

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
March 13, 2018 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 Cogle, Bonnie Kelsey, Mike Pennington, Tim Norton and Debi Hrebenak. Also present were Attorney Leslie Parikh and Engineer Michael Finelli.

Absent: None recorded

2018 Introduce Budget

Mr. Lifer spoke about the budget and the increase per average household of \$ 19.00 yearly.

Mr. Norton made a motion to Introduce the Budget as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

**Acknowledgement DPW Snow Removal
Warming Station at the Municipal Building and the Fire House**

Thank you DPW Supervisor Ernest Kinney and Township Clerk Deborah Hrebenak

Minutes Approval: 1.09.18, 1.27.18, 2.6.18 and 2.13.2018

Mr. Cogle made a motion to approve the 1.9.18, 1.27.18, 2.6.18, and 2.13.18 Minutes as written. Mr. Giordano seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

CONSENT AGENDA:

Resolution 18-28

Be It Resolved by the Independence Township Committee that the following salaries shall be paid to Township employees, effective January 1, 2018 unless otherwise noted.

Administration	
Mayor	\$ 7,265
Deputy Mayor	\$ 3,714
Township Committee Member	\$ 3,101
Municipal Clerk/Registrar	\$ 85,922
Administrator	\$ 10,032

Tax and Finance	
Chief Financial Officer	\$ 41,119
Tax Collector	\$ 35.00/hr.
Tax Assessor	\$ 26,000
Payroll Clerk	\$ 3,008
P/T Clerical(1)	\$ 20.38/hr.
Municipal Court	
Judge	\$ 17,610
Prosecutor	\$ 8,434
Court Administrator	\$ 14,255
Court Clerk	\$ 648
Public Works	
Supervisor	\$ 32.51/hr.
Truck Driver	\$ 27.84/hr.
Truck Driver 1	\$ 21.42/hr.
Laborer	\$ 26.19/hr.
Construction/Zoning	
Construction Official/ Bldg. Sub Code Official Building Inspector	\$ 23,432
TACO	\$ 15.28/hr.
Fire SubCode Official	\$ 3,515
Electrical Inspector	\$ 6,113
Plumbing Sub Code Official	\$ 7,028
Zoning Official	\$ 14,646
Land Use Board Administrator	\$ 8,787
Recreation/Seniors	
Recreation Director	\$ 26.01/hr.
P/T Laborer	\$ 15.61/hr.
Recycling	
Recycling Coordinator	\$ 1,082
Public Safety	
Chief of Police	\$ 102,000
Clerk-Typist	\$ 46,865
Police Matron Call Out	\$ 52.02/2 hr
Matron Hrs, After Call Out	\$ 20.81
Emergency Management Coordinator	\$ 2,674
911 Coordinator	\$ 1503
Police	
Lieutenant	\$ 96,174.18
Sergeant 1 st . Class	\$ 93,694.81
Patrolman 1 st . Class	\$ 88,492.81
Patrolman 2 nd . Class	\$ 83,737.83
Patrolman 3 rd . Class	\$ 76,057.03
Patrolman 4 th . Class	\$ 71,005.76
Patrolman 5 th . Class	\$ 65,959.29
Patrolman 6 th . Class	\$ 52,899.08
Probationary	\$ 43,297.29
Recruit	\$ 30,000.00

Resolution 18-29

Title: Tricky Tray

WHEREAS, Independence First Aid Squad is registered by the State of New Jersey to operate legalized games of chance, (253-10-20060) and,

WHEREAS, they have submitted an application for a Tricky Tray to be held on May 5, 2018 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 446 be issued to Independence First Aid Squad.

Resolution 18-30

Title: 50/50 Raffle

WHEREAS, Independence First Aid Squad is registered by the State of New Jersey to operate legalized games of chance, (253-10-20060) and,

WHEREAS, they have submitted an application for a 50/50 Raffle to be held on May 5, 2018 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 447 be issued to Independence First Aid Squad.

Resolution 18-31

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

SAFE AND SECURE COMMUNITIES PROGRAM

RESOLUTION OF PARTICIPATION #18-31

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Township of Independence wished to apply for funding of approximately \$ 30, 000.00 with a match of \$ 108,811.00 for an approximate project total cost of \$138,811.00 for a project under the State of New Jersey Safe and Secure Communities Grant Program, and

WHEREAS, the Independence Township Committee has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Independence for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Independence Township Committee that

1. As a matter of public policy, the Township of Independence wished to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

Resolution 18-32

Title: Raffle Tricky Tray

WHEREAS, SS. Peter & Paul R. C. Church is registered by the State of New Jersey to operate legalized games of chance, (253-1-2709) and,

WHEREAS, they have submitted an application for a Tricky Tray Raffle to be held on May 19, 2018 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 448 be issued to SS. Peter & Paul R.C. Church.

Resolution 18-33

Title: Raffle 50/50

WHEREAS, SS. Peter & Paul R. C. Church is registered by the State of New Jersey to operate legalized games of chance, (253-1-2709) and,

WHEREAS, they have submitted an application for a 50/50 Raffle to be held on May 19, 2018 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 449 be issued to SS. Peter & Paul R.C. Church.

