

**Independence Township Committee
Regular Meeting Agenda
September 10, 2024
7:00 pm**

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

Minutes

Mrs. Gesumaria made a motion to approve the minutes from the July 9, 2024 meeting, which was seconded by Mayor Giordano.

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

Mr. Stuber made a motion to approve the minutes from the August 13, 2024 meeting, which was seconded by Mrs. Kelsey.

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

Department Reports:

Chief Prell went through his report.

Joe King, Assistant CPWM, reported that the DPW worked on catch basins, performed road side mowing, met with the Engineers office on the Ryan Road project, and did maintenance up at the Field of Dreams.

Melissa Shurack, reported that Fall sports have begun, the Seniors trips and activities are going great.

Daria Bracuti, GMRSB Board Representative, school is back in session and all is going well.

Consent Agenda:

24-55

INDEPENDENCE TOWNSHIP
WARREN COUNTY/STATE OF NEW JERSEY

A RESOLUTION OF AWARD, RESURFACING OF RYAN ROAD SECTION 1

Be it resolved, that on September 10, 2024 the Township Committee of the Township of Independence adopted this resolution to award unit bid prices for individual construction items to perform the necessary construction to complete the Resurfacing of Ryan Road Section 1, a New Jersey Department of Transportation Local Aid funded project with a total project grant award in the amount of \$151,980.

Be it further resolved, that the Township Committee of the Township of Independence does hereby award unit prices for individual construction items based unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process with a total cost of \$79,320.11. The award is made to the Morris County Cooperative Pricing Council vendor, Riverview Paving, Inc.,

Be it further resolved, that the Township Committee of the Township of Independence does hereby award unit prices for individual construction items based unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process with a total cost of \$79,428.00. The award is made to the Morris County Cooperative Pricing Council vendor, Road Safety Systems LLC.,

Be it further resolved, that the Township Committee of the Township of Independence does hereby award unit prices for individual construction items based unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process with a total cost of \$1,368.00. The award is made to the Morris County Cooperative Pricing Council vendor, Denville Line Painting, Inc.

**SAFE AND SECURE COMMUNITIES PROGRAM
RESOLUTION OF PARTICIPATION #24-56**

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 \$162,237.50 for an approximate project total cost of \$184,812.50 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 25-2112 for the period 8.11.24 to 8.10.25
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.

Mayor Giordano made a motion to approve the passage of Resolutions 24-55 and 24-56, which was seconded by Mrs. Kelsey.

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

**INDEPENDENCE TOWNSHIP COMMITTEE
RESOLUTION NO. 24-57**

**RESOLUTION GRANTING SOIL REMOVAL PERMIT TO
PARTAC PEAT CORPORATION BLOCK 29, LOT 51
BLOCK 33, LOT 2**

WHEREAS, Section 134-3 of the Independence Township Code requires the issuance of a soil removal permit by the Township Committee where soil is removed for sale or for use other than on the premises from which the soil shall be taken; and

WHEREAS, the Partac Peat Corporation has made application for a soil removal permit for Block 29, Lot 51 and Block 33, Lot 2 by application dated July 8, 2024; and

WHEREAS, the office of the Township Engineer has issued a report in connection with said application dated July 8, 2024; and

WHEREAS, in the foregoing report, the Township Engineer has noted the requirement for the filing with the Township of a Restoration Bond pursuant to Section 134-6C of the Independence Township Code which is intended to ensure faithful completion of final restoration measures; and

WHEREAS, the facility in question has been in existence for over fifty (50) years and in the past the Township waived the Restoration Bond requirement; and

WHEREAS, the office of the Township Engineer takes no exceptions to the renewal of this application;

NOW, THEREFORE, BE IT RESOLVED on this 10th day of September, 2024 that the application of Partac Peat Corporation for a soil removal permit be and the same is hereby granted effective August 12, 2024 to August 12, 2026 and

BE IT FURTHER RESOLVED that the requirement to file a Restoration

Bond is hereby waived.

Mayor Giordano made a motion to approve the passage of Resolution 24-57, which was seconded by Mr. Pennington.

