

**INDEPENDENCE TOWNSHIP COMMITTEE**  
**Meeting held at the Municipal Building, Great Meadows, NJ.**  
**March 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. Pennington, Mrs. Kelsey, Mayor Giordano, Mr. Cogle (7:36) and Dena Hrebenak. Also present were Attorney Leslie Parikh and Mike Finelli.

**Absent:** Mrs. Gesumaria

Girl Scout Troop presented posters on clean community and spoke on the food bin

**Minute Approval:** 2.8.22

A motion was made by Mayor Giordano to approve minutes 2.8.22 as written. Mr. Pennington seconded the motion with roll call as follows:

Ayes: Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: Mrs. Kelsey

**CONSENT AGENDA:**

**Resolution 22-23**

**Resolution Approving the Execution of Contract between Independence Township and PBA  
Local #280**

**WHEREAS**, the Collective Bargaining Agreement ("CBA") between Independence Township ("Independence") and PBA Local #280 ("PBA"), expired on December 31, 2021; and

**WHEREAS**, Independence and the PBA have engaged in ongoing negotiations to discuss and agree upon the terms and provisions of a successor CBA; and

**WHEREAS**, Independence wishes to memorialize its approval of the terms and provisions by the execution of a formal CBA; and

**NOW THEREFORE BE IT RESOLVED** by the Independence Mayor and Committee that the attached CBA between Independence Township and Warren County PBA Local # 280 be and is hereby accepted and approved; and

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk, be and are hereby authorized, upon adoption of this resolution, to execute the CBA hereby attached to this resolution, by affixing their signatures and Township Seal to said document known as the CBA.

**Resolution 22-24**

**Title or Subject: Salaries 2022**

*Be It Resolved by the Independence Township Committee that the following salaries shall be paid to Township employees, effective January 1, 2021 unless otherwise noted.*

<b>Administration</b>	
Mayor	\$ 7,887
Deputy Mayor	\$ 4,030
Township Committee Member	\$ 3,367
Municipal Clerk/Registrar	\$ 93,236
Administrator	\$ 11,588
<b>Tax and Finance</b>	
Chief Financial Officer	\$ 39,608
Tax Collector	\$ 27,117
Tax Assessor	\$ 28,217
Payroll Clerk	\$ 3,264
P/T Clerical(1)	\$ 26.59/hr.
<b>Municipal Court</b>	
Judge	\$ 18,734
Prosecutor	\$ 9,156
Court Administrator	\$ 15,468
Violation Clerk (2)	\$ 16.69/hr.
Violation Clerk	\$ 15.64/hr.
Filing Clerk	\$ 15.64/hr.
<b>Public Works</b>	
Supervisor	\$ 86,996
Truck Driver 1	\$ 30.65/hr.
Truck Driver 2	\$ 23.81/hr.
Truck Driver 3	\$ 23.37/hr.
<b>Construction/Zoning</b>	
Construction Official/ Bldg. Sub Code Official Building Inspector	\$ 25,429
TACO	\$ 20.96/hr.
Fire Sub Code Official	\$ 3,815
Electrical Inspector	\$ 6,637
Plumbing Sub Code Official	\$ 7,626
Zoning Official	\$ 15,900
Vacant and Abandoned Property Stipend	\$ 7,054
Land Use Board Administrator	\$ 9,540
<b>Recreation/Seniors</b>	
Recreation Director	\$ 20,859
<b>Public Safety</b>	
Chief of Police	\$ 108,508
Officer In Charge Stipend	\$3,600
Clerk-Typist	\$ 46,820
Police Matron Call Out	\$ 56.45/2 hr
Matron Hrs, After Call Out	\$ 22.59/hr.
Emergency Management Coordinator Stipend	\$ 2,904
911 Coordinator	\$ 1,632

**Resolution 22-25**

**2021 APPROPRIATION RESERVES TRANSFERS**

WHEREAS, there appears to be insufficient funds in the below listed account(s) to meet the demands thereon for the balance of the current year, and

WHEREAS, there appears to be a surplus in the below listed account(s) over and above the amount deemed necessary for the balance of the current year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Independence that, in accordance with the provisions of N.J.S.A. 40A: 4-58, part of the surplus in the account(s)

heretofore mentioned be and same are hereby authorized as transfers to the account(s) mentioned as being insufficient, and

BE IT FURTHER RESOLVED, that the Finance Officer is hereby directed to make the following transfers:

FROM	AMOUNT	TO	AMOUNT
Legal Services O/E	\$ 15,000.00	Capital Outlay – Road Improv.	\$ 15,000.00

## Resolution 22-26

### 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 *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 22-27**

**RESOLUTION APPOINTING MUNICIPAL HOUSING LIAISON**

**WHEREAS**, the Township of Independence has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, in furtherance of the Supreme Court's March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Township is required to appoint a Municipal Housing Liaison for the administration of affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C.5:80-26.1 et. seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Independence, County of Warren that Dena M. Hrebenak is appointed Municipal Housing Liaison.

