

**Independence Township Committee  
Regular Meeting Agenda  
February 10, 2026  
7:00 pm**

**Call to Order, Flag Salute, Open Public Meetings Act**

**Roll Call: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano**

**Department Reports:**

**Chief Prell stated that the 2 new officers are on their own and doing well. There was one DWI and one Domestic Disturbance.**

**Fire Bingo is going well and will be held again next month. The members went through a driver training.**

**Recreation submitted a report and all is going well winter sports are coming to an end. The WINGS group is thriving.**

**Joe King, CPWM there were 6 storms, 5 downed trees, and 2 trucks were sent out for repairs.**

**Consent Agenda:**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY

**SAFE AND SECURE COMMUNITIES PROGRAM**

**RESOLUTION OF PARTICIPATION #26-12**

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

WHEREAS, the Township of Independence wished to apply for funding of approximately \$ 22,575.00

with a match of \$174,870.08 for an approximate project total cost of \$197,445.08 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 and does accept grant number 26-2112 for the period 8.11.25 to 8.10.26
2. The Attorney General will receive funds on behalf of the applicant.
3. The Department of Law & Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds.
4. The Department of Law & Public Safety, Office of the Attorney General shall initiate allocations to each applicant as authorized.

**26-13**

### **2025 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:

<b>FROM</b>	<b>AMOUNT</b>	<b>TO</b>	<b>AMOUNT</b>
Legal – O/E	\$ 1,500.00	Engineering – O/E	\$ 1,500.00

**26-14**

**WHEREAS**, the Governor’s Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Independence, County of Warren, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and,

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Substance Use Disorder through the County of Warren.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Independence, County of Warren of State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Great Meadows Municipal Alliance grant for fiscal year 2026 in the amount of:

GCSUD GRANT	\$1,519.00
Cash Match	\$ 379.75
In-Kind	\$1,139.25

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

## **RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE**

**Warren County, New Jersey**

**No. 26-15**

**Date of Adoption: February 10, 2026**

**Title: Raffle 50/50 & Tricky Tray**

**WHEREAS, Blairstown Elementary School Parent Teacher Group** is registered by the State of New Jersey to operate legalized games of chance, (41-5-30769) and,

**WHEREAS,** they have submitted applications for a 50/50 Raffle and a Tricky Tray to be held on March 14, 2026 and all fees have been paid,

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Independence, that RA# 2026-01 (50/50) & RA#2026-02 (Tricky Tray) be issued to Blairstown Elementary School Parent Teacher Group.

Resolution 26-16  
SELF-EXAMINATION OF BUDGET RESOLUTION  
*[as required by DCA]*

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 2024 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.

**INDEPENDENCE  
TOWNSHIP RESOLUTION  
26-17**

**RESOLUTION AUTHORIZING  
CANCELLATION OF TAXES ASSESSED TO  
MUNICIPAL PROPERTY**

**WHEREAS**, the Township of Independence is the owner of certain real property located at 286B State Route 46 West, Great Meadows, New Jersey, more particularly identified as Block 21, Lot 50 on the Independence Township Tax Map (the “Property”); and

**WHEREAS**, on or about October 10, 2017, the Township of Independence entered into a lease agreement with Wireless EDGE Towers, LLC, pursuant to which Wireless EDGE Towers, LLC leases a portion of the Property for the installation, operation, and maintenance of a wireless communications tower and related equipment; and

**WHEREAS**, the Property is municipally owned property and, as such, is exempt from local property taxation; and

**WHEREAS**, notwithstanding said exemption, the Property was improperly placed on the tax rolls, resulting in the assessment of municipal taxes that should not have been levied; and

**WHEREAS**, the Township Committee desires to cancel said improperly assessed taxes pursuant to law;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Independence, County of Warren, State of New Jersey, that the Tax Collector is hereby authorized and directed to cancel the following taxes assessed against the Property:

- 2023 – Block 21, Lot 50, T01: \$8,771.41
- 2024 – Block 21, Lot 50, T01: \$7,204.71
- 2025 – Block 21, Lot 50, T01: \$7,442.00
- 2026 (1st & 2nd Quarters) – Block 21, Lot 50, T01: \$3,721.00