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

Nays: None

Absent: None

Abstain: Mrs. Kelsey

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 24-58

Date of Adoption: September 10, 2024

Title: 50/50 Raffle

WHEREAS, HHS Boys Basketball Booster is registered by the State of New Jersey to operate legalized games of chance, (181-5-43856) and,

WHEREAS, they have submitted applications for a 50/50 Raffle to be held on October 26, 2024 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA#2024-06 (50/50) be issued to HHS Boys Basketball Booster.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 24-59

Date of Adoption: September 10, 2024

Title: Casino Night Raffle

WHEREAS, HHS Boys Basketball Booster is registered by the State of New Jersey to operate legalized games of chance, (181-5-43856) and,

WHEREAS, they have submitted applications for a Casino Night Raffle to be held on October 26, 2024 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA#2024-08 (Casino Night Raffle) be issued to HHS Boys Basketball Booster.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 24-60

Date of Adoption: September 10, 2024

Title: 50/50 Raffle

WHEREAS, Great Meadows Regional School PTO is registered by the State of New Jersey to operate legalized games of chance, (224-5-39333) and,

WHEREAS, they have submitted applications for a 50/50 Raffle to be held on October 18, 2024 or rain date October 25, 2024 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA#2024-09 (50/50) be issued to Great Meadows Regional School District PTO.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 24-61

Date of Adoption: September 10, 2024

Title or Subject: Liquor License Person-To-Person Transfer

WHEREAS, an application has been filed for a Person-To-Person Transfer of Plenary Retail Consumption License Number 2112-44-009-003, heretofore issued to Grow With Map for premises located at 915 County Road 517 Suites 8, 9, and 10, Independence, N.J. 07840;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 44 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 44;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Independence does hereby approve, effective September 10, 2024, the transfer of the aforesaid Plenary Retail Distribution License to Hackettstown Liquors LLC, and does hereby direct the Township Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Hackettstown Liquors LLC, effective September 10, 2024.”

**INDEPENDENCE TOWNSHIP COMMITTEE
RESOLUTION NO. 24-62**

**RESOLUTION TO APPOINT NICOLE N. LENAR, ESQ. AS JUDGE OF
INDEPENDENCE TOWNSHIP MUNICIPAL COURT**

WHEREAS, the Township of Independence has established a Municipal Court; and

WHEREAS, a Judge must be appointed to preside over same; and

WHEREAS, Nicole N. Lenar, ESQ. a licensed New Jersey Attorney has heretofore served in that capacity; and

WHEREAS, it is necessary to adopt this resolution reflecting that fact;

NOW, THEREFORE, be it resolved on this 10th. day of September, 2024 that pursuant to N.J.S.A. 2B:12-4(A) that Nicole N. Lenar, ESQ. is hereby appointed as Judge of the Independence

Township Municipal Court for a term of three (3) years effective January 1, 2024 thru December 31, 2027.

Mayor Giordano made a motion to approve the passage of Resolutions 24-58 thru 24-62, which was seconded by Mrs. Kelsey.

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

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 24-63

Date of Adoption: September 10, 2024

Title or Subject: Approval of Fire Department Member

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

WHEREAS, Logan B Turcato has made application for junior 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 *Logan Turcato* is hereby approved as a member of the Independence Volunteer Fire Department.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 24-64

Date of Adoption: September 10, 2024

Title or Subject: Approval of Fire Department Member

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

WHEREAS, Christopher R. Tyminski 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 *Christopher Tyminski* is hereby approved as a member of the Independence Volunteer Fire Department.

Mrs. Kelsey made a motion to approve the passage of Resolution 24-63 and 24-64, which was seconded by Mr. Stuber.

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

Nays: None

Absent: None

Abstain: None

Ordinance

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING CHAPTER 339 OF THE CODE OF THE TOWNSHIP OF INDEPENDENCE ENTITLED, "STORMWATER MANAGEMENT" TO ADD A NEW ARTICLE ENTITLED, "TREE REMOVAL"

BE IT RESOLVED, by the Township Committee of the Township of Independence, County of Warren, State of New Jersey that Chapter 339 entitled, "Stormwater Management" is hereby amended to provide a new Article entitled, "Tree Removal," with the following provisions.

SECTION I.