Mrs. Kelsey made a motion to approve Resolutions 22-23 and 22-27 as written. Mr. Pennington seconded the motion with roll call as follows:

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

**Introduction of 2022 Budget Resolution 22-28**

Mrs. Kelsey made a motion to approve Resolutions 22-28 as written. Mr. Pennington seconded the motion with roll call as follows:

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

**ORDINANCE:**

**ORDINANCE 2022-04 First Reading**

**AN ORDINANCE LOCK BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE FIRE DEPARTMENT DURING AN EMERGENCY OR ANY OTHER ACTION DEEMED NECESSARY BY THE INDEPENDENCE FIRE PREVENTION OFFICIAL AND ADDING SECTION MUNICIPAL CODE OF INDEPENDENCE TOWNSHIP TO CHAPTER 215 FIRE PREVENTION**

WHEREAS, the health, safety, and welfare of the citizens of the Township of Independence ("Township") are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Township Fire Department in gaining access to the structure when responding to calls for emergency service; and

WHEREAS, many buildings are equipped with automatic systems that may cause the Township Fire Department to be summoned at a time of emergency when the building or business is not occupied or when the occupant is not available to provide the Township Fire Department entry into the building; and

WHEREAS, the key lock box emergency access system will eliminate costly damage from forcible entry into buildings equipped with automatic systems by the Township Fire Department checking for fire or other dangerous conditions; and

WHEREAS, the Township Fire Department can reduce the potential for rapid expansion of fire and other hazardous conditions by quick access and decrease dangers for firefighters; and

WHEREAS, the key lock box emergency access system has been adopted by Section 506 of the International Fire Code 2006, New Jersey Edition ; and

WHEREAS , the key lock box emergency access system will operate on a controlled master key basis by the Township Fire Department; and

WHEREAS , the Township is authorized to pass this Ordinance pursuant to N.J.S.A. 40:48-2, and pursuant to the Township's police powers.

NOW, THEREFORE, BE IT ORDAINED , by the Township Committee of the Township of Independence in the County of Warren and the State of New Jersey, that there should be created a Chapter 215, Article III of the Revised General Ordinances of the Township, entitled "Key Lock Box Emergency Access System," which shall provide as follows:

### 215-3.1 LOCK BOX EMERGENCY ACCESS SYSTEM

#### Definitions

Automatic Dialer shall refer to a device that automatically dials and relays a prerecorded message to a central station or the fire department.

Automatic Fire Suppression System refers to a system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the National Fire Protection Association (NFPA) standards, which utilize water, foam, carbon dioxide, or other gas to automatically react to suppress fire. Fire Official shall refer to the Fire Chief or his /her designee.

Central Station shall refer to an office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.

Key Lock Box shall refer to a secure rapid entry system that is designed to be used by Fire Department Personnel in the event of an emergency to gain entry into a structure by using the enclosed owner- provided key(s). This box is usually mounted on the exterior of the building in a location that is specified by the Fire Official and Construction Official . All boxes shall be UL (Underwriters Laboratories) certified , Knox Box brand, and approved by the Fire Official and Construction Official .

Standpipe System shall refer to a wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires.

215-3.2 Key box required; applicability. The Township Fire Official may require a property owner or operator to install a key box where the property is protected by a fire protection system with secured openings that may impede access to or within a structure or an area on that property if immediate access is necessary for lifesaving or firefighting purposes. This requirement applies to all existing buildings, structures, and property, except for owner-occupied one or two-family residences. The Fire official may require the installation of a key box for an unoccupied or vacant building, structure or property,

215-3.3 Key Lock Box Contents days a week. The property owner is required at all times to keep a key(s) in the Key Lock Box that will allow access to the structure.

The Key Lock Box shall contain, but not be limited to, the following items as designated by the Fire Official: buildings;

(1) The Township Fire Official shall approve in writing the type, location, and installation of the key box.

(2) The key box shall be installed as per manufacturer specifications;

(3) The property owner or operator of each property required to have a key box shall, at all times, keep the following in the key box as required by the Township Fire Official. Keys shall be clearly labeled or marked to identify the doors they open or devices they operate.

