

**INDEPENDENCE TOWNSHIP COMMITTEE**  
**Meeting held at the Municipal Building, Great Meadows, NJ.**  
**February 8, 2022 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 Herald Times 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:** Mr. Cogle, Mr. Pennington, Mrs. Gesumaria, Mayor Giordano, and Dena Hrebenak. Also present were Attorney Leslie Parikh and Mike Finelli.

**Absent:** Mrs. Kelsey

**Minute Approval:** 1.11.22

A motion was made by Mr. Pennington to approve minutes 1.11.22 as written. Mrs. Gesumaria seconded the motion with roll call as follows:

Ayes: Mr. Pennington, Mr. Cogle, Mrs. Gesumaria, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

**CONSENT AGENDA:**

**Resolution 22-21**

STATEWIDE INSURANCE FUND  
RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, INDEPENDENCE TOWNSHIP (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A.

40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the TOWNSHIP OF INDEPENDENCE (Local Unit) that Dena Hrebenak is hereby appointed as the Fund Commissioner for the Local Unit for the Fund Year 2022; and

BE IT FURTHER RESOLVED that Christopher Prell is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2022; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

**Resolution 22-22**

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

**WHEREAS**, Independence Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

**WHEREAS**, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Independence Township (Local Unit) hereby appoints Otterstedt Insurance Agency, Inc its Risk Management Consultant.
2. The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2022 in the form attached hereto.

Mr. Cogle made a motion to approve Resolutions 22-21 and 22-22 as written. Mr. Pennington seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Pennington, Mrs. Gesumaria and Mayor Giordano

Nays: None recorded

Abstain: None recorded

**ORDINANCE:**

**ORDINANCE 2022-02 First Reading**

**AN ORDINANCE TO AMEND CHAPTER 342 “STREETS AND SIDEWALKS” TO INCLUDE REQUIREMENTS FOR A ROAD MORATORIUM**

WHEREAS, the Township Council, for the health, safety and welfare of its neighborhoods and communities, has considered the impact of multiple road openings following the Township’s paving and re-paving work performed on Township roads, streets or Township controlled rights-of-ways; and

WHEREAS, the Township Council has also considered the future repair cost and the aesthetic degradation of pavement on a recently paved road due to subsequent road openings; thus impacting the Township and its citizens when entities create a road opening or excavate on a Township road, street or Township controlled right-of-way upon which a permanent pavement has been placed within less than five (5) years from the date of application;

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

**SECTION 1.**

Part II General Legislation, Article III Street Openings, Chapter 342, Streets and Sidewalks, is hereby amended in Section 342-4(E), regarding a Five (5) Year Road Opening Moratorium as follows:

A. Prior to the start of any paving or repaving work on any Township road, street or Township controlled right-of-way, the Director of Public Works or the Township Engineer shall notify each utility company, resident, and business impacted by paving or re-paving work, of said work so any excavations, trench and patch repairs may be completed before paving is started. Such notice shall provide that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five (5) years from the date of such paving unless appropriate pavement restoration requirements are met. The notice shall also provide that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly so that any work may be completed not later than ninety (90) days from the date of such notification.

B. During such five (5) year period, any permit issued to open, cut, or excavate in such a Township road, street or Township controlled right-of-way shall require a road opening permit in accordance with §342-4. Additionally, the Director of Public Works or the Township Engineer shall ensure that any street opening on any Township Road, street or Township controlled right-of-way paved within five (5) years is restored satisfactorily using appropriate pavement restorations methods to include Milling and Paving, Infrared Pavement Restoration, or any other acceptable pavement restoration technology approved by the Township Engineer.

C. The distances of pavement restoration in either direction of the opening will be determined by the Township Engineer and Director of Public Works based on proximity to other Township roads, streets or Township controlled rights-of-way or utility concerns. In most cases, final pavement restoration will encompass 50 feet in both directions of the opening for a full width of the existing road. The Township Engineer may allow resurfacing to the center line of the road only if the opening is completed within one lane and does not involve disturbance across the center line.

D. Temporary and final pavement restoration shall be completed in accordance with Township standards, and milling will entail the full length and width that must be repaved.

E. The restoration of the pavement shall be done no less than 60 days after the opening, and no more than 120 days after the opening. This will allow for any settlement in the trench to take place before the final pavement is placed. Exemptions to this time frame may be allowed by the Township Engineer dependent upon the time of year, which can affect the availability of paving materials.