Total Amount to be Canceled: \$27,145.12

Mrs. Gesumaria made a motion to approve the Consent Agenda as submitted, which was seconded by Mr. Pennington.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano

Nays: None

Absent: None

Abstain: None

**Ordinance:**

**First Reading**

**INDEPENDENCE TOWNSHIP  
ORDINANCE NO. 2026-02**

AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 284 SECTION 8 TO BAN LOW-SPEED ELECTRIC BICYCLES AND LOW-SPEED ELECTRIC SCOOTERS ON BICYCLE PATHS, AND TO BAN MOTORIZED BICYCLES AND MOTORIZED SCOOTERS IN PARKS.

**WHEREAS**, Independence Township has experienced an increase in the use of electric and motorized bicycles, scooters, and similar vehicles and devices on its public streets, sidewalks, paths, parks, and places of public business and recreation; and

**WHEREAS**, the use of electric and motorized bicycles, scooters, and similar vehicles and devices has drastically increased the risk of serious injury to those utilizing these vehicles and devices, as well as pedestrians and motorists navigating the sidewalks and roadways; and

**WHEREAS**, N.J.S.A. 39:4-14.12 provides that “motorized scooters,” as that term is defined by N.J.S.A. 39:1-1, are not permitted to be operated on any public streets, highways, sidewalks, or public property or lands, except for operators with mobility-related disabilities; and

**WHEREAS**, N.J.S.A. 39:4-14.3 regulates the operation of “motorized bicycles,” as that term is defined by N.J.S.A. 39:1-1, on public streets, highways, and sidewalks; and

**WHEREAS**, N.J.S.A. 39:4-14.16 regulates the operation of “low-speed electric bicycles” and “low-speed electric scooters,” as those terms are defined by N.J.S.A. 39:1-1, on public streets, highways, roadways, bicycle paths, and trails; and

**WHEREAS**, the Governing Body of Independence Township desires to amend the section of the Township Code to prohibit the operation of electric and motorized bicycles, scooters, and similar vehicles and devices on or about Township parks and/or recreation areas as permitted by State law, including bicycle paths;

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

**SECTION I.** The Township Code § 284-8 is hereby amended by adding:

(28) Operate any “motorized bicycle,” as that term is defined by N.J.S.A. 39:1-1, upon any bicycle path, or upon any trail as specified by N.J.S.A. 39:4-14.16(e).

(29) Operate any “motorized scooter,” as that term is defined by N.J.S.A. 39:1-1, upon any bicycle path, or upon any trail as specified by N.J.S.A. 39:4-14.16(e); provided that this provision does not apply to physically disabled persons.

(30) Operate any “low-speed electric bicycle,” as that term is defined by N.J.S.A. 39:1-1, upon any bicycle path, or upon any trail as specified by N.J.S.A. 39:4-14.16(e).

(31) Operate any “low-speed electric scooter,” as that term is defined by N.J.S.A. 39:1-1, upon any bicycle path, or upon any trail as specified by N.J.S.A. 39:4-14.16(e).

**SECTION II.** All ordinances or parts of ordinances of Independence Township heretofore adopted that are in conflict or inconsistent with any part of the terms and provisions of this ordinance are hereby repealed to the extent of such conflict or inconsistency.

**SECTION III.** In the event any section, part, or provision of this ordinance shall be held unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so held unconstitutional or invalid.

**SECTION IV.** This ordinance is effective immediately upon its final passage, approval, and publication in the manner permitted by law.

Mr. Pennington made a motion to introduce Ordinance 2026-02 and set the public hearing date for March 10, 2026, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano

Nays: None

Absent: None

Abstain: None

**ORDINANCE NO. 2026-03  
INDEPENDENCE  
TOWNSHIP COUNTY OF  
WARREN STATE OF NEW  
JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 255 “LAND DEVELOPMENT”,  
ARTICLE “GENERAL PROVISIONS” TO ADD NEW SECTIONS  
ENTITLED “SOIL FILL PLACEMENT”, “OPERATING REQUIREMENTS”,  
AND “FEES; BONDS; PENALTIES AND MISCELLANEOUS PROVISIONS”  
AND TO AMEND SECTION “FEES” OF THE CODE OF THE  
INDEPENDENCE TOWNSHIP**