Resolution 18-34

INDEPENDENCE TOWNSHIP-RESOLUTION 18-34

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction
Records in Employment Decisions Under Title VII of the Civil Rights Act of
1964"**

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES

STATE OF NEW JERSEY
COUNTY OF *WARREN*

We, members of the governing body of the *TOWNSHIP OF INDEPENDENCE* being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *TOWNSHIP COMMITTEE* of the *TOWNSHIP OF INDEPENDENCE* in the county of *WARREN*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

Resolution 18-35

**INDEPENDENCE TOWNSHIP
Resolution 18-35
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *TOWNSHIP OF INDEPENDENCE* has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *TOWNSHIP OF INDEPENDENCE* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution 18-36

RESOLUTION OPPOSING NJDOT ROUTE 80 ROCK MITIGATION PROJECT THROUGH THE DELAWARE WATER GAP

WHEREAS, the New Jersey Department of Transportation (NJDOT) intends to build a series of high industrial fences and a 60-foot concrete pyramid called a "rockfall berm" along Route 80 through the Delaware Water Gap; and

WHEREAS, the proposed Route 80 Rockfall Mitigation will be built on lands located in Knowlton and Hardwick Townships and the Delaware National Water Gap Park; and

WHEREAS, stakeholders Knowlton Township and Hardwick Township have formally opposed the project, and have not given their permission for this project within their boundaries; and

WHEREAS, construction of the Route 80 fence is slated to begin in 2020, may last two years, and will cost between \$55 and \$58 million dollars according to NJDOT estimates; and

WHEREAS, the stated intent of the fence and concrete berm is to prevent rockfall; and

WHEREAS, the NJDOT's Concept Development Report acknowledges that "NJDOT provided limited rockfall event data, and the actual frequency of rock activity is unknown" for this project; and

WHEREAS, there are no documented rockfall events nor any recollections of significant rockfall events over the last ten years within Area "D" portion of the project where the concrete pyramid is to be placed; and

WHEREAS, there are 70 to 80 motor vehicle accidents on Route 80 in this section of Route 80 annually due to speed and poor road conditions yet this project involves no road improvements; and

WHEREAS, two years of construction on Route 80 will have significant negative impact on residents and on emergency personnel's ability to get to nearby hospitals; and

WHEREAS, the Delaware Water Gap is a nationally prominent scenic wonder and a gateway to the one of the most widely used National Parks in the nation; and

WHEREAS, the proposed project will directly impact the viewshed of the Appalachian Trail, which has an entrance at the Delaware Water Gap Park; and

WHEREAS, in 2016, 3.7 million visitors to the Delaware National Water Gap park spent \$126.3 million in communities within 60 miles of the park and supported 1887 jobs*; and

WHEREAS, tourism to the Delaware Water Gap and the scenic value of Northwest New Jersey will likely be negatively impacted by the proposed fence; and

WHEREAS, the millions of dollars appropriated for this non-essential project could be better directed to creating a safe passageway on Route 80 itself through the Delaware Water Gap.

NOW, THEREFORE, BE IS RESOLVED on this 13TH day of March 2018, the Township of Independence opposes the current NJDOT Route 80 Rockfall Mitigation Project and requests the assistance of the following elected representatives in halting the current NJDOT project.

- 1) U.S. Congressman Josh Gottheimer
- 2) U.S. Senator Cory Booker
- 3) U.S. Senator Bob Menendez
- 4) State Senator Steven Oroho
- 5) State Assemblyman Parker Space
- 6) State Assemblyman Harold Wirths
- 7) Warren County Freeholders Ed Smith, Jason Sarnoski, and Rick Gardner

BE IT FURTHER RESOLVED, that the Warren County Governing Officials Association encourages the NJDOT to continue Route 80 rock mitigation under the conditions that:

- a) Rock mitigation occurs in a manner that does not harm the viewsheds of the nationally recognized Delaware Water Gap and Appalachian Trail; and
- b) The project includes measures that address the speeding and/or dangerous road conditions causing far more accidents annually than rockfall.

Resolution 18-37

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE AUTHORIZING THE RELEASE OF DEPOSIT TO LIBERTY SQUARE

WHEREAS, since July 30, 2007 the Township of Independence has been holding in escrow a restoration cash deposit ("Deposit"), in the amount of twenty-five thousand (\$25,000.00) dollars, which was made by Liberty Square 517, LLC

(hereinafter "Liberty Square"), pursuant to an Agreement attached hereto as **Exhibit A**; and

WHEREAS, the Deposit with the Township was made by Liberty Square in furtherance of a proposed development project by Liberty Square on Block 8, Lots 21 and 22.04 (The "Property"), which is owned by Owen Properties LLC (hereinafter "Owen"), and

WHEREAS, the attached Agreement substantially summarizes the purpose of the Deposit and understanding between the parties; and

WHEREAS, after the time the Agreement was entered and due to the restrictions imposed on the Property by the Highlands Water Protection and Planning Act, the Property could not be developed by Liberty Square and the development efforts ceased; and