(a) Keys to locked points of ingress, whether on the interior or exterior of such property and /or buildings.

(b) Keys to locked mechanical rooms.

(c) Keys to locked elevator rooms.

(d) Keys to elevator controls.

(e) Keys to any fence or secured areas.

(f) All access or combination codes to locked points of egress or ingress, whether on the interior or exterior of such property and/or buildings.

(g) A business-size card containing the emergency contact person and phone numbers for such property or building;

(h) Keys to other areas as directed by the Fire Official.

(i) Other material as directed by the Fire Official

215-3.3 Key box maintenance and associated cost. In the event the key to the structure is changed or rekeyed, the owner or operator shall immediately notify the Township Fire Official and provide the updated access key. The key to the lock shall be secured in the key box. The property owner shall be responsible for all costs associated with the installation and main with installation and maintenance of the key box. The Township may recoup from the owner or operator all costs incurred in connection with the procurement, installation and maintenance of a key box.

215-3.4 Registration and Installation of Key Lock Boxes The property owner shall apply for a registration for a Key Lock Box on forms provided by and obtained from the Fire Official . A registration is required prior to the installation of a Key Lock Box in order to verify the proper size, mounting location and installation of said Key Lock Box. The Key Lock Box shall be installed at a location approved by the Fire Official and the Construction Official . No Key Lock Box shall be installed, voluntarily or otherwise, without first obtaining the approval of the Fire Official and the Construction Official . The property owner shall be responsible for the cost to purchase, install, and maintain the Key Lock Box.

215-3.5 Violations and penalties:

(1) Fire prevention shall be the enforcing agency of this subsection

(2) Any owner or operator violating any provision of this subsection shall be subject to a fine of \$250 for the first offense, \$500 for the second offense, and \$750 for the third and future offenses for failure to comply. The existence of a violation for a period of up to 30 continuous days shall constitute a single violation.

(3) The Township Fire Official shall notify the responsible party of any violation in writing. Within 30 days of the service of such notice, the owner/operator shall correct the violation or show why the structure was not subject to this section. The Township Fire Official shall consider such information, reaffirm or rescind the key box fine and notify owner of his/her decision by mail. The owner/operator may appeal the decision by submitting an appeal in 20 days after service of the notice of decision by submitting an appeal in writing to the Township Committee, which shall hold a hearing thereon and shall affirm, reverse or modify the decision of the Township Fire Official.

## **ORDINANCE 2022-05 First Reading**

### **AN ORDINANCE AMENDING CHAPTER 293 OF THE CODE OF THE TOWNSHIP OF INDEPENDENCE REGARDING PEDDLING AND SOLICITING**

WHEREAS, Chapter 293 of the Code of the Township of Independence regulates peddling and soliciting; and

WHEREAS, N.J.S.A. 39:4-60 prohibits solicitation of charitable contributions from motorists on roadways in the State of New Jersey unless authorized by ordinance of the municipality in which said roadways are situated; and

WHEREAS, the Township desires to permit charitable organizations to solicit contributions within the Township subject to certain restrictions and conditions, pursuant to a roadway charitable solicitation permit issued by the Town; and

NOW, THEREFORE, BE IT ORDAINED by the Independence Township Committee that Chapter 293 of the Code of the Township of Independence is hereby amended as follows:

SECTION 1. Chapter 293 of the Code of the Township of Independence is amended by adding the following:

#### ARTICLE II. CHARITABLE SOLICITATIONS IN ROADWAYS

§293-16. Solicitations in Roadways Permitted. The Township of Independence shall permit charitable organizations as defined in N.J.S.A. 45:17A20 to solicit contributions in roadways, commonly referred to as "coin drops," situated in the Township in accordance with the provisions contained herein.

§293-17. Permit Required; Application Requirements. All charitable organizations, as defined in N.J.S.A. 45:17A-20, which desire to solicit such contributions in roadways located in the Township shall file an application for a permit with the Township Clerk on a form supplied by the Township Clerk, specifying the following information:

- A. Name of applicant organization.
- B. Address of applicant organization
- C. Telephone number of applicant organization
- D. Contact person for applicant organization
- E. Specific location(s) of proposed charitable solicitation
- F. Date(s) and time of operation of proposed charitable solicitation, any potential rain or inclement weather substitution dates must also be listed on all applications to the municipal, county, and state government organizations.
- G. If the request involves a county roadway, the request shall include a copy of the proposed authorization from the Warren County Board of Chosen Freeholders to permit the charitable solicitation.
- H. If the request involves a state roadway and/or highway, the request shall include a copy of the authorization from the Commissioner of Transportation of the State of New Jersey to permit such charitable solicitation or a copy of the appropriate application thereto.
- I. All proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or a report as to the procedures to be used to ensure the safety of the members of the public who will be traversing the roadways within the Township.
- J. A certificate of insurance issued by an insurance company duly licensed in the State of New Jersey. The certificate of insurance must provide general liability insurance in an amount of not less than \$1,000,000. The Township shall be listed as an additional insured on the certificate and an endorsement to the insurance policy.
- K. A signed, dated and notarized release and indemnification agreement, signed by the organization sponsor or responsible party, legally binding the organization participant, which shall release and agree to indemnify and hold harmless the Township of Independence, County of Warren, State of New Jersey, its agents, servants, employees and elected and appointed officials from any and all liability of any kind from injury or physical harm, including death, and damage to property occurring from or alleged to arise out of the event. This application must be submitted a minimum of 30 days prior to the planned event date for the fundraiser.

#### §293-18. Limit on Number and Duration of Coin Drops; Hours of Operation

- A. No permits will be granted by the Township for more than one event, three consecutive days maximum, per calendar month, per location for any organization.

B. No approved coin drop solicitation shall be permitted for longer than three consecutive days.

C. No permits shall be granted by the Township for more than a maximum of two coin drop solicitations per calendar month at a specific location. The coin drop events shall not be scheduled on back to back calendar weeks. Permits may be granted on a first come, first serve basis.

D. All approved coin drop solicitations shall be conducted only during daylight hours and shall commence no earlier than 9:00 a.m. and be concluded no later than 6:00 p.m.

§293-19. Conditions of Approval. The following conditions shall be placed on all approvals for coin drops:

A. Solicitation shall only be permitted at controlled intersections (i.e. those with a stop sign or traffic signal) during daylight hours.

B. Solicitation may not substantially impede the flow of vehicular or pedestrian traffic. However, traffic must be stopped for a sufficient period of time to ensure the safety of persons soliciting in the roadway. Flagmen are not permitted to be utilized to control or regulate traffic movement.

C. Signs and traffic control devices must be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. Signs advertising the solicitation may be placed approximately 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.

D. Persons soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, ANSI 107-2004 (or later) Class 2 or 3 high visibility apparel. Wearing nonANSI approved apparel will be reason for immediate cessation of the event.

E. Individuals under the age of 18 years may be present but must be at a safe distance and location from the street. Decisions of the NJ State Police will be final in determining such safe location.

F. Solicitors may not harass the motorists or public.

G. Solicitors shall not consume or be under the influence of alcohol or drugs.

H. The charitable organization will be responsible for cleaning any debris, including any signage or advertisements associated with the roadway solicitation, from the solicitation site within two hours of the end of solicitation.

I. In the event of severe weather, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the NJ State Police and receiving permission to resume such activities from the NJ State Police.

J. In the event of a motor vehicle accident or injury to a person in the vicinity of the roadway solicitation, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the Police Department and receiving permission to resume such activities from the Police Department.

§293-20. Prohibition of solicitation by minors. No applicant or organization seeking permission for a coin drop will use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

§293-21. Approval or denial of application. Upon filing of a complete application and completion of the required review by the Township Clerk, the applicant shall present the application to the Township Committee minimum of 30 days prior to the proposed coin drop for its review and consideration, after which the Township Committee shall grant or deny the applicant's request by resolution. In the event the applicant's request is approved, the Town resolution shall be forwarded by the applicant to the state and/or county, if necessary. In the event that the coin drop is approved for a roadway which does not intersect or fall within the jurisdiction of the county or state, the resolution shall serve as the final approval for the coin drop. The applicant shall follow and abide by all conditions imposed in the resolution adopted by the Township Committee.

§293-22. Compliance with state statute. Any charitable organization requesting authorization from the Township for a charitable solicitation shall comply with all the terms and conditions of



N.J.S.A. 39:4-60, as same may be amended and supplemented and all other applicable state statutes.

§293-23. Compliance, revocation of approval or order to cease operations Any charitable organization that is granted municipal, county, or state approval for a coin drop, understands that at any point prior to the event, during the event, or for future events; the Department of Transportation, Warren County official, Independence Township Municipal official, or any law enforcement officer can order the charitable organization to cease operations based upon, but not limited to: roadway issues, public safety concerns, weather conditions, or traffic conditions. This cease order does not transfer any liability or exposure to expenses to the official who is delaying or revoking the coin drop event.