**WHEREAS**, the unregulated and uncontrolled dumping of fill in the Independence Township has resulted in concerns over the resulting possible conditions detrimental to the health, safety and general welfare of the citizens of the Township; and

**WHEREAS**, there is currently no mechanism for the Township to abate and prohibit hazards created by dumping of fill; and

**WHEREAS**, the Township further does not have the necessary mechanism in place to abate such hazards; and

**WHEREAS**, the Mayor and Township Committee have determined that it is in the best interests of the Township to regulate the placement of fill within the Township; and

**WHEREAS**, procedures are needed to allow for submission for the placement of fill within the Township; and

**WHEREAS**, the Township Code must be amended to include permit fees for the placement of fill; and

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Independence Township, Warren County, New Jersey, that “Land Development” shall be amended to read as follows:

**SECTION 1.** Article shall be amended to add a new section entitled “Soil Fill Placement” to read as follows:

Soil Fill Placement

A. Title

This Section shall be known as the “Soil Fill Ordinance of the Independence Township”

B. Purpose and Findings

The Township Committee finds that the unregulated and uncontrolled placement and movement of soil and other mineral deposits can result in conditions detrimental to the public safety, health and general welfare. Such conditions substantially hamper and deter the efforts of the Township to effectuate the general purposes of municipal planning. Soil movement operations and filling operations should relate to the overall

physical development of the area within which the operation is located. It is essential that all soil movement operations and filling operations be reviewed and approved by the Township Zoning Officer and/or Township Engineer. All soil movement operations and filling operations must be conceived and operated in such a way that there will be no appreciable harmful effects to the environment. In order to best ensure that all soil movement operations and filling operations are an asset to the Independence Township, rather than a liability, all such operations shall adhere to the conditions, restrictions and provisions outlined in this Section.

### C. Definitions

The words defined in this section shall mean and include the following when used in this Section:

**APPROVED PLAN** – A plan for the placement of soil fill approved by the Zoning Official and/or the Township Engineer (minor permit) or by the Township Land Use Board (major permit) pursuant to the provisions of this Section.

**MAJOR SOIL FILL PERMIT** – A permit for the fill of more than 500 cubic yards of soil.

**MINOR SOIL FILL PERMIT** – A permit for the fill of more than 50 cubic yards of soil but less than 500 cubic yards of soil.

**PERMIT** – A soil fill permit.

**PERSON** – Includes an individual, a partnership, a corporation or any other legal entity.

**LAND USE BOARD** – The Land Use Board of the Independence Township.

**SOIL** – Includes dirt, stone, gravel, sand, humus, clay, loam and mixtures of any of these, but this shall not include quarry process or rock products utilized in the construction of roads, driveways or similar types of construction.

**TOPSOIL** – The arable soil within eight (8) inches of the surface. **TOWNSHIP**

– The Independence Township.

### D. Permit required

No person shall fill or cause the placement of any soil on any premises in the Independence Township whether such fill be for sale, gift or otherwise, unless a permit therefore is first secured from the Township Zoning Official and/or Township Engineer or the Township Land Use Board as hereinafter provided. A permit shall not be required for the moving or placement of fill or less than 50 cubic yards of soil.

## E. Exceptions and Exemptions

- (1) The Provisions of this Section shall not apply to excavations or fill for building foundations, septic tanks or sanitary installations, provided that no excavation or construction of any kind shall take place until a site plan or permit has been approved by the Construction Official and/or Department of Health as required by law.
- (2) Nothing in this Section shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands enrolled in the Soil Conservation Program of the Warren County Soil Conservation District, Department of Agriculture Soil Conservation Service and for which lands an approved farm plan has been established by said agency, provided that all soil moving operations and fill operations in and upon such lands are performed in accordance with said approved farm plan and provided further that a copy of said approved farm plan is placed on file with the Township prior to any soil moving operations or fill operations.
- (3) A separate soil permit under this Section shall not be required for subdivisions and/or site plans approved pursuant to other Sections within this Article.
- (4) Nothing in this Section shall be construed to affect or apply to any person engaged in a state-mandated cleanup plan; provided that all soil moving, removal operations and fill operations are performed in accordance with said cleanup plan and provided further that notice of the state-mandated cleanup plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- (5) The provisions of this Section shall not apply to the storage of sand, soil, stone, topsoil, mulch or other similar materials on lawfully existing landscaping and contractor yards provided that the outdoor storage of materials on said property has previously been established and does not require site plan approval pursuant to this Article.
- (6) This Section does not regulate the movement and placement of soil fill directly related to agricultural uses on farm properties within the Independence Township and does not supersede any rights granted under the Right to Farm Act.