Article IX Tree Removal

§339-45. Purpose:

An ordinance to establish requirements for tree removal and replacement in the Township of Independence to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§339-46. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates

a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

A. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

B. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation; or,
2. Is dead or dying; or,
3. Obstructs the view of traffic signs, sight line or the free passage of pedestrians or vehicles, where pruning attempts have not been effective; or,
4. May cause damage to structures (such as building foundations, sidewalks, etc.); or,
5. Any trees whose angle or growth makes them a hazard to a structure of human life; or,
6. Is determined to be a threat to public health, safety, and/or welfare.

C. "Invasive Trees" means non-native to the New Jersey ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. A list of these plants can be obtained from in Appendix 2 of "An Overview of nonindigenous Plant Species in New Jersey" published by NJDEP. https://dep.nj.gov/wp-content/uploads/invasive-species/2004_invasiveplantsreport.pdf

D. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

E. "Tree" means a woody plant having one erect perennial stem (trunk) that can support itself.

§339-47. Regulated Activities:

A. Tree Replacement Requirements

1. Any person who removes one or more tree(s), with a DBH of 18" or more, within 300 feet of a designated C-1 stream, and/or within 300 feet of a wetlands classified as "high value" by NJDEP.
2. The clearing/removal of greater than ten (10) trees per acre with a DBH of 18" or more. For purposes of this restriction, clearing/removal shall not include areas cleared for the construction of buildings, accessory structures, driveways, stormwater facilities, septic systems and other ancillary structures erected pursuant to valid zoning and building permits or site plan/subdivision approval.

The species type and diversity of replacement trees shall be in accordance with Appendix A. Replacement tree(s) shall:

1. Be replaced in accordance with kind with the Tree Replacement Criteria in the table below; and,
2. Be planted within eighteen (18) months of the date of removal of the original tree(s); and,
3. In the event a regulated tree should be removed prior to measurement, the DBH will be taken at the stump, but no higher than 4 feet from the ground.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 0" to 18"	Replacement not required
2	DBH of 18" to 36"	Replant 2 trees with minimum tree calipers of 1.5" or tree height of 3-4 feet for each tree removed
3	DBH of 36" to 48"	Replant 3 trees with minimum tree calipers of 1.5" or tree height of 3-4 feet for each tree removed
4	DBH of 48" or greater	Replant 4 trees with minimum tree calipers of 1.5" or tree height of 3-4 feet for each tree removed

§339-48. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below:

- A. Farms in active operation.

- B. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.
- C. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- D. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP), or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.
- E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- F. Hazard trees.
- G. Invasive trees.
- H. Any tree which is part of cemetery.
- I. A tree directed to be removed by municipal, County, State or Federal authority pursuant to law.
- J. Pruning or removal of trees within the right-of-way by utility companies for the maintenance of utility wires or pipelines.
- K. Trees removed in conjunction with farmland greater than five (5) acres in size that will be actively devoted primarily to agricultural uses.
- L. Fallen trees due to exceptionally high winds, a snowstorm, a hurricane or any other kind of natural disaster.

SECTION II.

Existing Article XI entitled, "Enforcement," is hereby renumbered Article XII and the provisions thereof designated as §339-50 and §339-51.

SECTION III. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause of provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION IV. Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. Codification. This Ordinance shall be a part of the Code of the Township of Independence as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Independence in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION VI. Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law

Mr. Pennington made a motion to open the floor for public comment on 2024-06, which was seconded by Mrs. Gesumaria.

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

Mrs. Kelsey made a motion to close the floor for public comment on 2024-06, which was seconded by Mr. Stuber.

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

Mrs. Gesumaria made a motion to approve the passage of Ordinance 2024-06 and requested that the results be advertised, which was seconded by Mrs. Kelsey.

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

ORDINANCE NO. 2024-07

**AN ORDINANCE AMENDING CHAPTER 339
OF THE CODE OF THE TOWNSHIP OF
INDEPENDENCE ENTITLED, "STORMWATER
MANAGEMENT"
TO ADD A NEW ARTICLE ENTITLED,
"PRIVATELY-OWNED SALT STORAGE"**

BE IT RESOLVED, by the Township Committee of the Township of Independence, County of Warren, State of New Jersey that Chapter 339 entitled, “Stormwater Management” is hereby amended to provide a new Article entitled, "Privately-Owned Salt Storage," with the following provisions.

