

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
March 12, 2019 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 (arrived at 7:30), Bonnie Kelsey, Mike Pennington, Tim Norton and Debi Hrebenak. Also present were Attorney Leslie Parikh and Engineer Michael Finelli.

Absent: None recorded

Resolution 19-41
2019 Introduce Budget

Reso 19-41

2019 Municipal Budget
of the Township of Independence, County of Warren, for the fiscal year 2019

Revenue and Appropriation Summaries

Summary of Revenues	Anticipated	
	2019	2018
1. Surplus	775,000	750,000
2. Total Miscellaneous Revenues	861,551	727,442
3. Receipts from Delinquent Taxes	210,000	205,000
4. a) Local Tax for Municipal Purposes	2,885,140	2,828,422
b) Addition to Local District School Tax		
Total Amount to be Raised by Taxes	2,885,140	2,828,422
Total General Revenues	4,731,691	4,510,864

Summary of Appropriations	2019 Budget	Final 2018 Budget
1. Operating Expenses: Salaries & Wages	1,550,178	1,441,430
1. Operating Expenses: Other Expenses	1,115,129	1,153,678
2. Deferred Charges & Other Appropriations	600,709	437,737
3. Capital Improvements	255,700	272,500
4. Debt Service (Include for School Purposes)	369,975	365,519
5. Reserve for Uncollected Taxes	840,000	840,000
Total General Appropriations	4,731,691	4,510,864
Total Number of Employees	30	30

Balance of Outstanding Debt				
	General	Water Utility	Sewer Utility	Utility-Other
Interest	49,975			
Principal	320,000			
Outstanding Balance	1,510,000			

Notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Township of Independence, County of Warren, on March 12, 2019

A hearing on the budget and tax resolution will be held at the Independence Township Municipal Building , on April 9, 2019 at 7:00 pm at which time and place objections to the Budget and Tax Resolution may be presented by taxpayers or other interested persons.

Copies of the entire budget are available in the office of Deborah Hrebenak, Township Clerk, the Municipal Building, 286-B, Route 46, Great Meadows New Jersey, or by calling (908) 637-4133 during the hours of 8:00 AM to 4:00 PM.

CFO, Derek Macchio presented the 2019 budget with the increase per average household of \$26.00 yearly.

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

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Second reading April 9, 2019

GETS Program – Independence First Aid Squad President Kelly Randis gave a presentation on the program for all First responders.

Appointment Warren County Municipal & Charitable Conservancy Trust Fund Committee – Cindy Neumann – two year term.

Minutes 1.08.19, 1.26.19 and 2.05.19

Mrs. Kelsey made a motion to approve 1.08.19 and 1.26.19 minutes as written. Mr. Norton seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Mrs. Kelsey made a motion to 2.05.19 minutes as written. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: Mr. Norton

Motion carries with three (3) affirmative votes

Consent Agenda:

Resolution 19-26

AMERICAN RED CROSS MONTH 2019

A Proclamation

More than 137 years ago, the American Red Cross was established as a humanitarian organization, guided by seven fundamental principles—including humanity, impartiality and independence—to provide services to those in need regardless of race, religion, gender, sexual orientation or citizenship status. Today, the American Red Cross is one of the largest humanitarian organizations in the world, and delivers its mission every day to prevent and alleviate human suffering in the face of emergencies.

Every year, the American Red Cross responds to an average of more than 62,000 disasters across the country, from small home fires to devastating massive disasters. Last year's large crises included mudslides in California, a volcano in Hawaii, wildfires in Colorado and California, destructive hurricanes in Florida and the Carolinas, and a devastating typhoon in U.S. territories. Thousands of American Red Cross volunteers provided around-the-clock shelter for disaster victims, served millions of meals and snacks with partners, and distributed millions of relief items.