## F. Application for Permit

- (1) Application for a minor soil fill permit shall be filed with the Township Zoning Officer who shall issue the permit based upon substantial compliance with the provisions of this Section, provided, however, that the Township Zoning Officer and/or the Township Engineer shall have the authority to deny a permit if he/she determines that the placement of fill would be detrimental to the health, welfare or safety of the general public. The denial shall be in writing setting forth the reasons for same.
- (2) Application for a major soil fill permit shall be filed with the Township Land Use Board and shall be accompanied by a fee prescribed in Section 19-901 "Fees". An appropriate number of copies of the application shall be submitted on forms prescribed by the Township Land Use Board and supplied to the Secretary to the Board.
- (3) The application for minor and major permits shall set forth the following:
  - a. Name and address of the applicant.
  - b. Name and address of the owner, if other than the applicant.
  - c. The description and location of the land in question, including tax map block and lot numbers.
  - d. The purpose or reason for placement of soil.
  - e. The nature and quantity, in cubic yards, of soil to be filled.
  - f. The source of material to be used as fill and certification that the fill can be considered

- “clean fill” as regulated by local and state regulations.
- g. The location to which the soil is to be placed.
- h. The proposed date of completion of the soil fill.
- i. Supporting documentation as required to adequately address and comply with the purpose and provisions of this Section.
- j. An approved soil erosion and sediment control permit (if applicable).

G. Supporting documentation for a major soil fill application

The application for a major soil fill permit shall be accompanied by a topographic map or maps prepared and certified by a professional engineer or land surveyor. The scale of said map shall not be more than 100 feet to the inch and shall include the following:

- (1) Key map.
- (2) Existing contour lines at five-foot intervals.
- (3) Proposed contour lines at five-foot intervals after fill of the soil.
- (4) All existing structures, all existing roads and drainage within 200 feet of the property.
- (5) Location of all property lines.
- (6) Location of any wetlands, streams, or other environmentally sensitive areas on the property.
- (7) Location of any topsoil storage areas.

H. Referral

Upon receipt of an application for a major soil fill permit, the Land Use Board Secretary shall forthwith send a copy of same to the Zoning Officer, Construction Official, Township Engineer, and the Environmental Commission who shall review the application, and they shall make their best efforts to submit their reports and recommendations, and their reasons, to the Township Land Use Board within thirty

(30) days of receipt of the application. Failure to file such a report within the required time period may be deemed an approval of the application by such department, officials and commissions.

I. Action by Land Use Board; notice of hearing on major soil fill applications

- (1) The Township Land Use Board shall grant or deny the application within forty-five (45) days after receipt of the reports and recommendations of the Zoning Officer, Construction Official, Township Engineer and Environmental Commission. On an application for a major soil fill permit, the Land Use Board shall schedule a

public hearing and shall notify the applicant of the date of such hearing. The applicant shall notify, in writing, all property owners within 200 feet of the extreme limits of the property, as their names appear on the Township tax records, at least ten (10) days prior to the date of the hearing on the application. The notice shall be given in person or by registered mail and shall state the reason for the hearing; the time and place of the hearing as fixed by the Township Land Use Board; a brief description of the property; and that a copy of the application and map has been filed with the Township Clerk for public inspection. The applicant shall also cause notice of the hearing to be published in the official newspaper of the Township, at least ten (10) days prior to the date of the hearing.