§293-24. Penalties. Any person engaged in solicitation activities found guilty of violating a provision of this section shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by the Independence Township Police Department under N.J.S.A. 39:4-60 et seq.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

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

### **ORDINANCE 2022-06 First Reading**

#### **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED SALARIES AND COMPENSATION**

*Be It Ordained by the Township Committee of the Township of Independence, the following salary ranges, being established for Township employees for the year 2022.*

<b>Police</b>	
<b>Lieutenant</b>	\$ 98,100-114,000
<b>Sergeant/1<sup>st</sup>. Class</b>	\$ 95,568-108,000
<b>Patrolman</b>	\$ 51,848-102,000
<b>Probationary / Recruit</b>	\$ 44,164-49,000

A motion was made by Mrs. Kelsey to adopt Ordinance 2022-04 thru 2022-06 for First Reading. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: None

Abstain: None

Second reading and public hearing will be on April 12, 2022

### **2022-02 Second Reading/Public Comment**

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

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

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

Nays: None recorded

Abstain: None recorded

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

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

Nays: None recorded

Abstain: None recorded

A motion was made by Mr. Pennington to adopt Ordinance 2022-02 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

### ***2022-03 Second Reading/Public Comment***

**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.**

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

Nays: None recorded

Abstain: None recorded

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

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

Nays: None recorded

Abstain: None recorded

A motion was made by Mrs. Kelsey to adopt Ordinance 2022-03 as written. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

### **DEPARTMENT REPORTS:**

Tax Collector – Report submitted via email

Construction/Zoning – Reports submitted via email.

Environmental – Clean up on May 7<sup>th</sup>

Treasurer – Report posted

Recreation/Green Acres – Working on spring sports

Police – Report submitted via email

Emergency Services – Chief Snyder spoke on the house fire and breakfast. Chief

Vasquez spoke on calls and new vehicle

DPW – Report submitted.

Municipal Clerk: everything going well.

Land Use Board – Joint Meeting with Township Committee on March 21. In-person and zoom regarding cannabis

**PROFESSIONAL REPORTS:**

Attorney Parikh: Spoke on Joint Meeting with the Land Use Board.

Engineer Finelli: Spoke on Russling Road Section 2 DOT Grant

**OLD BUSINESS:** none

**NEW BUSINESS:** none

**PUBLIC COMMENT:** Mr. Fuela spoke on the Road Moratorium. Ms. Hill spoke on the waiting for state aid and mask are optional at GMRSD

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

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

Nays: None recorded

Abstain: None recorded

**EXECUTIVE SESSION: 7:30 pm – 8:17 pm**

The following Resolution was approved at 7:30 p.m. to enter Executive Session with a motion by Mr. Pennington, 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 Mr. Cogle at 8:17 p.m. to return to regular session, seconded by Mrs. Kelsey followed by a roll call of all ayes

Mayor Giordano stated that Litigation and Personnel Contract issues were discussed.

Resolution 22-29

**RESOLUTION AUTHORIZING EXPERT FOR PURPOSES OF LITIGATION**

**WHEREAS**, the Township is in need of a pharmacology expert to provide expert opinion in connection with a termination hearing before the Office of Administrative Law in the matter of Keith Aiello v. Township of Independence, Docket Number CSR 07415-2020 (the “Action”); and

**WHEREAS**, Richard S. Blum, PhD. has agreed to serve as an expert witness on pharmacology on behalf of the Township; and

**WHEREAS**, Richard S. Blum has agreed to provide services in this area which is highly specialized; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of a professional without competitive bidding providing that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself will be made available for public inspection; and

**WHEREAS**, funds are or will be made available, up to, but not to exceed \$10,000.00 for this purpose to be certified by the Treasurer.

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

1. That the Mayor be and is hereby authorized to execute an Agreement to retain the services of Richard S. Blum to prepare an expert report on behalf of the Township in the Action for a sum not to exceed \$10,000.00;
2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public contracts Law, subject to N.J.S.A. 40A:5-11, which states that “No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A:5-4.”
3. This resolution and a copy of the aforementioned shall be published and made available in the Clerk’s office in accordance with applicable law.

Mr. Cogle made a motion to approve Resolutions 22-29 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Mayor Giordano made a motion to schedule a special meeting with the Land Use Board on March 21. Mrs. Kelsey seconded the motion with roll call as follows:

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

**ADJOURNMENT:** A motion was made by Mr. Cogle to adjourn the meeting at 8:19 p.m. Mr. Pennington seconded the motion with roll call as follows:

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

Respectfully submitted,

Dena M. Hrebenak, RMC  
Municipal Clerk/Administrator