In New Jersey, the Red Cross has a long history of helping our neighbors in need. The Red Cross New Jersey Region assisted with 902 local disasters in the past year alone and helped save lives through our Home Fire Campaign. Since the campaign launched in October 2014, the New Jersey Region has worked with community partners to install more than 31,761 smoke alarms. Meanwhile, in our area, the Red Cross handles an average of 5,100 emergency military calls every year and collects an average of 95,000 units of blood from our generous blood donors.

March is Red Cross Month, a special time to recognize and thank the Red Cross volunteers and donors who give of their time and resources to help members of the community. The Red Cross depends on these local heroes to deliver help and hope during a disaster. We applaud our heroes here in New Jersey who give of themselves to assist their neighbors when they need a helping hand.

The American Red Cross shelters, feeds and provides emotional support to victims of disasters; supplies about 40 percent of the nation's blood; teaches skills that save lives; provides international humanitarian aid; and supports military members and their families.

We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on volunteers and the generosity of the public to perform its mission.

NOW, THEREFORE, I, Robert M Giordano, Mayor of Independence Township, by virtue of the authority vested in me by the Constitution and laws of Independence Township and New Jersey, do hereby proclaim March 2019 as Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March, in the year of our Lord two thousand nineteen, and of the Independence Township, New Jersey.

Resolution 19-28

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Michael Meistrell-Detective stipend of \$1,000.00 payable on the last pay in December.

Resolution 19-29

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 18, 2019 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 462 be issued to SS. Peter & Paul R.C. Church.

Resolution 19-30

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 18, 2019 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 463 be issued to SS. Peter & Paul R.C. Church.

Resolution 19-31

Title or Subject: Approval of Fire Department Member (Thomas J Tagliareni)

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

Whereas, *Thomas J Tagliareni* 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 *Thomas J Tagliareni* is hereby approved as a member of the Independence Volunteer Fire Department.

Resolution 19-32

Title or Subject: Approval of Junior Fire Department Member (Connor Maney)

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

Whereas, *Connor Maney* 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 *Connor Maney* is hereby approved as a Junior member of the Independence Volunteer Fire Department.

Resolution 19-33

WHEREAS, Certificate of Sale #17-00001 issued to Independence Township, 286B Route 46, Great Meadows, NJ 07838, for delinquent taxes on Block 1 Lot 49 (8 Roosevelt Ave.) assessed to Liberty North Enterprises LLC, at a tax sale held on December 19, 2017; and,

WHEREAS, the assessed owner, Liberty North Enterprises LLC has redeemed Certificate #17-00001 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Independence are hereby authorized to endorse Certificate of Sale #17-00001 for cancellation.

Mr. Pennington made a motion to approve Resolutions 19-26 thru 19-33 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mrs. Kelsey, Mr. Pennington, Mr. Norton and Mayor Giordano (abstain 19-29 & 19-30)

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 19-42

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 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *[insert name of municipality]* 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.

Mr. Norton made a motion to approve Resolutions 19-42 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Township Planner David Banisch – spoke regarding the Highland Initial Assessment

Resolution 19-21

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE AUTHORIZING SUBMISSION OF A HIGHLANDS INITIAL ASSESSMENT GRANT APPLICATION TO THE NEW JERSEY HIGHLANDS COUNCIL

WHEREAS, in recognition of the costs associated with local government efforts to conform to the Regional Master Plan (RMP), the Highlands Act provided a funding mechanism through the creation of the Highlands Protection Fund; and

WHEREAS, the Highlands Protection Fund includes significant grant funds that are available for municipalities and counties seeking to conform or considering voluntary conformance with the RMP; and

WHEREAS, the Highlands Water Protection and Planning Council (Highlands Council) has adopted an Initial Assessment Grant Program that will fund preliminary municipal Plan Conformance activities for lands within the Preservation Area where conformance is mandatory, as well as in the Planning Area where conformance is voluntary. These grants will allow local jurisdictions to engage their professionals to assess the requirements and benefits of Plan Conformance; and