(2) Five (5) days prior to the hearing, the applicant shall present to the Township Land Use Board Secretary the following:

- a. Certification, in the form of an affidavit, signed and sworn by the affiant, affirming that they have notified all property owners, as required in Subsection (1) above.
- b. Proof of publication of the newspaper notice required in Subsection (1) above.

J. Factors to be considered in approving permits

In considering and reviewing the application and arriving at a decision, the Zoning Officer and/or Township Engineer (minor permit) and the Township Land Use Board (major permit) shall be guided by and take into consideration the public health, safety and general welfare and the general purposes of municipal planning, and particulate consideration shall be given to the following factors:

- (1) Soil erosion by water and sand.
- (2) Surface water drainage.
- (3) Soil fertility.
- (4) Lateral support of abutting streets and lands.
- (5) Public health and safety.
- (6) Land values and uses.
- (7) Contours, both existing and proposed.
- (8) Existing contours and topographic character of the land prior to the placement of any soil and proposed contours which will result subsequent to the placement of soil in accordance with the soil fill application.
- (9) Whether the proposed placement of soil is necessary and incidental to the development of the property for its intended use or whether the proposed placement of fill constitutes primarily a commercial activity.

K. Issuance of permit

A permit shall be issued after the approval of the application by the Zoning Officer and/or the Township Engineer (minor permit) or by the Land Use Board (major permit). The approval shall specifically list the total number of cubic yards of soil authorized to be filled as calculated by the Township Engineer based upon the contour maps submitted and approved.

L. Enforcement

- (1) The Township Zoning Officer, Township Police Department or other official designated by the Township Committee, shall have the authority to enforce the provisions of this Section and to issue summonses to any person importing soil without a permit.
- (2) The Township Engineer, or other official designated by the Township Committee, shall have the authority to enforce the provisions of this Section with respect to persons importing soil with a permit. The Township Engineer, or other designated official, shall, from time to time, upon their own initiative, and whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and this Section. The Township Engineer, or other designated official, shall have the right to enter upon any lands

for the purpose of examination and inspection of the operation without advance notice.

- (3) After notice and an opportunity to be heard before the Zoning Officer, Township Engineer, or other designated official, the permit of any person may be revoked or suspended for such period as may be determined for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. In addition to the revocation provided for herein, any person who violates this Section or any director or officer of a corporation who participates in a violation of this Section shall, upon conviction thereof, be subject to a minimum fine of \$2,000, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.
- (4) In addition to the penalties set forth above, the Township shall have the right, but not the obligation, to pursue injunctive relief in the Superior Court of New Jersey, Warren County, including but not limited to requiring the removal of any soil imported without a permit, testing to ensure no presence of contaminated soil, and site restoration.

**SECTION 2.** Article 19-500 shall be amended to add a new section entitled “Operating Requirements” to read as follows:

#### Operating Requirements

##### A. Method of operation

If a permit is issued for the placement of soil as provided herein, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions, and in such manner that the area shall be properly leveled off, cleared of debris, and graded to conform with the contour lines and grades as required and shown on the approved plan.

##### B. Regulation of operation

No soil shall be placed nor shall any operation be conducted so as to violate any of the regulations contained in this Section after a permit is granted.

##### C. Deposit of soil on adjoining property or public roads

Soil fill shall not be deposited or in any way thrown or placed upon adjoining property or public roads. Any soil or material resulting from any such operation accumulating on any adjoining property or public road shall be removed there from immediately upon notice to the permittee of such accumulation.

##### D. Compliance with other standards and terms of permit

All operations shall be conducted in strict accordance with any state law, other ordinances of the Township, and the terms and conditions of any permit granted for such operations.

E. Nuisances and unsafe conditions

The operation shall be so conducted as to not constitute a nuisance, and in no event shall said operation create any hazardous or unsafe condition with regard to any person or persons. Natural screening is to be preserved by the applicant.

F. Restoration of area

(1) Upon completion of any operation delineated on the approved plan, said area shall be properly leveled off, cleared of debris, and graded to conform to the contours and grades as approved by the Zoning Officer and/or Township Engineer. A final map for all major soil fill permits shall be submitted containing and complying with all requirements of this Section and the preceding Section "Soil Fill Placement".

(2) No trash, junk or debris may be stored in any area, and no safety hazards will be permitted, either during or after completion of operations.