WHEREAS, litigation was eventually commenced by Liberty Square (WRN-L-201-16) surrounding the release of the funds; and

WHEREAS; that litigation has been resolved via three orders of the Court dated March 1, 2018, March 2, 2018 and March 13, 2018, which are attached hereto as **Exhibit B**; and

WHEREAS, the Township has now been dismissed from the suit, with prejudice, and is relieved of any further obligations that may exist as to the parties to the Agreement or under the terms of the Agreement; and

WHEREAS; the Order dated March 13, 2018 likewise directs that the Deposit may now be returned to Liberty Square.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of March, 2018, by the Township Committee of the Township of Independence, County of Warren and State of New Jersey, that, for the reasons stated above, the Independence Township Committee authorizes and directs the Mayor, Township Clerk, Township Administrator and Township Chief Financial Officer to execute any and all necessary documents in order to implement the intent of this resolution and release said funds to Liberty Square.

Resolution 18-38

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. - 18-38

Date of Adoption - 3/13/2018

Title or Subject - APPROPRIATION TRANSFERS

WHEREAS, there appears to be insufficient funds in one or more reserve budget appropriations to meet the demand thereon for the balance of the reserve year; and

WHEREAS, there appears to be a surplus in one or more reserve budget appropriations over and above the demand deemed to be necessary for the balance of the reserve year:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence Warren County, New Jersey that in accordance with the provision of R.S. 40A: 4-58, that the Treasurer be and is hereby authorized and directed to make the following transfers:

	FROM	TO
Utilities o/e	\$1,600.00	
Police s/w	\$1,633.70	
Finance o/e		\$233.70
Engineer o/e		\$2,000.00
Police o/e		\$1,000.00
TOTALS	\$3,233.70	\$3,233.70

ATTEST:


Deborah M. Hrebenak, RMC
Clerk/Administrator

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF INDEPENDENCE

Robert M. Giordano, Mayor

Certification

I, Deborah M. Hrebenak, Municipal Clerk/Administrator of the Township of Independence, County of Warren, State of New Jersey, do hereby certify that the foregoing Resolution is a true and exact copy adopted by the Township Committee of the Township of Independence on March 13, 2018.


Deborah M Hrebenak, RMC
Clerk/Administrator

Deputy Mayor Cogle made a motion to approve Resolutions 18-28 thru 18-38 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Pennington, Mr. Norton, and Mayor Giordano
Nays: None recorded
Abstain: None recorded

Motion carries with five (5) affirmative votes

DEPARTMENT REPORTS:

Tax Collector - Posted

Construction/Zoning – Reports were submitted.

Environmental – Spring Clean Up and shredding event in May

Treasurer – Posted

Recreation/Green Acres – John Cummins gave a report. Easter Egg Hunt, 2 members are needed for recreation committee, 5 softball teams. Bryan will open up concession stand

Police – Report has been submitted.

Emergency Services – First Aid Squad Nick Vasquez gave a report. Fire Department Shawn Snyder gave a report.

DPW – Report was submitted.

Municipal Clerk: Dog licenses notices went out for unlicensed dog.

Land Use Board – reorg meeting in February

Seniors – 7-8 seniors attending on Thursday. Working with the school on programs

Board of Education – Discussed the security of the buildings

PROFESSIONAL REPORTS:

Attorney Parikh: Working with Suez on sale of IMUA. BPU hearing in April.

Engineer Finelli: Discussion on the Wireless Edge Cell Tower. \$130,000 grant for Mt. Rascal Road. Warren County Municipal Charitable Conservancy Trust Grant was discussed. Applications out in April.

Mayor Giordano made a motion to authorize Mike Finelli to complete a grant for the Mt. Rascal Road. Deputy Mayor Cogle seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Pennington, Mr. Norton, and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes

OLD BUSINESS:

Second reading of Ordinance 2018-02

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED SALARIES AND COMPENSATION

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. Norton, 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. Norton, 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 2018-02 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Norton, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

NEW BUSINESS: none

PUBLIC COMMENT: none

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

Ayes: Mr. Norton, Mrs. Kelsey, Mr. Cogle, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: None recorded

Motion carries with five (5) affirmative votes.

EXECUTIVE SESSION: 8:35 pm – 9:50 pm

The following Resolution was approved at 8:35 p.m. to enter Executive Session with a motion by Deputy Mayor Cogle, seconded by Mrs. Kelsey and followed by a unanimous roll call

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/Personnel

It is anticipated at this time that the above matter will be made public upon completion of the matter discussed.

A motion was made by Deputy Mayor Cogle at 9:50 p.m. to exit the executive session, seconded by Mr. Norton followed by a roll call as follows:

Ayes: Mr. Norton, Mrs. Kelsey, Mr. Cogle, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: None recorded

Motion carries with five (5) affirmative votes

Mayor Giordano stated that the executive session was to discuss personnel and no action will be taken at this time. Also discussed was the cell tower

ADJOURNMENT: A motion was made by Deputy Mayor Cogle to adjourn the meeting at 8:35 p.m. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Norton, 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/CMR
Municipal Clerk