WHEREAS, Independence Township believes that it is in the best interest of the Township of Independence to apply to the Highlands Council for an Initial Assessment Grant to conduct a preliminary investigation, to:

1. Prepare a build out analysis of the impact of Highlands Regional Master Plan designations on lands within the Township,
2. Identify potential redevelopment areas and other lands suitable for development,
3. Identify local economic development priorities for the Township, and
4. Identify Master Plan and development regulation amendments that would be necessary for Independence Township to conform to the Highlands Preservation Area and to consider potential benefits to the Township through the possibility of Planning Area Conformance or a Highlands Center designation; and

WHEREAS, it is understood that submission of an Initial Assessment grant application and acceptance of an initial assessment grant by Independence Township from the Highlands Council in no way commits Independence Township to take any future action to conform to the Highlands Regional Master Plan, but the grant program does provide funding for the municipality to investigate the impacts of Plan Conformance and consider potential benefits that may be afforded to Independence Township through participation in the Highlands Regional Master Plan; .

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Independence, County of Warren, State of New Jersey hereby authorizes the submission of the aforementioned Highlands Initial Assessment Grant Application to the Highlands Council.

Mr. Pennington made a motion to approve Resolutions 19-21 as written. Mr. Norton seconded the motion with roll call as follows:

Ayes: Mr. Pennington, Mr. Norton, and Deputy Mayor Cogle

Nays: Mrs. Kelsey and Mayor Giordano

Abstain: None recorded

Motion carries with four (3) affirmative votes

DEPARTMENT REPORTS:

Tax Collector - Posted

Construction/Zoning – Reports were submitted.

Environmental – Spring Clean up April 27 & 28 Shredding April 27

Treasurer – Report submitted

Recreation/Green Acres – Report submitted.

Police – Report has been submitted.

Emergency Services – First Aid Squad Nick Vasquez gave a report. Fire Department Clyde Snyder gave a report. Food Truck Festival August 17 permission to park across from the fire house and Breakfast April 14.

DPW – Report was submitted.

Municipal Clerk – Office of Aging application for outstanding senior

Land Use Board – Meeting this week

Seniors – Meeting on Thursday.

Board of Education – Mr. Smith next meeting March 19

PROFESSIONAL REPORTS:

Attorney Parikh: executive session discussion

Engineer Finelli: Wireless Edge application approved. Mt. Rascal Road Grant being submitted. Senior Center Grant – working with architect on plans.

OLD BUSINESS: none

NEW BUSINESS:

Municipal Building Court fee for Allamuchy Township. Mayor Giordano along with the Township Committee are working on the fee amount with Allamuchy Township Mayor Rick Lomonaco.

PUBLIC COMMENT: Mrs. Neumann had a question on the detective resolution.

BILLS: A motion was made by Mayor Giordano to pay the bills as presented. Mrs. Kelsey 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.

Mayor Giordano and Mr. Pennington discussed the PBA Contract with the Township Committee.

Resolution 19-40

Title: RESOLUTION APPROVING PBA CONTRACT

WHEREAS, negotiations were entered into between the Township of Independence in the County of Warren and Warren County PBA Local 280 relative to rates of pay, hours of work, and other conditions of employment relating to police officers within the Township of Independence; and

WHEREAS, as a result of these negotiations, agreement was reached regarding these matters.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, County of Warren, State of New Jersey that:

1. The P.B.A. contract for the years 2019-2021 a copy of which is annexed hereto and is made a part thereof is hereby accepted by the Township of Independence, and the Mayor is hereby authorized to execute same, and the execution of said Contract is hereby ratified by the Township Committee.
2. This Contract is approved by the Township of Independence subject to ratification by PBA Local 280.
3. Copies of this resolution will be provided to Local 280 P.B.A., the Township Administrator, Chief of Police, Chief Finance Officer and any other interested parties.
4. A certified copy of this resolution and the Agreement are to be forwarded to the Public Employment Relations Commission.