G. Storage limitations

The material stored shall not exceed a height of 20 feet, and the maximum storage slope shall be 45°.

H. Enforcing officer; inspections

(1) The Zoning Officer and/or the Township Engineer are hereby designated as the officer whose duty it shall be to enforce the provisions of this Section. They shall, from time to time, upon their own initiative, and whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and this Section. The Zoning Officer and/or the Township Engineer shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.

I. Use of streets for soil transportation

In the placement of soil or fill operation, the applicant shall cause such streets to be kept free from dirt and debris resulting from such soil or fill operation.

**SECTION 3.** Article 19-500 shall be amended to add a new section entitled "Fees; Bonds; Penalties and Miscellaneous Provisions" to read as follows:

Fees; Bonds; Penalties and Miscellaneous Provisions

A. Permit fees; inspection fees

- (1) The fees for a minor or major soil placement permit are set forth in Section 19- 901.
- (2) The permittee shall be responsible for all of the inspection fees of the Township Engineer incurred in making inspections.

**B. Revocation of permit; violations and penalties**

After notice and an opportunity to be heard before the Zoning Officer, Township Engineer, or other designated official, the permit of any person may be revoked or suspended for such period as may be determined for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. In addition to the revocation provided for herein, any person who violates this Section or any director or officer of a corporation who participates in a violation of this Section shall, upon conviction thereof, be subject to a minimum fine of \$2,000, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.

**C. Other permits**

Nothing contained in this Section shall be construed to affect the owner’s application for soil erosion and sediment control permits or any other state or federal regulations or permits as required.

**SECTION 4.** Chapter 255 “Land Development”, Section “Fees” shall be amended to read as follows:

**A. Fee schedule.**

16. Soil Fill Placement			
(a) Minor soil fill permit (100 to 500 cubic yards)	Fee \$100	Escrow \$500	
(b) Major soil fill permit (greater than 500 cubic yards)	Fee \$500	Escrow \$2,000	

All other portions of this Section remain unchanged.

**SECTION 4.** All ordinances or parts of ordinances of the Independence Township inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 6.** This ordinance may be renumbered as necessary.

**SECTION 7.** This law shall take effect immediately upon final passage, approval and publication as required by law.

**Mr. Pennington made a motion to introduce 2026-03 and set the public hearing date for March 10, 2026, which was seconded by Mrs. Gesumaria.**

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano  
Nays: None  
Absent: None  
Abstain: None

### **Second Reading**

**Mayor Giordano requested a motion to open the floor for public comment on Ordinance 2026-01.**

**Mr. Pennington made a motion to open the floor to public comment on Ordinance 2026-01, which was seconded by Mrs. Gesumaria.**

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano  
Nays: None  
Absent: None  
Abstain: None

**Mayor Giordano asked for any comments; seeing none a request was made for a motion to close.**

**Mr. Pennington made a motion to close the floor to public comment on Ordinance 2026-01, which was seconded by Mrs. Gesumaria.**

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano  
Nays: None  
Absent: None  
Abstain: None

**2026-01  
CALENDAR YEAR 2026  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township of Independence in the County of Warren finds it advisable and necessary to increase its CY 2026 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the governing body hereby determines that a 1.5% increase in the budget for said year, amounting to \$60,745.58 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township of Independence, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2026 budget year, the final appropriations of the Township of Independence shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$141,739.68, and that the CY 2026 municipal budget for the Township of Independence be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Mr. Pennington made a motion to close the floor to public comment on Ordinance 2026-01, which was seconded by Mrs. Gesumaria.**

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano

Nays: None

Absent: None

Abstain: None

#### **Bill List**

**Mr. Pennington made a motion to approve the bill list as presented, which was seconded by Mrs. Gesumaria.**

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano

Nays: None

Absent: None

Abstain: None

#### **Public Comment:**

**Glenn Cogle thanked the DPW for all of their hard work.**

**Mr. Cullen asked if there would be copies of the Ordinance available for viewing.**

**Mr. Pennington made a motion to adjourn at 7:17pm, which was seconded by Mrs. Gesumaria and carried by all.**