SECTION I.

**Article X
Privately-Owned Salt Storage**

§339-49. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Township of Independence to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§339-50. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

F. "Resident" means a person who resides on a residential property where de-icing material is stored.

§339-51. Deicing Material Storage Requirements:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);

- c. The cover shall be free from holes or tears;
- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§339-52. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§339-53. Enforcement:

This ordinance shall be enforced by the Zoning Officer and/or other Municipal Officials of Township of Independence during the course of ordinary enforcement duties.

§339-54. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows: Subject to a fine not to exceed \$1,000, up to 30 days imprisonment in the county jail, a period of community service of up to 30 days or a combination of the foregoing in the discretion of the court.

SECTION II. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION III. Repealer:

All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. Codification.

This Ordinance shall be a part of the Code of the Township of Independence as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Independence in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION V. Effective Date.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Mr. Pennington made a motion to open the floor for public comment on 2024-07, which was seconded by Mrs. Gesumaria.

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

Nays: None

Absent: None

Abstain: None

Mr. Stuber made a motion to close the floor for public comment on 2024-07, which was seconded by Mr. Pennington.

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

Mr. Pennington made a motion to approve the passage of Ordinance 2024-07 and requested that the results be advertised, which was seconded by Mrs. Gesumaria.

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

ORDINANCE 2024-08

AN ORDINANCE OF INDEPENDENCE TOWNSHIP TO AMEND CHAPTER 293 OF THE TOWNSHIP TO AMEND THE LICENSE FEE FOR PEDDLERS AND SOLICITORS AND TO ESTABLISH A NO-KNOCK LIST

WHEREAS, the Township recognizes the need to license and regulate peddlers and solicitors who are conducting business within the Township; and

WHEREAS, the Township has received numerous complaints in regard to the increasing amount of peddlers and solicitors at the homes of the residents to which the residents are seeking the ability to prevent peddlers and solicitors from accessing their property; and

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

Section 1. Section 293-12 and 15 shall be amended as follows:

293-12 (C) "No Soliciting" or "No Knock" signs placed on a resident's property shall be strictly adhered to by the peddler or solicitor. The peddler or solicitor shall not conduct any peddling or soliciting activities on properties identified on the Township's No Knock List.

293-15 (A) The Township Clerk shall maintain a record of all licenses issued under the provisions of this chapter and shall record therein all convictions for violations of this chapter and other pertinent circumstances and incidents reported by the Chief of Police.

293-15 (B) The Township shall maintain a “No Knock List”, a copy of which shall be provided to all peddlers or solicitors required to be licensed pursuant to this chapter. Residents may register their name and address with the Township Clerk for placement on the “No Knock List,” indicating that such resident does not want persons so licensed to approach the registered home and/or seek personal contact with the occupants of the registered home. Once the resident’s name has been added by the Township Clerk to the “No Knock List,” the resident shall be permitted to post a “No Knock” sign by the front entrance of his or her home to advise the solicitor and canvasser. The “No Knock List” will be provided to the Chief of Police for enforcement.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Independence declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Mr. Pennington made a motion to open the floor for public comment on 2024-08, which was seconded by Mrs. Gesumaria.

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

Mrs. Kelsey made a motion to close the floor for public comment on 2024-08, which was seconded by Mr. Stuber.

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

Mr. Pennington made a motion to approve the passage of Ordinance 2024-08 and requested that the results be advertised, which was seconded by Mrs. Gesumaria.

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

Nays: None
Absent: None
Abstain: None

Bill List

Mr. Stuber made a motion to approve the bill list as presented, which was seconded by Mrs. Kelsey.

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

Old Business:

New Business:

Public Comment:

Executive Session:

Mr. Stuber made a motion to enter into Executive Session at 7:25 pm, which was seconded by Mrs. Gesumaria.

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

Mr. Pennington made a motion to return to Regular Session at 7:37 pm, which was seconded by Mrs. Kelsey.

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

Mrs. Kelsey made a motion to adjourn at 7:38 pm, which was seconded by Mr. Stuber and carried by all.

Respectfully Submitted,

Dena Hrebenak, RMC, CMR