Deputy Mayor Cogle made a motion to approve Resolutions 19-40 as written. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: Mr. Norton

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 19-34

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Julius Somogyi-Patrolman Third Class, at a rate of \$ 77,580.00 per annum effective January 1, 2019.

Resolution 19-35

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Gerrit Kinney-Patrolman Fifth Class, at a rate of \$ 67280.00 per annum effective January 1, 2019.

Resolution 19-36

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Joseph Bozzone-Patrolman Sixth Class, at a rate of \$ 53,958.00 per annum effective January 1, 2019.

Resolution 19-37

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Michael Meistrell-Patrolman Sixth Class, at a rate of \$ 53,958.00 per annum effective January 1, 2019.

Resolution 19-38

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Rafael Ortiz-Patrolman Sixth Class, at a rate of \$ 53,958.00 per annum effective January 1, 2019.

Resolution 19-39

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Khilian Bernard-Probation/Recruit, at a rate of \$ 44,164.00 per annum effective January 1, 2019.

Deputy Mayor Cogle made a motion to approve Resolutions 19-34 to 19-39 as written. Mr. Pennington seconded the motion with roll call as follows:

Ayes: Mrs. Kelsey, Mr. Pennington, Deputy Mayor Cogle, and Mayor Giordano (abstain 19-35)

Nays: Mr. Norton

Abstain: None recorded

Motion carries with four (4) affirmative votes

EXECUTIVE SESSION: 8:20 pm – 9:40 pm

The following Resolution was approved at 8:20 p.m. to enter Executive Session with a motion by Deputy Mayor Cogle, seconded by Mr. Pennington 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 – Attorney/Client matter

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 9:40 p.m. to exit the executive session, seconded by Mrs. Kelsey followed by a roll call of all ayes.

Mayor Giordano stated that the executive session was to discuss litigation/personnel.

Resolution 19-43

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN AGAINST CHIEF AIELLO IN THE FORM OF A SIXTY (60) DAY SUSPENSION WITHOUT PAY AS A RESULT OF THE NOVEMBER 9, 2017 PURSUIT

WHEREAS, New Jersey Attorney General’s Policy and Procedures (the “Attorney General Guidelines”) state that any complaint against a law enforcement executive must be referred to the County Prosecutor’s Office; and

WHEREAS, the Warren County Prosecutor’s Office has advised it is investigating certain actions involving the Chief of Police, Keith Aiello; and

WHEREAS, based on that investigation Chief Aiello has been placed on administrative leave with pay; and

WHEREAS, the Appointing Authority received notice that the Warren County Prosecutor’s Office has completed a separate investigation stemming from the Chief’s conduct on November 9, 2017; and

WHEREAS, that investigation sustained that Chief Aiello violated in significant and life-threatening ways the New Jersey Attorney General’s Police Vehicular Pursuit Policy and the Independence Police Department Rules Manual; and

WHEREAS, the Appointing Authority has made the decision to bring disciplinary action with regard to the findings made in connection with the Chief’s conduct on November 9, 2017; and

WHEREAS, Chief Aiello was given the opportunity to contest a potential immediate suspension without pay before the Mayor and Committee at a hearing on March 5, 2019; and

WHEREAS, The Committee has taken into account the findings of the Warren County Prosecutor’s Office as well as the comments presented on March 5, 2019, and has decided on the appropriate disciplinary action.

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

- 1) Chief Aiello will remain on paid leave due to the ongoing investigation by the Warren County Prosecutor's Office. That status will remain until such time as there is a hearing on the charges relating to the November 9, 2017 incident wherein the Township will be seeking to impose a 60 day suspension without pay.

Deputy Mayor Cogle made a motion to approve Resolutions 19-43 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Nays: Mr. Norton

Abstain: None recorded

Motion carries with four (4) affirmative votes

ADJOURNMENT: A motion was made by Mr. Norton to adjourn the meeting at 9:45 p.m. Deputy Mayor Cogle 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/Administrator