F. For roads which have a moratorium still in effect, which the Township Committee has granted permission to the Township Engineer to permit the road to be opened, via resolution, a bond in the amount to be determined by the Township Engineer to mill and pave two (2) inches thick the entire frontage of the lot(s) from edge to edge, or curb to curb as the case may be shall be provided. Said bond shall remain in force for a period of two (2) years or the remaining time of the moratorium, whichever period is longer. For utility companies, or other entities not associated with a specific property or properties, opening said road, the limits shall be for the length of the opening, plus five (5) feet at both ends, or a minimum length of twenty-five (25) feet, whichever is greater.

G. Proof of Insurance. Any contractor hired to perform a street or roadway excavation in the Township of Independence shall provide proof that it is licensed and bonded within the State of New Jersey.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Should any section, paragraph, clause or any other portion of this ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this ordinance.

SECTION 5. This ordinance shall take effect upon final passage and publication according to law.

SECTION 7. When this ordinance becomes effective a copy thereof properly certified by the Township Clerk shall be made available.

**Ordinance 2022-03 First Reading**

**AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MUNICIPAL BUILDINGS BY THE TOWNSHIP OF INDEPENDENCE, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING NOT IN EXCESS OF \$24,000 THEREFOR FROM THE RESERVE FOR IMPROVEMENTS TO MUNICIPAL FACILITIES OF THE TOWNSHIP.**

**BE IT ORDAINED BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF INDEPENDENCE, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Independence, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$24,000 (or such lesser amount as may be determined by the Administrator or the Chief Financial Officer upon determination of the actual cost of the improvement or purpose described in Section 2 below) from the moneys available in the Reserve for Improvements to Municipal Facilities of the Township.

Section 2. The improvements hereby authorized and purpose for which said appropriation is made is the improvement to the municipal buildings, including but not limited to, purchase and installation of light fixtures at the Public Works garage, by the Township, (estimated cost \$24,000 to be funded from the Reserve for Improvements to Municipal Facilities).

Section 3. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved, by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

Section 5. This ordinance shall take effect after publication after final adoption, as provided by law.

A motion was made by Mr. Pennington to adopt Ordinance 2022-02 and 2022-03 for First Reading. Mrs. Gesumaria seconded the motion with roll call as follows:

Ayes: Mrs. Gesumaria, Mr. Cogle, Mr. Pennington, and Mayor Giordano  
Nays: None  
Absent: Mrs. Kelsey  
Abstain: None

Second reading and public hearing will be on March 8, 2022

**2022-01 Second Reading/Public Comment**

**CALENDAR YEAR 2022  
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Mr. Cogle made a motion to open up discussion on this ordinance to the Public. Mrs. Gesumaria seconded the motion with roll call as follows:

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

As there were no comments, a motion was made by Mayor Giordano to close the public hearing. Mr. Cogle seconded the motion with roll call as follows:

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

A motion was made by Mr. Cogle to adopt Ordinance 2022-01 as written. Mayor Giordano seconded the motion with roll call as follows:

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

**DEPARTMENT REPORTS:**

Tax Collector – Report submitted via email  
Construction/Zoning – Reports submitted via email.  
Environmental – No meeting  
Treasurer – Working on Budget  
Recreation/Green Acres – Basketball is going  
Police – Report submitted via email  
Emergency Services – report submitted from the squad on call history. Breakfast in February.  
DPW – Report submitted.  
Municipal Clerk: Budget meeting held last weekend  
Land Use Board – Mr. Fuela- meeting in February via zoom.

**PROFESSIONAL REPORTS:**

Attorney Parikh: Spoke on joint meeting with the Land Use Board.  
Engineer Finelli: Spoke on Russling Road Section 2 DOT Grant and Woodmont. Asbury Road – road opening was discussed.

**OLD BUSINESS:** none

**NEW BUSINESS:** none

**PUBLIC COMMENT:** Mrs. Hill advised that mask mandate optional on March 7 at the schools. Mr. Barabas asked about the cell tower, the senior center and township/county roads. Mr. Wiseman asked about the Governor statement on oil furnaces. Mr. Fuela thanked everyone for the work on the budget.

**BILLS:** A motion was made by Mr. Pennington to pay the bills as presented. Mr. Cougle seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Pennington, Mrs. Gesumaria and Mayor Giordano

Nays: None recorded

Abstain: None recorded

**ADJOURNMENT:** A motion was made by Mrs. Gesumaria to adjourn the meeting at 8:03 p.m. Mr. Cougle seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Pennington, Mrs. Gesumaria, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Dena M. Hrebenak, RMC  
Municipal Clerk/Administrator