by Mr. Feula to complete and send the resolution as presented. Deputy Mayor Cogle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

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, Mr. Pennington, and Mrs. Kelsey

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

EXECUTIVE SESSION RESOLUTION

The following Resolution was approved at 8:29 p.m. to enter Executive Session with a motion by Mr. Feula, 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 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:

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:

No required action taken

A motion was made by Deputy Mayor Cogle to come out of Executive Session at 10:55 p.m. and enter regular session. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mr. Cogle, and Mr. Pennington

Nays: None recorded

Abstain: Mrs. Kelsey

Motion carries with three (3) affirmative votes.

During executive session Mrs. Kelsey excuse herself at 8:50 pm due to the subject matter.

ADJOURNMENT: A motion was made by Deputy Mayor Cogle to adjourn the meeting at 11:00 p.m. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, and Mr. Pennington

Nays: None recorded

Abstain: Mrs. Kelsey

Motion carries with three (3) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC
Municipal Clerk/Administrator